

Pursuant to Article 75, paragraphs 1 and 2 from the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the Chairman of the Parliament of the Republic of Macedonia issue this

LAW AMENDING THE LAW ON FORESTS

The Law amending the Law on Forests,
which the Parliament of the Republic of Macedonia has adopted on the session held on 10
September 1997, is promulgated.

Number 08-2843/1
10 September 1997
Skopje

President
of the Republic of Macedonia,
Kiro Gligorov, hand signature

The Chairman of the
Parliament of the Republic
of Macedonia,
Tito Petkovski, hand
signature

LAW ON FORESTS

I. GENERAL PROVISIONS

Article 1

This Law regulates growing, use and protection of forests.

Article 2

The forests as natural resources are goods of common interest for the Republic, thus having the benefit of special protection.

Article 3

Forest, as defined in this law, is land with forest types of trees and bushes, forest moor lands and meadows, forest roads, forest nurseries and other areas closely related to forests.

As defined in this Law, alleys, plantations with fast-growing types of trees, parks with populated areas, field protection belts, protective vegetation in the coastal belts of the water flows outside from the forests, isolated groups of forest trees on area of maximum 2 acres, and border trees between agricultural land are not considered forests.

Article 4

Forest growing, as defined in this law is: maintenance, care, recovery, melioration and reconstruction of forests and underbrushes, replacement of some types of trees, enrichment of the forests with more valuable types of trees and deforestation of moor lands and erosive lands.

Forest utilization, as defined in this law is: felling trees and production of forest varieties, growing, collecting and producing other forest products

(forest fruits, healing plants or their parts, mushrooms, lichen, moss, seed, resin, rock, etc.), trading the wood and other forest products, and also forest utilization for tourism, hunting and recreational purposes.

Forest protection, as defined in this law is protection from: illegal adoption and use, illegal felling, fires, plant diseases and pests, pasturing cattle, acorning, illegal collection of other forest products and other damages.

Article 5

Growing, using and protecting the forests (further in the text: forest management) is an activity of public interest.

Article 6

Forests are managed in a manner which permanently preserves their area and increase their value, to enable the largest increase according to the natural conditions and to preserve and improve their productive and generally beneficial functions.

The productive functions, as defined in this law, are production of wood mass for felling and other forest products.

The generally beneficial functions, as defined in this law, are the influence of the forests over the protection of the environment, especially: protection of the land, populated areas, traffic arteries and other infrastructural facilities, water flow beds from the influence of the erosion processes, improving the condition and the water regime and the regime of the erosive alluviums, climate regime, land fertility, regulation of the air regime, purification and improvement of the water quality, creating conditions for medical treatments, recuperation, rest, sports and recreation, tourism, hunting, etc.

Article 7

The forests are in private and state property.

Article 8

State forests cannot be sold.

For the purposes of enlarging the complexes, the state forest can be replaced with a private forest which is an enclave or it borders with the state forest.

Article 9

Forest management for economic purpose is carried out according to a general plan and special plans for forest management.

Growing and protecting the forest for a special purpose is carried out according to the general plan from paragraph 1 of this Article and the special plans for growing and protecting the forests.

Article 10

For the purposes of professional and planned implementation of the generally beneficial and productive functions of the forests, the Institute of Forests is established as part of the Ministry of Agriculture, Forestry and Water Economy (further in the text: Institute).

Article 11

For simple and complex forest reproduction, finances are provided under conditions, manner and in the amount provided for in this Law.

II. FOREST MANAGEMENT

1. Forests for economic and special purpose

Article 12

Pursuant to the purpose, forests can be used for economic and special purpose.

Article 13

The forests for economic purpose are forest used primarily for permanent production of wood varieties and other wood products.

Article 14

Forests for special purpose are forests which are considered natural rareness and beauty and forest which are primarily used for: land protection, populated areas, water flows and reservoirs, traffic arteries, economic, infrastructural and other facilities, protection and growing rare types of forest trees and game animals, and also for rest, sports and recreation, celebrating important historic events, scientific, teaching, educational, defence and other purposes.

Article 15

Forests for special purpose can be defined as: forests in national parks, protective forests, forest and hunting reserves, forest parks, memorial forests, forests for production of forest seeds, picnic areas and forests for teaching, educational and defence purposes.

National parks are designated for protection of natural rareness and beauty.

Protective forests are designated for protection of land, populated area, water flows and reservoirs, traffic arteries, economic, infrastructural and other facilities.

Forest and hunting reserves are determined for protection and raising rare types of forest trees and game animals.

Forest parks and picnic forests are designated for rest, sport and recreation.

Memorial forests are designated for celebrating important historic events.

Forests for scientific and teaching purposes are designated for education of professional people from the field of forestry and for scientific purposes.

Appropriate forests are designated for conducting activities from the field of defence for defence necessities and these forests have strategic defence significance.

Article 16

The forests for special purpose are designated by the Government of the Republic of Macedonia, except the national parks which are designated by law.

The designation of the forests for special purpose is carried out at request by the interested entities pursuant to the professional and technical documentation for the purpose, and the necessity and the justification of its designation.

The act for designating forests for special purpose from paragraph 1 of this Article regulates the purpose, growing regime, forest protection and legal persons who will conduct growing and protection of the forest for special purpose.

Article 17

For the purpose of managing the forests in state ownership for economic purpose, the Government of the Republic of Macedonia establishes a public enterprise for forest management (further in the text: public enterprise).

