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au Kosovo

UNMIK/REG/2003/6
20 March 2003

REGULATION NO. 2003/6
ON THE PROMULGATION OF
THE LAW ADOPTED BY THE ASSEMBLY OF KOSOVO
ON FORESTS IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

In conformity with sections 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government (UNMIK Regulation No. 2001/9),

Taking into account a communication from the President of the Assembly of Kosovo, dated 25 February 2003, concerning the Law on Forests in Kosovo adopted by the Assembly of Kosovo on 13 February 2003,

Hereby promulgates effective as of the date of signature, the Law on Forests in Kosovo (Law No. 2003/3) attached to the present Regulation, provided that its provisions, in particular those set out in articles 2.1 (j), 7, 29 and 38, shall be interpreted in a manner consistent with section 8.1 (q) and (r) of the Constitutional Framework for Provisional Self-Government, UNMIK Regulation No. 2001/7 of 21 February 2001 on the Authorization of Possession of Weapons in Kosovo, UNMIK Regulation No. 2002/12 of 13 June 2002 on the Establishment of the Kosovo Trust Agency, and other relevant UNMIK regulations in force.

Signed on this 20th March 2003

Michael Steiner
Special Representative of the Secretary-General

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No 2003/3

ON FORESTS IN KOSOVO

The Assembly of Kosovo,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo, as amended,

Taking into account UNMIK Regulation 2001/9 on the Constitutional Framework for Provisional Self-Government,

Taking into account UNMIK Regulation No. 2001/19 of 13 September 2001 providing for the creation of Executive Agencies,

For the purpose of protecting and promoting the forests of Kosovo whilst allowing for the coordinated and regulated sustainable development of the resources within those forests,

Hereby promulgates the following:

CHAPTER I: General Provisions

Article 1

The Forest Law

1.1 This law may be cited as the "Law on Forests"

1.2 The forest of Kosovo is a national resource. It shall be managed in such a way as to provide a valuable yield and at the same time preserve biodiversity. Forest management shall also take into account other public interests.

Article 2

General Definitions

2.1 As used in this Law, unless the context demands otherwise;

(a) "Executive Agency" means an entity referred to in section 3 of UNMIK Regulation No. 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo dated 13 September 2001.

(b) "Forest" is land registered as such in the cadastral records.

1. "Forestland" is land that is being managed for the production of wood or other forest products or whose best use, given its natural characteristics and economic conditions, involves the growing of trees.

2. "Forestland" does not include —

-Orchards;

- Lands within the inhabited bounds of cities, towns, or villages, including urban parks;
- Parks or other areas for the protection of natural resources excluded from the jurisdiction of this law by laws other than this Law;
- Lands where trees have been planted in strips primarily to control erosion, create shelter from the wind, give shade, or improve aesthetics;
- Roadsides that have been planted with trees; and
- Lands where the portion suitable for growing trees is less than 0.1 hectare.

- (a) "Forest Products" means all natural products of the Forests and Forestland including Wood Products and Non Wood Products.
- (d) "Forest Agency" means the entity established as the Kosovo Forest Authority under UNMIK Administrative Direction No. 2000/23 as amended, transferred to the Provisional Institutions of Self-Government (PISG), and now an Executive Agency known as the Kosovo Forest Agency (KFA).
 - 1. In those portions of this Law describing authorities that the Forest Agency can delegate under Article 22 of this Law, the term "Forest Agency" includes those with delegated authority.
- (e) "Minister" means the minister whose portfolio includes forestry.
- (f) "Ministry" means that ministry with jurisdiction over forestry.
- (g) "Parcel" is a single, continuous piece of land under one ownership.
- (h) "Person" includes a natural person or a legal person unless defined otherwise.
- (i) "Private forest" means forests and forestlands that are not public forest.
- (j) "Public forest" means state and socially owned forests and forestlands, including those under UNMIK trusteeship under UN Security Resolution 1244.
- (k) "Rules" includes administrative legislation of general application, such as administrative directions and administrative instructions.
- (l) "SRSG" means the Special Representative of the Secretary General or, when the United Nations fully transfers its trust authority to a national government, the Head of Government.

Article 3

Goals and Standards of Forest Management

3.1 Kosovo aspires to manage its forests in accordance with the statement of principles for a global consensus on the management, conservation, and sustainable development of all types of forests set forth in Annex III to the Report of the United

Nations Conference on Environment and Development (Rio de Janeiro, 3-14, June 1992), including the following principles:

- (a) The precautionary principle;
- (b) Conservation of biological diversity;
- (c) The principle of intergenerational equity; and
- (d) Ecologically sustainable development.

3.2 As used in this Article, “Forest Plans” means management plans for private forests under Article 12 of this Law, long-term management plans for public forests under Article 18 of this Law, and annual operational management plans for public forests under Article 19 of this Law.