Forests in private ownership are managed by their owners.

The public enterprise or other legal entity designated by the Government of the Republic of Macedonia carries out growing and protecting the forests for special purposes.

If the Government of the Republic of Macedonia designates other legal person for growing and protecting the forest for special purpose, then the rights and obligation will be regulated with an agreement.

Article 18

Forests are divided into forest management units for efficient, rational and permanent management.

A forest unit is a natural and economic entity provided for pursuant to the orographic, hydrographic, traffic and other management conditions.

The forest management unit is composed of departments and subdepartments.

Article 19

The public enterprise and the other legal person carrying out growth and protection of the forests for a special purpose keep a record for the area of forests in state ownership conformed with the cadastre records.

The Minister of Agriculture, Forestry and Water Economy will regulate the method for keeping records from paragraph 1 of this Article.

2. Plans in the forestry

Article 20

For management of forests in state and private ownership, notwithstanding of their purpose, the Parliament of the Republic of Macedonia adopts a general plan for forest management (further in the text: general plan) for a period of 20 years.

Article 21

The general plan for forest management specifically stipulates the natural conditions and possibilities for survival, rehabilitation and development of forests, forests condition according to the type, preservation, wood mass, growth, openness, danger from negative influence, general directions and aims of the future management and measures for growing, protection, development, promotion and expansion of the forest fund in the Republic of Macedonia.

Article 22

Pursuant to the general plans, the public enterprise adopts special plans for forest management for a period of ten years for forest management for economic purpose.

The legal person adopts special plans for forest growth and protection for a period of ten years for growing and protecting forests for special purpose.

The forests in private ownership which are part of the forest complex for special purpose in state ownership are regarded as forests with special purpose.

The special plans for forest management and the special plans for growing and protection of the forest for special purpose (further in the text: special plans) are adopted for each forest management unit, no later than one year from the expiration of the previous special plan.

The special plans from paragraphs 1 and 2 of this Article also include forests in private ownership.

The owners of the forest in private ownership (further in the text: owners) which forest form a complex greater than 100 ha, can manage the forests pursuant to a special plan for management, which will be adopted mutually.

The public enterprise, the legal persons who carry out growing and protection of forests and the forests owners (further in the text: entities managing the forests) are obliged to manage, protect and grow forests pursuant to the special plans.

The special plans from paragraphs 1 and 6 of this Article are approved by the Minister of Agriculture, Forestry and Water Economy, after previous opinion by the Ministry of Defence.

The special plans from paragraph 2 of this Article are approved by the Minister of Agriculture, Forestry and Water Economy, after previous opinion by the Ministry responsible for protection of environment and the Ministry of Defence.

Article 23

The expenses incurred with the preparation of the special plans from paragraphs 1 and 2 of Article 22 of this Law for the part referring to the forests in state ownership will be paid by the public enterprise, i.e. the legal person who grows and protects the forest for a special purpose, while the part referring to the forests in private ownership will be paid by the forest owners.

Article 24

The public enterprise and other legal persons which grow and protect forests for a special purpose, adopt annual performance plan for implementation of the special plans from Article 22 paragraphs 1 and 2 of this law, no later than 31 December in the current year for the following year.

The Minister of Agriculture, Forestry and Water Economy will regulate the content of the special plans from Article 22, paragraphs 1 and 2 of this Law and the annual performance plan from paragraph 1 of this Article.

Article 25

Entities which manage the forests are obligated to record the performed operation in the forests during the year in special plans, no later than 1 March in the following year.

Article 26

If during the implementation of the special plan for forest management, i.e. for growing and protecting the forest for special purpose, the entities which manage the forest set out changes of the condition, which substantially derogate from the established plan, or if there is a change in the conditions on which the management measures were planned (fire, damages from snow and wind, drying, necessity for felling or clear cutting for construction of public roads and other public facilities, etc.) or if the set out measures for management do not correspond to the necessities or to the actual condition of the forests, then the entities are obliged to cease with the implementation of the set out measures and to amend the plan, after previous decision by the competent authority

3. Forest growing

Article 27

Entities which manage the forests when performing the works for forest growing essentially perform the following works:

- 1) adjust the method of forest management pursuant to the conditions of the environment, the biological characteristics, types of trees and the forest condition;
- 2) follow the seed dispersion, aid the natural rehabilitation of the forests with growth measures and other measures and conduct artificial deforestation where the natural rehabilitation has failed;
- 3) deforest non-rehabilitated fellings in a natural manner, burned sites, bare and other degraded areas from natural and zooantropological influences;
- 4) implement measures for care;
- 5) protect the degraded forests and underbrushes from further degradation and carry out reconstruction and melioration of these forests;
- 6) enrich the forests with highly productive and qualitative types of trees, and
- 7) transpose low tree forests in high tree forests, depending upon the place of growth and the biological characteristics of the trees.

Article 28

The public enterprise is obliged to grow the forests as provided for in the special plan for forest management every year, in scope and with quality equal to the utilized felling etat in the previous year, but no less than 50% from the planned.

Other legal persons who grow and protect forests for special purposes are obliged to carry out the planned works for growing forest, notwithstanding of the used felling etat.

The activities from paragraph 1 of this Article arising from one forest unit as an obligation from the fellings during the year can be foreseen and carried out in another forest management unit.