3.3 Forest plans shall provide for:

- (a) Establishing new forest growth after harvest through natural regeneration or, where natural regeneration cannot or has not established new growth within a reasonable time, through artificial means; and
- (b) Improving young stands by restocking open areas, thinning, and other necessary maintenance activities.

3.4 Forest plans shall call for scientific management based on practical research, experience, and professional judgment.

3.5 The objectives of Forest Plans shall reflect:

- (a) Local needs for Forest resources;
- (b) The needs of Kosovo generally; and
- (c) In the case of private forests and forestlands, the needs of the landowner.

3.6 Where consistent with management objectives, Forest Plans shall favour:

- (a) High forest over low forest where a high forest is a forest whose trees originate from individual seeds, and which by its structure is intended primarily for the commercial production of high quality timber
- (b) Low forest is a forest whose individual trees consist predominantly of coppice and macchia shoot-trees whose growth originates from root suckers, stumps and similar vegetative propagation, and which is intended primarily for the production of residential firewood and other low value wood products; and
- (a) Native species over exotics.

3.7 On a piece of forest or forestland covered with natural forest vegetation, no person removing trees may leave the land with less than forty percent tree cover unless:

- (a) The removal is part of a management program intended to restore appropriate forest and forest growth cover to under-stocked or degraded lands;
- (b) The removal is to allow land to be used as a log yard, nursery, fire break, forest road, recreational area, wildlife management area, or other forest-related use;
- (c) The removal is related to efforts to control or respond to damage from insects, disease, or physical injury to the forest; or
- (d) The removal is incidental to conversion of the land to non-forest use and the competent authorities have approved the conversion.

3.8 The Minister may issue rules consistent with the goals and standards of this Article specifying methods and principles for forest management, including reforestation and afforestation, forest stand improvement, harvesting, securing of biodiversity and protection of wildlife and endangered species, protection of recreational values, and protection of water supplies.

CHAPTER II

Land Status, Ownership, and Use

Article 4

Land Status

4.1 In case of a dispute over whether a property includes forest or forestland —

- (a) The municipal administrative body that handles property matters may rule on the extent of forest and forestland within the municipality.
- (b) An affected party may ask the municipal court to review such a ruling, and the court shall reverse the ruling if it is clearly contradicted by the evidence.

Article 5

Land Ownership and Transfer

5.1 Unless a more specific law requires otherwise, the laws governing sales or transfers of interests in real assets also govern sales or transfers of interests in forests and forestland.

5.2 Unless a more specific law requires otherwise, the laws governing rental of agricultural land govern rental of forests and forestlands.

5.3 No person may acquire ownership rights to public forests through possession.

Article 6

Temporary Use of Land Next to Forests

- 6.1 (a) Landowners shall allow temporary transport and storage of forest products on their land if no practical and less expensive alternative exists.
- (b) The temporary right to use another's land to transport or store forest products under this section is a servitude on the land.
- 6.2 The user of a servitude under this Article shall pay compensation to the landowner.
- 6.3 The municipal administrative body that handles property matters may resolve disputes over servitudes under this Article, including disputes over the right to claim a servitude and disputes over the amount of compensation that is due.
- 6.4 Municipalities may allow administrative appeals of rulings over the right to claim a servitude, but the initial decision of the administrative body in 6.3 shall stay in effect while the appeal is being heard.
- 6.5 Rulings over the amount of compensation may not be appealed within the municipal administration, but within one month after a ruling, a party may ask the municipal court in whose territory the land subject to the servitude is located to set the compensation instead.

CHAPTER III

Structure of the Government Forest Agencies

Article 7

Kosovo Forest Agency (KFA)

- 7.1 The Kosovo Forest Authority, established by UNMIK Administrative Direction 2000/23 as amended, transferred to and acting under the authority of the Minister as an Executive Agency, and renamed by this law as the Kosovo Forest Agency, is responsible for matters relating to the regulation of private forests and the management and administration of public forests and national parks in Kosovo, except for
- (a) The Structure of the Forest Agency shall be regulated by special rules issued by the relevant
 - (b) KFA shall have branch offices in the municipalities which will be part of it.
 - (c) The rights, obligations and responsibilities of the branch offices of the KFA in the municipalities shall be regulated with a special regulation issued by the Ministry for Agriculture, Forest and rural development.
- 7.2 The Forest Agency may make recommendations through the Permanent Secretary of the Ministry to the appropriate arms of Government concerning any matters related to forests or forestry.
- 7.3 The Forest Agency shall implement, under the direction of the Ministry, legislation within the scope of its authority.

Article 8
Forest Restoration Fund

8.1 The Forest Restoration Fund (“Fund”) is hereby established as a special purpose dedicated fund within the Ministry’s budget for the purpose of enabling the Ministry to invest and encourage others to invest in forestry and to support other forestland-related services or projects.

8.2

(a) The Forest Restoration Fund Board is responsible for guiding the operations of the Fund.