Article 29

The entities which manage the forests are obliged to deforest the areas where the forest rehabilitation failed, on the areas with illegal clear cutting, illegal felling with an intensity greater than expected, and on burned sites which total area is not greater than 50 ha in the limits of one forest management unit, within two years.

Article 30

It is not allowed to construct facilities and to carry out other works in the forest, aside from the activities benefiting forest management, and also facilities of public interest established with the law.

In the process of preparation of technical documentation for construction of facilities of public interest, the investor is obliged to provide consent from the Ministry of Agriculture, Forestry and Water Economy.

The Ministry of Agriculture, Forestry and Water Economy provides the consent from paragraph 2 of this Article within 30 days from the day of application.

4. Forest utilization

Article 31

Forest utilization is carried out in accordance with the purpose and method which provides permanent preservation and increase of the value of the forests, permanent increase of their growth and crop, and preservation and promotion of their beneficial function.

Only the forests for which a special plan has been adopted can be utilized.

Article 32

Felling in the forest can only be carried out by a previous mark for felling.

A mark for felling as defined in paragraph 1 of this Article stands for: selecting and marking the trees for felling and recording the wood mass at trunk felling, and also marking the area and recording the wood mass on the surface clean felling.

Trunk felling is a single felling of selected trees, while surface clean felling is a felling of all trees in the department, i.e. subdepartment.

The felling marking is carried out pursuant to the predictions in the special plans.

The mark for trunk felling is carried out by 31 October in the current year for the following year, within a maximum of 80% of the planned wood mass. The remaining wood mass is additionally marked after the felling according to the previous mark. All unmarked trees which are damaged during the felling shall be marked and recorded with additional marks.

The Minister of Agriculture, Forestry and Water Economy will regulate the method for marking the felling.

Article 33

The public enterprise, i.e. the legal person who grows and protects the forest for special purpose carries out the marking for felling in the state and private forest, and rare types of trees and trees outside the forest.

The owner of the forest provides finances for marking the felling in a private forest, pursuant to paragraph 1 of this Article.

Article 34

Only professional people with higher education with concentration in forestry, with a minimum of two years working experience in the forestry, can mark the trunk felling, while professional people with undergraduate education with concentration in forestry with a minimum of one year working experience in the forestry, or a forestry technician with a minimum of six years of working experience in the forestry, can mark the surface clean felling.

Article 35

The public enterprise and other legal persons who grow and protect the forests with a special purpose are obliged to inform the forest inspector for the carried out marking of the felling within 15 days from the day of the end of the marking.

Felling cannot be carried out if marking is not executed on the entire area of the subdepartment, i.e. department, and if the forestry inspector has not inspected the marking.

Article 36

It is forbidden to surpass the felling etat in the forestry unit, as well as the forest management unit in the subdepartment, laid down for ten years in the special plan.

Provisions of paragraph 1 of this Article do not refer to the clear felling for low trunk management, and also for felling in the degraded forests, underbrushes and shrubberies, provided that they are planned for melioration.

Article 37

Felling in the state forest by natural persons for personal needs or resale is forbidden.

Article 38

Felling in the forest in private ownership is carried out with an approval for felling.

The public enterprise, i.e. the legal person who grows and protects the forest for special purpose issues an approval for felling the forest in private property at the request of the forest owner.

The approval for felling of a private forest which is owned by several co-owners may be granted only on the basis of a mutual request by the co-owners.

An individual who is a co-owner as defined in paragraph 3 of this Article may be granted an approval for felling only with an authorization from the other co-owners.

The wood mass for felling and the measure for rehabilitation, growth and protection of the forests, as well as the final date for their implementation, are regulated with the approval from paragraph 2 of this Article.

The owner of the forest provides the finances for implementing the measures from paragraph 5 of this Article.

The Republic of Macedonia also participates in the provision of finances from paragraph 6 of this Article.

The approval for felling issued on the name of the owner of the forest cannot be delegated to another person.

The owner of the forest can file a complaint against the act for issuing approval for felling to the Minister of Agriculture, Forestry and Water Economy.

Article 39

The approval for felling in a private forest cannot be issued if:

- the person does not own a proof for the ownership right of the forest;
- the culture is not altered in the cadastre records;
- the borders of the forest referred to in the request for felling are not visibly marked and the planned measures for approval of felling in the previous year are not carried out.

Article 40

The roads constructed in the forest and designated for transport of forest products are considered forest road and are used by the entities which manage those forests.

The forest roads can also be used by other legal persons for economic purpose, as well as natural persons, as provided for by the entities which manage the forests on the area where they are located.

Only forest roads predicted with the special plan for management can be built in the forest.

Article 41

The land owner is obliged to permit temporary crossing, transport, transfer and placing other forest products on his land (usufruct).

The user of the usufruct is obliged to pay a fee to the land owner, pursuant to the regulation for expropriation.

Article 42

The use, i.e. the collection of other forest products in the wood can only be carried out provided that it is foreseen with the special plan.

The public enterprise and legal persons who grow and protect the forests for a special purpose can delegate the use, i.e. the collection of products from paragraph 1 of this Article for economic purpose to other legal and natural persons for a fee, after previous consent from the Ministry of Agriculture, Forestry and Water Economy.

The ministry of Agriculture, Forestry and Water Economy may temporarily limit or prohibit collection, i.e. utilization of those forest products when there is danger from extinction of certain

plant types on certain part or the entire territory of the Republic of Macedonia.

Utilization, i.e. collection of other forest products in the woods is carried out in a way which will not cause extinction of certain plant types or will not damage the forest.