(b) The specific powers of the Forest Restoration Fund Board are:

1. The use of the Fund;
2. To set directives for the use of the Fund and to oversee the Fund's operations;
3. To approve or revise the Fund's management plans, financial plans, and annual reports; and
4. To make recommendations to the public or the appropriate authorities regarding the activities of the Fund or the support of forestry in Kosovo.

(c) The Director of the Forest Agency shall be a member of the Board and shall serve as chair.

(d) The Government shall appoint four other members of the Board.

8.3 The financial resources of the Fund shall come from the Kosovo Consolidated Budget approved by the Assembly and shall include:

- (a) Donations from domestic and foreign legal and natural persons and foreign countries;
- (b) Income acquired from forest investments and loans undertaken by the Fund;
- (c) A part of the revenue from sale of resources from public forests as provided for in Chapter IV of this Law;
- (d) Fines, penalties, or damages collected as a result of forest offences or injuries to the public forests; and
- (e) From the general budget of Kosovo.

8.4 The financial resources of the Fund may only be used for:

- (a) subsidies, investments, or loans for projects related to reforestation, forest restoration, forest improvement, or environmental protection;

- (b) subsidies, or loans for forest-related research or education;
- (c) subsidies, loans, or investments in forest-related industries for the benefit of rural economic development;
- (d) Other forest-related activities designated by the Minister.

Article 9
Forest Advisory Board

9.1 (a) There is hereby created a Forest Advisory Board.

(b) The functions of the Forest Advisory Board are:

- 1.To observe and investigate the management and administration of forests in Kosovo;
- 2.To advise the Forest Agency; and
- 3.To make recommendations to the public and to appropriate authorities on the improvement of forests in Kosovo.

9.2 (a) The Forest Advisory Board shall consist of five or seven members appointed by the Minister.

(b) A Board member must meet the following qualifications:

- 1.The person must be a natural person eligible to vote in Kosovo;
- 2.The person must have expertise in some matter relevant to the duty of the board, such as forestry, public administration, financial management, rural development, law, or environmental protection; and
- 3.The person may not be an employee of the Ministry.

(c) The Minister shall designate one member to serve as chair.

(d) As far as practical, the Minister shall appoint members to the Board who represent the ethnic and regional diversity of Kosovo.

9.3 (a) The Ministry shall reimburse Forest Advisory Board members for reasonable expenses related to the activities of the Board.

(b) The Ministry may pay Board members a reasonable honorarium for each day that the Board meets and the member attends at least four hours of business.

(c) The Ministry may furnish the Board with staff and supplies to assist the Board in its duties.

(d) The Minister shall issue an annual public report to the Government detailing the amounts paid to each Board member under this article during the year and the total cost to the Ministry of supporting the Board for the year.

Article 10
Administration of Boards

10.1 The boards may adopt bylaws governing their activities.

10.2 With or without such bylaws:

- (a) Each board's chair has the authority to call meetings of the board;
- (b) All members of a board must have notice of meetings at least 24 hours before the time of the meeting;
- (c) All exercises of a board's power need the approval of a majority of the members of the board;
- (d) Each board must keep records of its meetings that describe matters considered by the board, the votes taken, and how each member voted; and
- (e) All such records must be available for public inspection within a week after the conclusion of each meeting.

10.3 The Minister may set the length of the term of service for appointed members may remove appointed members from the boards at any time.

10.4 Any person may request a board in writing to investigate a matter related to the board's functions. A board must respond in writing to such a request within thirty days, either denying the request or announcing a timetable for the requested investigation. A board must make public the conclusions reached at the end of requested investigations.

CHAPTER IV
Private Forest

Article 11
General Responsibilities of Private Forest Owners

11.1 Owners of private forests shall:

- (a) Manage the land in accordance with this Law and any rules promulgated under this Law;
- (b) Allow the public free access to and movement on the land (including allowing beekeeping, hunting, and the non-commercial gathering of fruits, nuts, mushrooms, herbs, and wild animals) unless such access would interfere with commercial investments or uses of the land; and

(c) Allow government officials to carry out tasks on the land related to forest management, such as inspection, survey, measurement of trees, and marking of boundaries.

Article 12

Private Forest Management and Timber Harvest

12.1 The Minister may promulgate the following kinds of rules regarding management of private forests:

1. General standards for management;
2. Requirements to prepare or revise management plans with the advice and approval of the Forest Agency for—
 - Parcels of 3 hectares or more or
 - Parcels of any size that pose special management concerns, as defined by the Minister in a rule;
3. Requirements to follow management plans after they are approved; and
4. Schedules of fees for Government services to private forest owners.

(b) Rules adopted under this section may set different standards, requirements, or fees for forests of different types, sizes, or locations.

(c) Rules adopted under this section shall reflect the goals and standards for forest management in of this Law.

(d) Fee schedules adopted under this section:

1. Shall generally reflect the costs of offering the service;
2. May include reductions to account for property owners' ability to pay or to compensate for the benefit to the public of good private forest stewardship;
3. Shall be publicly proposed by the Forest Agency and be reviewed by the Forest Advisory Board before being approved by the Minister.

12.2 (a) When applying standards and planning requirements under this Article, after giving written notice to the owners, the Forest Agency may treat a group of separate parcels in close proximity and owned by the same persons, or by a group of related persons, as a single parcel.

(b) The Forest Agency shall encourage owners of small parcels to join together in forest management associations and, with the consent of such owners, may treat parcels of such an association as a single parcel under this section.

12.3 On private forests and forestland:

(a) No person may cut and no owner of a Parcel may allow to be cut any tree unless an authorized official of the Forest Agency has marked the trees.

(b) Officials may only mark trees if the harvest is consistent with the requirements of this Law and any rules promulgated and plans made under this Chapter.

(c) When a forest owner requests the Forest Agency to mark trees for harvest—

1. After consultation with the forest owner, the Forest Agency may order the forest owner to undertake actions necessary for the regeneration or protection of the forest.

2. If rules or plans under this Chapter apply to the forest, such orders shall be consistent with those rules or plans.

(d) The Minister may by rule set fees for the marking of trees under this section.

Article 13

Conversion of Private Forests to Other Uses

13.1(a) Municipalities or other bodies with authority to approve conversion of private forests to non-forest uses shall gain the consent of the Minister before granting such approval.

(b) When such an approval has been granted, the Forest Agency shall waive the requirement that trees be marked before harvest and shall grant the forest owner permission to transport any wood harvested.

Article 14

Voluntary Transfer of Management Authority

14.1

(a) With the consent of the Forest Agency, an owner may transfer the responsibility for management of private forest to the Forest Agency.

(b) If more than one person shares ownership of a parcel, only the owner or owners with authority to sell or encumber the property with an easement may transfer authority under subsection (a).

(c) The agreement for such a transfer must be in writing.

(d) The agreement may include conditions and time limits on the transfer.

(e) Such a transfer shall act as a servitude on the property, and the Forest Agency shall arrange to have it recorded in the appropriate property records.

(f) The Forest Agency must keep separate accounts for each transferred property, available for inspection by the owner.

(g) Each calendar year, the Forest Agency shall calculate profits or losses for each transferred property, including deductions for reasonable costs of management as set out in the transfer agreement.

(h) In any year that a property generates a profit, the Forest Agency shall pay the profit to the owner.

Article 15
Records of Private Forestry

15.1

(a)The Forest Agency may collect data and maintain records of forest cover and volume on private forests.

(b)Upon request of the Forest Agency, other agencies of government maintaining cadastral or other property records shall cooperate with the Forest Agency in creating such records.

(c)Upon request of the Forest Agency, private property owners shall share any data they hold on forest area and volume on their property.

CHAPTER V
Public Forests

Article 16
Public Forest Inventories

16.1The Forest Agency shall conduct inventories of the public and private forests and shall gather sufficient data on the forests to permit rational management planning.

Article 17
Long-Term Management Plans

17.1

(a)The Ministry shall adopt long-term management plans for all areas of public forest under the Forest Agency's administration.

(b)Such plans shall:

- 1.Cover anticipated activities on the forest for at least ten years;
- 2.Explain the activities' expected effect on the forest;
- 3.Be consistent with the goals and standards for forest management in Article III of this Law; and
- 4.Aim to ensure sustainability of the resource for the foreseeable future.

(c)The Forest Agency may prepare long-term management plans itself, or it may utilize plans prepared by others.

17.2 (a)For each plan adopted under this Article, the Minister shall first release to the public a draft version of the plan and announce its availability to the Public Forest

Trustee, to the press, and to interested arms of the Government, including municipalities with lands affected by the plan.

(b)The Minister shall invite interested persons to comment on the draft plan for sixty days after it is made available.

(c)After the close of the comment period the Minister shall review the comments and make any advisable changes to the plan.

(d)Whenever the changes to a plan involve entirely new activities not described in a prior draft, the Minister shall release a revised draft and invite additional comment.

(e)After making final changes to a plan, the Minister shall declare the plan final.

17.3 (a) A plan is in effect from the time the Ministry declares it final until the Minister replaces it with a new or amended plan, or until the Minister suspends the plan under this section.

(b)As far as practical, the Minister shall adopt a new plan for each area of public forest at least every ten years.

(c)If a plan becomes inapplicable because of unexpected changes to the forest, such as those caused by fire, disease, storms, or illegal harvest, or because the plan is out-dated and neither the Forest Agency nor the Minister is able to produce a new plan in a timely manner, the Minister may declare the plan suspended.

(d)During the time between suspension of a plan and the adoption of a new plan, the Forest Agency shall adopt annual operational management plans for the forest under Section 18.02 (b) below, acting as though no long-term management plan is in effect.