The Minister of Agriculture, Forestry and Water Economy will regulate the method for using and collecting other forest products.

5. Forest protection

Article 43

Entities managing the forests are obliged to take measures for protection of forest from fire, natural disasters, plant diseases, harmful insects, illegal pasturing and other damages.

Measures from paragraph 1 of this Article also apply to forests without a special management plan.

Article 44

Entities managing the forests are obliged to follow the health condition of the forests, to take preventive measures against incidence of plant disease, harmful insects and other pests and to stop these phenomena as soon as possible.

Article 45

It is forbidden to destroy the forests.

Destruction of forest implies:

- clear cutting, felling of seed trees and nurseries and clean fellings which are not planned in the special plan, except during construction of facilities, pursuant to Article 30 paragraph 1 of this Law;
- burning the forest;
- illegal felling;
- Peeling the trees, destroying or damaging the saplings in the forest or the seedlings in the deforested feelings, burned sites, moor lands, erosive and other lands and
- pruning the trees, collecting pinna and other activities which reduce the crop characteristics or imperil the survival of the forest and its generally beneficial functions.

By way of derogation, the activities from indents 1, 4, and 5 from paragraph 2 of this Article can be carried out without previous approval from the Ministry of Agriculture, Forestry and Water Economy, when that is necessary for construction of facilities in the function of forest management, and also facilities of public interest, fighting plants diseases and harmful insects, introducing forest plan in cases of forest damage from fire and other natural disasters, localizing the forest fires and scientific purposes.

Article 46

Felling of rare types of trees in the forest is forbidden.

By way of derogation from paragraph 1 of this Article, rare types of forest trees can be cut after previous approval by the Minister of Agriculture, Forestry and Water Economy provided they are: are dry or sick, physiologically mature and there are other reasons due to which they are confronted with immediate danger from drying, for construction of facilities for forest management and facilities from public interest laid down with this law.

The Minister of Agriculture, Forestry and Water Economy, in concordance with the Minister of urbanism, construction and environmental protection, will stipulate rare types of trees in the forest.

Article 47

It is forbidden to destroy marks and signs in the forest and felling of trees with mounted signs.

Article 48

Pasturing cattle and acorning in the forest is forbidden.

By way of derogation from paragraph 1 of this Article, pasturing cattle, except goats, can be carried out on designated areas, such as: forests where ameliorative measures are not carried out, where natural or artificial recovery and rehabilitation is not into process, which are not separated for seedling nurseries and on ungrown forest land.

The Ministry of Agriculture, Forestry and Water Economy sets out the conditions and the area of the forest where pasturing cattle and acorning is carried out.

Pasturing cattle and acorning in the forest can only be carried out under control from the cattle warden and with approval from the public enterprise, i.e. the legal person carrying out growth and protection of the forest for a special purpose.

Entities which manage the forests are obliged to designate parts of the forest where pasturing is prohibited to allow passage of the cattle from to the pasturing place, i.e. to the water holes.

Article 49

Game animals can be raised in the forests under conditions and in number which does not question the growth and rehabilitation of the forest.

Article 50

Starting open fire in the woods on a distance of less than 200 m from the edge of the forest is prohibited.

By way of derogation from paragraph 1 of this Article, it is possible to start open fire under conditions and places designated and marked by the entity which manages the forest, which is obliged to notify the territorial fire fighting brigade unit.

Article 51

????? for wood coal and similar facilities which pose danger from fire, at a distance of less than 200 m from the edge of the forest are prohibited.

By way of derogation from paragraph 1 of this Article, ??? for production of wood coal can be carried out in the forest with approval from the Ministry of Agriculture, Forestry and Water Economy, after previously providing an opinion by the Ministry of the Interior.

Article 52

Entities managing the forest are obliged, depending upon the degree of the danger to the forest, to take special measures for protection from fire (creating valleys in the forest, elevating belts from deciduous types of trees in coniferous forests, setting up observation points, organizing observation, informative and fire fighting service, etc.).

The Minister of Agriculture, Forestry and Water Economy, in accordance with the Minister of the Interior, will adopt closer regulation for the special measures for protection of forests from fires.

Article 53

Entities managing the forests, in accordance with the Ministry of Agriculture, Forestry and Water Economy, can order complete or partial prohibition for movement in the forest or in certain parts in a period when there is increased danger from forest fires.

The prohibition from paragraph 1 of this Article is announced through the media.

Article 54

Entities managing the forests are obliged to introduce and maintain the forest plan.

The Minister of Agriculture, Forestry and Water Economy will regulate the method for introducing and maintaining the forest plan.

Article 55

It is prohibited to pollute the forests with disposal of waste material from the populated area, chemical, industrial capacities, and pollution by visitors.

Article 56

The cut tree in the forest, or beyond the forest (except fruit trees on agricultural land) notwithstanding of the property owner, cannot be transferred or transported from the place of the felling or from place to place, if it is not marked and accompanied by enclosed delivery note.

The delivery note from paragraph 1 of this Article is issued for every transport, i.e. transfer vehicle on the place of the load and it is valid for the day and hour for which it is issued and may not be yielded to another person.

Marking and issuing the delivery note from paragraph 1 of this Article is carried out by a public enterprise, i.e. the legal person who grows and protects the forest with special purpose.

Legal persons involved in wood trade are obliged to issue an appropriate document to the purchaser which contains the type of wood, the variety, quantity, day and hour of transfer and the exact address of the unload.