17.4

(a)The Forest Agency shall make copies of each plan available to the public during the time that the plan is in effect.

(b)The Forest Agency may leave out of the public version of draft and final plans any information whose release could hinder law enforcement or endanger forest resources.

Article 18 **Annual Operational Management Plans**

18.1

(a)The Forest Agency shall adopt annual operational management plans for each area of public forest under its administration.

(b)Operational management plans shall describe both forest improvement activities and harvest activities.

(c)The Forest Agency may prepare such plans itself or may adopt plans prepared by others.

(d)The Forest Agency shall consult with the Public Forest Trustee and interested municipal governments in adopting such plans.

(e)The Forest Agency shall make such plans available for public review, except for provisions in the plans whose release could hinder law enforcement or endanger forest resources.

18.2

(a)Operational management plans must be consistent with any final long-term strategic management plans in effect for the area of public forest covered by the operational plan.

(b)If no final long-term strategic management plan is in effect for the area covered by an operational management plan, the Forest Agency may only adopt operational management plans that it declares are consistent with the goals and standards for forest management in Article 3 of this Law.

18.3

(a)The Forest Agency shall keep (or arrange for others to keep) records of actions taken under each operational management plan.

(b)Records for each calendar year must be complete by the end of March of the succeeding year.

(c)Keepers of records under this section shall make the records available for public inspection upon request.

Article 19 **Forest Improvement Activities**

19.1Except in an emergency threatening life or property, no person may carry out forest improvement activities on a public forest unless the activities are consistent with a valid annual operational management plan.

19.2The Forest Agency may carry out forest improvement activities on public forests itself or it may contract with others to do the work.

19.3The Minister may issue rules governing contracts under this Article, consistent with applicable laws on government procurement of services.

Article 20 **Harvesting Wood**

20.1No person may take axes, saws, or other wood harvesting equipment into a public forest

20.2 No person may harvest trees from public forests under the administration of the Forest Agency unless:

- (a) The person has a valid licence issued under this Article; and
- (b) The trees have been lawfully marked before harvest.

20.3 Licences to harvest trees in a public forest are valid only if the harvest is consistent with a valid operational management plan covering the forest.

20.4 The Forest Agency may issue licences and mark trees for harvest in a public forest under this Article.

20.5 The Forest Agency shall collect a standing tree payment reflecting the value of standing trees to be harvested and a fee reflecting the cost of issuing the licence and marking the trees.

20.6

(a) The Minister shall issue rules concerning standing tree payments, fees, and licences that:

1. Provide for licences to be awarded and payments to be set under certain circumstances by public auction;
2. In other circumstances, set minimum prices for various kinds and qualities of wood;
3. Set the fees for the service of issuing licences and marking trees; and
4. Set standards for collection and handling of standing tree payments, including standards for assessing interest if payments are delayed.

(b) Before adopting or revising a rule under this section, the Ministry shall consult with the Forest Agency and the Forest Advisory Board and shall give the public opportunity to comment on a draft version of the rule.

20.7 The Forest Agency shall pass on the fee (representing the cost of issuing the licence and marking the trees) to the Central Fiscal Authority for addition to the Kosovo Consolidated Budget and shall pass the standing tree payment on to the Forest Restoration Fund.

Article 21 **Harvesting Non-Wood Forest Products**

21.1

- (a) No person may harvest Non-Wood Forest Products for commercial purposes from land under the administration of the Forest Agency without a licence.

(b) The Minister may, by rule, set out threshold quantities for Non-Wood Forest Products, and any harvest above those quantities in a calendar year shall be presumed to be for commercial purposes.

21.2 The Forest Agency may issue licences to harvest Non-Wood Forest Products upon finding that the harvest is consistent with sustainable use of the forest.

21.3 The Forest Agency may delegate the authority to issue licences under this Article to any local government, natural person, or legal person.

21.4 The Government shall, with the proposal of the Ministry, set fees for licences to harvest Non-Wood Forest Products, based on the specific product and amount harvested, plus a charge to cover the cost of writing the licence.

21.5

(a) In the case of licences issued by the Forest Agency, the Forest Agency shall collect the fee from the licence holder and shall pass on the portion of the fee representing the cost of writing the licence to the Central Fiscal Authority for addition to the Kosovo Consolidated Budget and shall pass the remainder of the fee to the Forest Restoration Fund.

(b) The fees from issued licences from the Forest Agency, pursuant to this Article shall be sent to the Kosovo Consolidated Budget. From the funds gathered from standing wood harvest (licences) 20 % shall be dedicated to the relevant municipal budget, proportional with the amount of taxes gathered in the municipality.

Article 22 **Domestic Animals on the Forest**

22.1 The Ministry for Agroeculture, Forestry and rural development through the authority granted by the Ministry, with special legislation shall regulate the supervision of the sort and number of wild animals in forest and forestland and shall manage fishing and hunting activities in public forests.

22.2

(a) No one may harvest hay or graze or water domestic animals on public forests under the administration of the Forest Agency without a permit from the Forest Agency.

(b) The Forest Agency may issue such permits if the permitted activity is consistent with sustainable forest use.

(c) Permits under this section may set limits on the time, location, duration, and intensity of the activity.

22.3 The Forest Agency may assess fees for permits under this section.

22.4 The Ministry may issue rules governing the issuance of permits and assessment of fees under this Article.

Article 23
Limited Use Designations

23.1

- (a) To promote sustainable management of land under the administration of the Forest Agency, the Forest Agency may issue rules designating areas for limited use.
- (b) In such a designation, the Forest Agency may limit, prohibit, or set conditions for the use that forest.
- (c) The purposes for making such a designation may include the following:
 - 1.To prevent non-renewable resources from being used in ways that might damage renewable resources;
 - 2.To protect water, wildlife, or other sensitive resources;
 - 3.To assist restoration or reforestation;
 - 4.To assist forest research or training;
 - 5.To develop the land for forest-related recreational uses; or
 - 6.To promote management of the forest under a Cooperative Forest Agreement.
- (d)For purposes of applying the Criminal Code and other penalty provisions, land designated under this section shall be considered protected forest.

Article 24
Management of Other Lands

- 24. The Forest Agency may enter into agreements with other components of government to assist in the administration or management of parks and similar lands where the Forest Agency's expertise may be useful.

CHAPTER VI
Transport of Logs

Article 25
Transportation Permits

25.1 It is unlawful to transport into, out of or within Kosovo, a larger amount of Wood Products than the amount specified by the Minister in a rule unless-

- (a)The person possessing the logs has a permit from the Forest Agency; and

(b)The Wood Products bear an official stamp affixed by the Forest Agency.

25.2 The sale or purchase of Wood Products without proper marks and permits is prohibited.

25.3

(a)The Forest Agency shall issue permits and mark Wood Products upon payment of the prescribed fee and proof of lawful harvest of the timber.

(b)The Forest Agency may include conditions in the permit, including limits on the manner and timing of transport and requirements that the Wood Products bear proper identifying marks.

(c)The Forest Agency shall transfer the permit fees to the Kosovo Consolidated Budget.

25.4 The Ministry may issue rules concerning:

(a)the issuing of permits;

(b)the marking of Wood Products;

(c)the setting of fees for permits; and

(d)the definition of the term 'Wood Products'.

CHAPTER VII

Forest Protection and Restoration

Article 26

Fire

26.1No person may start an open fire on forests or forestland without a permit.

26.2For purposes of this Article, an open fire does not include a fire inside a building or inside a fireplace or device designed to contain the fire safely.

26.3The Forest Agency may issue permits for starting open fires where such action is consistent with sustainable forest use.

26.4The Minister may issue rules governing the issuance of permits under this Article.

Article 27
Forest Agency Protection and Restoration Authorities

27.1

- (a) Upon finding that a condition on private land threatens to injure forests on other ownerships, the Forest Agency may order the owner to abate the condition.
- (b) The authority in this section includes the authority to order actions to reduce hazards or threats from fire, insects, disease, and invasive organisms.
- (c) If an owner fails to obey an order under this section within a reasonable time, the Forest Agency may enter the property, take action to abate the condition, and bill the owner for the costs of such action.

27.2

- (a) Upon a finding that a condition on private forests or forestland threatens to impair the sustainable use of forest resources, the Forest Agency may order the owner to take action to abate the threat.
- (b) The authority in this section includes the authority to order actions to protect forest soils and waters, and the authority to order reforestation.
- (c) If an owner fails to obey an order under this section within a reasonable time, the Forest Agency may enter the property, abate the condition, and recover the costs of such action from the owner.

27.3

- (a) When a person undertakes or plans to undertake actions that may temporarily damage forest resources on public forests under the administration of the Forest Agency, the Forest Agency may issue an order barring such actions until the person:
 - 1. Prepares a plan for restoration of the forest after the action is complete; and
 - 2. Guarantees the completion of restoration through the posting of a bond or other financial device acceptable to the Forest Agency.
- (b) The Minister may issue rules regarding the size and nature of financial guarantees required under this section.

27.4

- (a) The Forest Agency may enter any lands and take any reasonable actions necessary in response to forest-related emergencies that threaten lives or property, such as forest fires, landslides, or floods.
- (b) On public forests under the administration of the Forest Agency, the Forest Agency may take actions under this section even if the actions are not covered in

existing long-term management or operational management plans, however, as soon as possible after the emergency occurs, the Forest Agency shall revise plans or issue new plans as necessary to cover management of the affected forest.