The carrier is obliged to carry the delivery note from paragraph 1, i.e. the document from paragraph 4 of this Article when transporting the wood.

Marking and issuing a delivery note is only carried out for a wood which is cut pursuant to the provisions of this Law.

If the cut tree is transported or transferred without a delivery note, or if the tree is not stamped, then the tree shall be regarded as illegally cut in the forest.

Stored wood which is not marked and for which a delivery note is not enclosed, pursuant to paragraph 1 of this Article, i.e. the document pursuant to paragraph 5 of this Article, is regarded as illegally cut tree in the forest.

The Minister of Agriculture, Forestry and Water Economy will regulate the method for marking and issuing a delivery note.

Article 57

It is prohibited for natural persons to sell or resell cut trees in the forest of state ownership.

The natural person may sell trees with consent, provided that the trees originate from their own forest, i.e. from individuals or a group of forest trees beyond the forest of its own land, in quantity pursuant to the consent for felling and the issued delivery note.

The consent for sale from paragraph 2 of this Article is issued by the entity which issued the consent for felling.

The owner of the tree can file a complaint against the act for issuing approval for the tree sale pursuant to paragraph 2 of this Article to the Minister of Agriculture, Forestry and Water Economy.

Article 58

It is forbidden to purchase or process a tree which is not marked and without enclosed delivery note.

Article 59

For all damages caused on the forest a fee is paid pursuant to the pricelist for damages in the forest adopted by the Minister of Agriculture, Forestry and Water Economy.

The fee from paragraph 1 of this Article for private forest is income for the owner of the forest, while for the state forest the fee is income for the public enterprise, i.e. the legal person who grows and protects the forest with special purpose, who is obliged to record the fees

separately and to use them for simple reproduction of the forests.

6. Forest police

Article 60

The forests in state and private ownership are guarded by forest police in the Ministry of Agriculture, Forestry and Water Economy.

The public enterprise and the legal persons which grow and protect the forests for a special purpose, take 5% from the value of the sold tree.

The fee from paragraph 2 of this Article is paid to a special account of the Ministry of Agriculture, Forestry and Water Economy and the money is used for participation in financing the needs of the forest police.

Article 61

The member of the forest police are specifically authorised to:

- guard the forest;
- intervene, prevent and identify or arrest persons caught in violations punishable with this law, or criminal activities which refer to the forest, or for which there is reasonable doubt for their involvement in such activities;
- inspect all vehicles which transport or transfer wood and other forest products, at all places where the wood and other wood products are kept, temporarily seize objects and instruments used in the criminal activity, or the violations and the object which were created or adopted with the realization of such act;
- follow and inform about the condition of the forests in relation to the illegal felling and forest robberies, forest fires, plant diseases, forest pests and other disasters and
- notify the competent authorities for the illegal adoption of forests and forest land, and initiate proceedings against the violators before the competent authority.

All entities managing the forests, other legal persons and citizens which are obliged to enable the forest police to exercise their authorities are subject to control by the forest police.

The Minister of Agriculture, Forestry and Water Economy, in accordance with the Minister of the Interior, will regulate the rules for the activities of the forest police.

Article 62

Another person can be hired to carry out the activities of the forest police and aside from meeting the general conditions for employment, the employed person should also meet the following requirements:

- 1) to be physically and psychologically capable to carry out the activities of the forest police;
- 2) to have minimum high school education from the field of forestry;
- 3) to have his military obligation regulated and
- 4) to be capable to carry arms pursuant to the regulation for possessing and carrying arms.

By way of derogation from paragraph 1 point 2 of this Article, another person can be hired to carry out the activities of the forest police without proper education and with minimum of three years working experience as forest warden in the present forest warden service.

Article 63

When executing the activities from Article 61 of this Law, the employees of the forest police may use fire arms in the following instances:

- 1) to stop a person from fleeing when caught doing criminal offence which damages the forest, provided that there are reasonable doubts that he would use fire arms or other type of

arms and

2) defend themselves from an immediate attack which endangers their lives.

In instances from paragraph 1 of this Article, the employees of the forest police will use fire arms provided that they cannot ensure their professional service with the use of physical strength, rubber baton or other means for enforcement.

Article 64

If the instruments for enforcement and fire arms are used within the limits of the authorization, the responsibility of the forest police employee who used the instrument or the fire arm is excluded.

Article 65

The forest police employees are armed and wear uniforms. The Minister of Agriculture, Forestry and Water Economy will regulate the uniform and the type of arms carried by the forest police employees.

III INSTITUTE OF FORESTS

Article 66

The Institute of Forest carries out the following activities and tasks: preparation of general and specific plans for forest management, general and special hunting management bases; designs forest roads and other facilities intended for forest management, and for efficient forest protection it carries out the tasks of the service for notification, diagnostics and prediction and other activities related to improved forest management.

The Institute of Forest acts as a legal entity.

The Institute of Forest is managed by a manager.

IV. FOREST REPRODUCTION

1. Simple reproduction

Article 67

Simple reproduction of forest, as defined with this law, implies growth and protection of the existing forest, except guarding.

The finances for simple forest reproduction are provided by the public enterprise and other legal persons who carry out growth and protection of the forests for a special purpose in the amount of 12%, and also the owners of the forest in the amount of 5% from the value of the cut tree, free on board lorry road in the forest.