Article 28
Relief for Injury to Rights to Enjoy Forests or Forestland

28.1

(a) If an injury to forest resources causes the public to suffer threats to health or water supplies or reduction in the quality of enjoyment of rights to use forests or forestland, the Public Forest Trustee may ask a court to award damages and to order other appropriate relief.

(b) Damages collected under this section shall be transferred to the Forest Restoration Fund.

28.2 When a court hears a landowner's claim of unlawful injury to the landowner's forest or forestland, a court shall award damages for that claim using the following guidelines. The court shall determine a base level of damages equal to:

1. The market value of the forest products lost (measured as their value in place on the forest); plus
2. Any income lost because the injury prevents a reasonable use other than harvest of forest products; plus
3. Any cost of reforestation; plus
4. Any other cost of restoring the land to sustainable and productive forest use.

28.3 Any person suffering loss of lawful enjoyment of forest resources due to a failure of a component of government to carry out actions mandated under this Law, or due to an arm of government or government official acting in violation of this Law, may request a court to issue an order requiring the responsible government officials to fulfil their legal duties.

CHAPTER VIII: Enforcement

Article 29
Guards and Inspectors

29.1 The Forest Service is organised and managed by the Kosovo Forest Agency, through its representatives in the municipalities. The Forest Service is composed of forest guards with an interior structure of organisation. The forest guards, during working time shall have the uniform, official identification card, fire weapon and other necessary requisites for a more efficient completion of the tasks.

Complete rules on the official uniform, official identification card, fire weapon, and other necessary requisites as well as the terms of reference which the applicant for

such a position needs to fulfil for forest guard, shall be issued by the relevant Ministry for forest issues.

29.2 Forest guards have the authority:

- (a) To demand identification from persons that the guard or inspector reasonably believes may have committed a forest-related offence;
- (b) To inspect forests and forestlands harvest areas, processing and deponating of wood and other transport of forest products;
- (c) To stop transporting vehicles in public forest roads and inspect their vehicles for forest products;
- (d) In cases of fire, to undertake necessary measures for alarming and diminish the fire;
- (e) Temporarily confiscation of illegal harvested forest products and for other illegal activities shall inform the competent superior of the service; and
- (f) Undertake other measures based on the authorisations pursuant to this law and other rules.

29.3 For more successful work, a forest guard shall cooperate with the police service and forest inspectors.

Forest Inspection

29.4 For the completion of the forest inspection works, the forest inspector has these authorisations and competences:

- (a) supervise all management activities in the forest, the working objects, tools and all the locations where depot, processing and circulation of wood is done;
- (b) supervise the realisation of management plans, projects and other programs as well as their compliance;
- (c) control the financial books and other documentation in order to verify the implementation of this Law and other provisions on the forests;
- (d) control the documentation of the damage and the origin of the forest products;
- (e) carries other functions from the inspection field.

29.5 In cases where is verified that the law has been violated or other rules, the forest inspector shall undertake the following measures:

- (a) stop wood harvesting that is not being done in compliance with this law and other provisions issued from this law;
- (b) orders that functions are carried out according to managing plans, and in cases where such a management plan is not being followed, which results in damage, undertake necessary measures;
- (c) temporary confiscation of illegally harvested wood, tools with which such harvesting is carried out with (axes and electric axes) and illegal wood in circulation; as well as
- (d) take measures in emergency situations.

29.6 Authorisation, competencies and procedures for the issuance of decisions by the forest inspectors as well as the specifications of the authorisations and competencies of the forest inspectors in central and local level, shall be appointed by the ministry on forest matters.

Article 30
Cooperation with Oversight and Inspection

30.1 All persons involved in forestry activity shall cooperate with forest guards and inspectors

30.2 The following Persons shall make their financial records available to the Forest Agency upon request:

- (a) All persons who have entered into contracts with the Forest Agency to do work or purchase forest products under this Law;
- (b) All persons who have delegated authority under this Law to collect fees or payments.

CHAPTER IX
Standards & Promotion of Forestry

Article 31
Product Standards and Certification

31.1 The Ministry may issue rules to guarantee the origin and quality of seed, plants, or cuttings for forest regeneration.

31.2 The Minister may issue administrative rules:

- (a) Establishing standards for certifying the origin, grade, or quality of wood and other forest products; or
- (b) Recognising such standards established by others.

Article 32
Professional Standards

32.1

- (a) The Minister may, by rule, establish standards for certifying persons as qualified to mark trees before harvest under this Law.
- (b) Standards under this section may require persons to have certain levels of education or experience, to be of good character, and to follow codes of professional conduct.

- (c) Rules under this section may set different certification levels based on ownership, forest type, or other circumstance relevant to the skill required to mark trees.
 - (d) Rules under this section shall empower the Forest Agency to issue, renew, and revoke certifications.
 - (e) Rules under this section may establish reasonable fees for issuing or renewing certifications.
- 32.2 If applicable standards are in effect under this Article, only trees marked by a certified person shall be considered lawfully marked under this Law.

Article 33
Promotion of Forestry

33.1 To promote better forest management, the Forest Agency may:

- (a) Conduct and sponsor land owner and public education efforts or professional training;
- (b) Grow seedlings and maintain nurseries;
- (c) Conduct and sponsor research; and
- (d) Undertake other activities authorized by the Ministry.

33.2 (a) No person can process forest products unless that person is in a possession of a licence for processing forest products, issued by the Forest Agency.

- (b) The Ministry may issue rules regarding the standards and conditions for issuing licences for the processing of forest products;
- (c) The Ministry issues rules for the definition of the term “forest products”

CHAPTER X
Transparency

Article 34
Disclosure of Economic Interests

34.1

(a) For the purposes of this section, a “forest officer” is:

1. Anyone within the Forest Agency who issues licences or marks trees under this Law;

2. Anyone within the Forest Agency directly or indirectly supervising another forest officer;
3. The board members and director of the Forest Restoration Fund; and
4. Members of any classes of employees of the Ministry that the Minister declares to be forest officers by rule.

Article 35
Disclosure of Government Documents

35.1

- (a) The Ministry is encouraged to make available to the public all documents in its possession related to public forests or the general state of forests in Kosovo.
- (b) The Ministry and any service within the Ministry holding the following forest-related documents shall make them available to the public for inspection or copying upon request:
 1. All rules and other legal documents containing rules applicable to forests or forest-related matters within the Ministry;
 2. All final management plans and operational plans;
 3. All final forest inventories.
- (c) The Ministry or any service within the Ministry may withhold from publication portions of any document whose release could affect law enforcement or protection of forest resources.

CHAPTER XI
Penalties

Article 36
Fines

36.1 In addition to any other damages that may be due under law, the court may order a person to pay a fine of up to €25000 for the following actions on a protected forest:

- (a) Injury to forest vegetation or soils without permission of the competent authorities; or
- (b) Unauthorized construction of structures.

36.2 In addition to any other damages that may be due under law, the court may order a person to pay a fine of up to €15000 for:

- (a) Injury to forest vegetation or soils without permission of the competent authorities;
- (b) Unauthorized construction of structures on forests or forestland;
- (c) Unauthorized starting of open fires in a forest;
- (d) Failure to obey a lawful order for forest protection under this Law;
- (e) Failure to carry out afforestation or reforestation required under this Law, its rules or plans, or orders issued under this Law; or
- (f) Sale of logs that lack necessary permits and marks.

36.3 In addition to any other damages that may be due under law, the court may order a person to pay a fine of up to €10000 for:

- (a) Unlawful transportation of harvested logs;
- (b) Sale or purchase of logs that lack necessary permits and marks; and
- (c) Failure to forward any payments due under this Law to the Forest Restoration Fund in a timely fashion.

36.4 In addition to any other damages that may be due under law, the court may order a person to pay a fine of up to €5000 for-

- (a) Allowing trees to be cut on that person's land before the trees are lawfully marked for harvest;
- (b) Harvest of hay or grazing or watering of domestic animals on public forest without permission from the competent authorities; and
- (c) Removal of non-wood forest products for commercial purposes without permission from the competent authorities.

36.5 In addition to any other damages that may be due under law, the court may order a person to pay a fine of up to €5000 for-

- (a) Failing to produce complete and accurate financial records lawfully demanded under this Law;
- (b) Interfering with the activities of a guard or inspector; and
- (c) Damaging or destroying forest boundary markers or informational signs posted by the Forest Agency on public forests.

36.6 In addition to any other damages that may be due under law, the court may order a parent to pay a fine of up to €3000 if a minor child commits a violation punishable under this Article.

36.7 In addition to any other damages that may be due under law, the court may order a person to pay a fine of up to €2000 for any violation of this Law, its rules or plans, or orders under this Law not covered by other sections of this Article.

CHAPTER XII **Transitions**

Article 37 **Existing Plans**

37.1 Any long-term management plans or annual operational management plans adopted by the Forest Agency before this law takes effect will continue in effect until they expire, are amended, or replaced.

Article 38 **SRSR Reserved Powers**

38.1 In compliance with Regulation No 2001/9, Chapter 8 (II), all functions of the Forest Agency related to Public forests shall be temporarily subject to monitoring and endorsement by the SRSR, who will vest this authority in an ad hoc office.

Article 39 **Forest Law of 1987**

39.1. With entry in force of this law, all other provisions that regulate this field cease to exist.

39.2 Any assets of the Kosovo Extended Forestry Reproduction Fund created under the Forest Law of 1987 are transferred to the Forest Restoration Fund under this Law.

Article 40 **Entry into Force**

40.1 This Law enters into force after its approval by the Assembly of Kosovo, Signature by the President of the Assembly, and promulgation by the Special Representative of the Secretary-General.

Law No 2003/3
13 February 2003

President of the Assembly

Akademik Nexhat Daci