Finances from paragraph 2 of this Article which are provided by the public enterprise and the legal persons carrying out growth and protection of the forests for a special purpose, are managed in a special account in the public enterprise, i.e., the legal person who grows and protects and forest for a special purpose, and which are used for growing and protecting the existing forests, for technical equipment for carrying out the activities for forest protection and for producing plans for forest management.

The fee from paragraph 2 of this Article which is provided by the owners of the forests is paid to the account of the Ministry of Agriculture, Forestry and Water Economy and the money is used for participation in financing the works for growth and protection of forests and preparation of plans for management of forests in private ownership.

2. Extended forest reproduction

Article 68

Extended forest reproduction, as defined in this law, is creating new forests with deforestation of moor lands and erosive lands and melioration of the unproductive degraded forests and underbrushes, care and preventive protection of forest cultures from plant diseases, pest and fires, provision of seeds and forest seedling material, construction of infrastructural facilities in the forest, etc.

For the operations for the extended reproduction of forest the following entities provide finances:

- the public enterprise and the legal persons which grow and protect the forests for a special purpose provide finances in the amount of 3%, and also the legal entities who trade with wood provide finances in the amount of 2% from the value of the sold tree and
- the Budget of the Republic of Macedonia.

Article 69

The finances for extended reproduction of the forests are paid to the account of the Ministry of Agriculture, Forestry and Water Economy, and which are used pursuant to the annual program adopted by the Government of the Republic of Macedonia, especially for:

- deforestation of moor land and erosive lands and melioration of degraded forests and underbrushes;
- Extinguishing forest fires from larger scales and removing the consequences from the fires through artificial rehabilitation;
- maintenance, preventive care, and fighting plant diseases and pests in the forests and the forest cultures grown on the moor lands, areas where melioration is carried out to degraded forests and underbrushes;
- Provision of forest seed and seedlings and construction of road for deforestation of moor lands.

V. SURVEILLANCE

Article 70

The Ministry of Agriculture, Forestry and Water Economy carries out surveillance over the implantation of the provisions of this Law and the regulations adopted on the basis of this Law through the Republic Inspectorate for Forestry.

The activities of the inspection surveillance are carried out by forest inspectors.

Article 71

Hunting inspector can be a person with an undergraduate degree with concentration in forestry and with minimum four years of working experience in the forestry. The forest inspector has an identification card.

The Ministry of Agriculture, Forestry and Water Economy regulates the form and the manner for issuing identification card for the forest inspector.

Article 72

The forest inspector is authorised to carry out the following activities:

1) to control the activities related to growing, protecting and using the forest, facilities, instruments and tools and all the places where the wood is cut, taken out from the forest, transferred, transported, placed, processed or traded, and the vehicles used for transport or transfer;

2) to control the implementation of the plans for forest management, programs and criteria, to inspect the business books and other documents;

3) temporarily cease the felling of the woods, the clear cutting, pasturing the cattle, and other activities which are not pursuant to the provisions of this Law and the regulations adopted on the

basis of this Law, until the completion of the measures which are order with a decision, i.e. until the final decision by the competent authority;

4) to request data, information and notification for the performed activities or reproduction, use, growth and protection of the forests, and other data for establishing whether the forest management is carried out in accordance with this Law and the regulations adopted on the basis of this Law;

5) to notify the competent authorities, the managing authorities of the public enterprise and legal persons who grow and protect the forests with a special purpose for established irregularities, to see their intervention provided that he is not authorized to act immediately;

6) to seek analysis from correspondent scientific and other institutions in order to establish the physical condition;

7) in emergency cases when damage could be expected , to order temporary measure for prevention of the damage and

8) to take other measures and activities for which he is authorised with special regulations.

For the measures from paragraph 1 of this Article the forest inspector adopts a decision.

Entities managing the forest, other legal persons and citizens which work undergoes surveillance by the forest inspectors, are obliged to enable the surveillance to be carried out and to provide the necessary data.

Article 73

A complaint against the decision from Article 72 paragraph 2 of this Law can be filed to the Commission of the Government of the Republic of Macedonia.

The announced complaint from paragraph 1 of this Article does not postpone the implementation of the decision if the nonimplementation of the established measures will cause consequences difficult to resolve.

VI. PENAL PROVISIONS

Article 74

The legal person shall be fined for infringement with a fine of 200.000 to 300.000 denar provided that he:

1) fails to adopt a special plan or forest management i.e. fails to carry out growth and protection pursuant to the special plans (Article 22);

2) fails to cease the implementation of the measures of the special plan immediate and fails to implement amendments (Article 26);

3) constructs facilities and other works in the forest, contrary to Article 30, paragraph 1 of this Law;

4) utilizes the forest for which a special plan has not been adopted (Article 31, paragraph 2);

5) carries out felling without previous marking for the felling (Article 31, paragraph 1, 2 and 3);

6) surpasses the total felling etat in the forests and the felling etat in the subdepartment established for ten years (Article 36, paragraph 1);

7) destroys the forest (Article 45) and

8) fails to collect money for simple reproduction of the forests and fails to collect money for the same purpose but less amount or fails to use the money for the intended use (Article 67 paragraphs 2 and 3).

The person responsible in the legal entity will be fined for infringement from points 1 to 8 from paragraph 1 of this Article with a fine of 30.000 to 50.000 denars.

If the person responsible in the legal entity conducted the infringement from paragraph 1 of this Article due to profit, or their implementation caused greater property damage, then the legal person will be fined with 60.000 to 100.000 denars.

For the infringement from points 3,4,5 and from paragraph 1 of this Article, aside from the fine, a safety measures shall also be passed, to seize the objects, used or intended to be used for carrying out the infringement.

For infringement from points 1 to 8 from paragraph 1 of this Article, aside from the fine, the responsible person in the legal entity will be passed a safety measure prohibition to carry out responsible activities within six to twelve months.

Article 75

The legal person shall be fined with 100.000 to 200.000 denars in case of:

1) Failing to carry out the works pursuant to the provisions from Article 28, paragraphs 1 and 2 of this Law;

2) Failing to carry out deforestation (Article 29);

3) building facilities in the forest without consent (Article 30 paragraph 2);

4) marking the felling contrary to the predictions of the special plans (Article 32 paragraph 4);

5) allowing mark for felling to persons which do not meet the requirement from Article 34 of this Law;

6) carrying out felling contrary to Article 35 paragraph 2;

7) allowing a natural person to carry out felling in the state forest contrary to Article 37 of this Law;

8) failing to follow the conditions for utilization of the forest roads (Article 40, paragraph 2);

- 9) Building forest roads contrary to Articles 40 paragraph 3 of this Law;
- 10) /
- 11) Failing to implement measures for forest protection (Article 43);
- 12) failing to take measures against the incidence of plant diseases, harmful insects and other damages, failing to follow the health condition of the forests and destroying plant diseases and harmful insects (Article 44);
- 13) Carrying out felling of rare types of trees in the forest without approval (Article 46, paragraphs 1 and 2);
- 14) carrying out or allowing pasturing of cattle and acorning in the forest, contrary to the provisions from Article 48, paragraphs 1, 2, 4 and 6 of this Law;
- 15) constructing facilities which pose danger from fire, or uses sparks for production of coal (Article 51, paragraph 1);
- 16) failing to take special measures for protection of forests from fire (Article 52, paragraph 1);
- 17) polluting the forests with disposal of waste material from the populated area, chemical, industrial capacities, etc. (Article 55);
- 18) carrying out transfer or transport of cut trees in the forest and beyond the forest, from place to place, and placing a tree without a mark and a delivery note (Article 56, paragraphs 1 and 8);
- 19) issuing delivery note for a cut tree, contrary to the provisions from Article 56, paragraph 2 of this Law;
- 20) carrying out marking and issuing delivery notes for a tree which is not cut pursuant to Article 31, paragraph 1 and Article 56, paragraph 6 of this Law;
- 21) purchasing or processing a tree which is not marked or enclosed with a delivery note (Article 58);
- 22) failing to pay for the extended reproduction of the forests (Article 68, paragraph 2, indent 1) and
- 23) failing to carry out surveillance or failing to provide the necessary data to the forest inspector (Article 72, paragraph 3).

The person responsible in the legal entity will be fined for infringement from points 1 to 23 of paragraph 1 of this Article with a fine of 20.000 to 30.000 denars

If the person responsible in the legal entity conducted the infringement from paragraph 1 of this Article due to profit, or their implementation caused greater property damage, then the legal person will be fined with 40.000 to 60.000 denars.

For the infringement from points 3,10,13 and 18 from paragraph 1 of this Article, aside from the fine, a safety measures shall also be passed, to seize the objects, used or intended to be used for carrying out the infringement.

For the infringement from points 4,6,12,13,18,19 and 20 from paragraph 1 of this Article, aside from the fine, the person responsible in the legal entity will also pass a safety measure to cease with the responsible activities with duration of three to six months.

Article 76

The legal person will be fined 50.000 to 100.000 denars if he:

- 1) fails to record the area of the forests in state ownership (Article 19, paragraph 1);
- 2) fails to adopt an annual performance plan (Article 24, paragraph 1);
- 3) fails to record the performed works in the forest in the set out deadline (Article 25);
- 4) the marking is carried out contrary to Article 32, paragraph 5 of this Law;
- 5) fails to notify the forest inspector of the carried out marking, within the determined final date (Article 35, paragraph 1);
- 6) Issues approval for felling in a private forest, contrary to Article 38, paragraphs 3, 4, and 4 and Article 30 of this Law;
- 7) fails to allow temporary transfer, transport or placing other forest products on his land

(Article 41, paragraph 1);

8) fails to pay the owner of the land a fee for using the usufruct (Article 41, paragraph 2);

9) destroy marks and signs in the forest or cuts trees with mounted signs (Article 47);

10) fails to determine parts of the forest for passage for the cattle (Article 48, paragraph 5);

11) raises a number of game animals which question the growth and rehabilitation of the forest (Article 49);

12) opens a fire contrary to the provisions of article 50, paragraph 1 of this Law;

13) fails to introduce and maintain a forest plan (Article 54, paragraph 1) and

14) the enterprises which trade with wood fail to provide an appropriate document to the buyer (Article 56, paragraph 4).

The person responsible in the legal entity will also be punished with a fee of 10.000 to 20.000 denars for infringement of paragraph 1 of this Article.

Article 77

Any natural person will be fined with 30.000 to 50.000 if:

1) He constructs and carries out other works in the forests contrary to Article 30, paragraphs 1 and 2 from

2) Carries out felling without previous marking (Article 22, paragraph 1);

3) carries out felling in the heart with bad or improper before the inhibitor. (Article 38, paragraph 1);

4) to collect or use the forest products contrary to the regulations from Article 46, paragraphs 2, 3, and 4 of this Law, or uses the forest products for some other purpose.

5) destroys the forests (Article 45);

6) felling rare types of trees without consent (Article 46);

7) Transfers, transports cut tree from the place of felling or from place to place, or stores the tree without proper delivery note or other document, (Article 56, paragraph 1 and 6);

8) fails to enable the forest police to carry out its authorizations (Article 61, paragraph 2) and

9) fails to carry out surveillance or fails to provide the necessary data to the forest inspector (Article 72, paragraph 3).

If the person responsible in the legal entity conducted the infringement from paragraph 1 of this Article due to profit, or their implementation caused greater property damage, then the legal person will be fined with 60.000 to 100.000 denars.

For the infringement from paragraph 1 of this Article, aside from the fine, safety measures shall also be passed, to seize the objects, used or intended to be used for carrying out the infringement, and the illegally adopted objects generated with the infringement.

Article 78

The legal person will be fined 15.000 to 30.000 denars for infringement if:

1) he fails to manage his own forest according to a special plan (Article 22, paragraph 7);

2) fails to deforest the areas pursuant to Article 29 of this Law;

3) delegates the approval for felling to another person (Article 38, paragraph 8);

4) Fails to allow temporary passage, transfer and transport, i.e. placing other forest products on its own land (Article 41, paragraph 1);

5) fails to take measures pursuant to Article 43 of this Law;

6) stacking and storing in the forest without approval (Article 48, paragraphs 2 and 4);

7) delegates the delivery note to some other place (Article 56, paragraph 2);

8) sells or resells the cut tree which originates from the forest in state property or sells the tree without approval (Article 57, paragraphs 1 and 2);

9) processes or purchases a tree which is not marked and without enclosed delivery note (article 58) and

10) fails to pay for simple reproduction pursuant to Article 67, paragraphs 2 and 4 of this law;

Except for the fine for an infringement from points 8 and 9 from paragraph 1 of this Article, a safety measure is also passed for confiscation of objects used or intended to be used for committing the infringement, and also the illegally adopted objects which arose with the infringement.

Article 79

The natural person will be fined with 10.000 to 30.000 denars for each infringement if:

1) he destroys marks and signs in the forest and carries out felling of trees with mounted signs (Article 47);

2) starts open fire contrary to Article 50, paragraphs 1 and 2 of this Law;

3) uses sparks and inflammables for wood coal contrary to Article 51 of this Law;

4) Fails to take special measures for protecting the forests from fire (Article 52, paragraph 1);

5) is present in the forest within a time period of a ban, pursuant to Article 53 of this Law;

6) Fails to implement and maintain a forest plan (Article 54, paragraph 1);

7) pollutes the forests with disposal of waste material from the populated area, chemical, industrial capacities, etc (Article 55) and

8) Fails to bring the delivery note in the process of transport, i.e. wood transfer (Article 56, paragraph 5).

Article 80

The expiration of the infringement proceedings from Articles 74, 75, 76, 77, 78 and 79 from this Law is five years.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 81

The Government of the Republic of Macedonia will establish the public enterprise which will manage the forests in state ownership within six months from the day of entry into force of this Law.

Article 82

The general plans for forest management will be adopted within two years from the day of entry into force of this Law.

Article 83

With the day of entry into force of this Law, the existing enterprises which manage the forests may not employ new employees, may not alienate the basic finances and other property and may not incur credit or other finances.

Article 84

The real and non-real estate owned by the existing enterprises which manage the forests, become state property on the day of entry into force of this Law.

The Government of the Republic of Macedonia, when establishing the public enterprise for forest management from Article 17 of this Law, with the Act for establishment, it will determine certain parts of the existing enterprises which manage the forests, which parts are not into function with the activity of forest management, in order to be able to be

isolated and constitute separate legal entities and to be transformed pursuant to the Law on transformation of enterprises with social capital.

With the act for separation, i.e. the establishment of paragraph 2 of this Article, the question related to the sharing balance of payments, the rights and obligations which arise from the mutual operation and the questions referring to the number and the status of the employees.

Article 85

State forests will be managed pursuant to the existing forest management basis, and private forests will be managed pursuant to the existing criteria until the adoption of the special plans for forest management.

Article 86

Matters in the administrative procedure which are already initiated and not completed until the entry into force of this Law, will be completed pursuant to the regulations which were valid until the its entry into force.

Article 87

The rights, obligations, means and employees of the existing Institute of arranging the forests “Sumoproekti” – Skopje are undertaken by the Institute of Forest according to the completed balance of payments pursuant to the inventory which will be carried out by the commission for inventory formed by the Government of the Republic of Macedonia within one month from the day of the establishment of the Institute of Forests, pursuant to the act for systematization.

Article 88

Similar regulations laid down with this Act will be adopted within one year from the day of entry into force of this Law.

The by-laws which were into force to the day of entry into force of this Law will continue to be applied until the adoption of similar regulations from paragraph 1 of this Article.

Article 89

With the entry into force of this Law the existing acts which are awarded for management to legal entities on any ground, except the forests in the national parks, forest reserves and forest parks.

Article 90

With the day of entry into force of this Act, the Law on Forests (“Official Journal of the SRM number 20/74, 15/86, 51/88, 20/90 and “Official gazette of RM”, number 37/91, 44/91 and 83/92) ceases to be valid.

Article 91

This Law enters into force of the eight day of its publication in the “Official Journal of the Republic of Macedonia”.