

ON AMENDING AND SUPPLEMENTING THE LAW No. 2003/3 ON KOSOVO FORESTS

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

LAW ON AMENDING AND SUPPLEMENTING THE LAW No. 2003/3 ON KOSOVO FORESTS

Article 1

Article 2, paragraph 2.1, sub-paragraph a) shall be deleted.

Article 2, paragraph 2.1, sub-paragraph b) definition forest is reworded as following:

“Forest is the land surface covered with forest woods in form of pile of woods that include also the biological communities, with surface bigger than ten (10) acre.”

Article 2, paragraph 2.1, sub-paragraph b), point 2, is reworded as following:

“Forests” are not considered: boulevards, forests nurseries, forests protection generation, parks in the dwellings and forests woods groups in the surface up to ten (10) acre.

Article 2, paragraph 2.1 sub-paragraph d) is reworded as following:

“Forests Agency” is the executive institution for Kosovo Public Forests established as Kosovo Forests Agency.

Article 2, paragraph 2.1 sub-paragraph j) the part of the text after the word “state property” is deleted.

Article 2, paragraph 2.1 sub-paragraph k) and 1) is deleted.

Article 2

Article 4, paragraph 4.1, sub-paragraph a), at the end of sentences the text:” with the consent of the Ministry” shall be added.

Article 3

Article 7, is added the new paragraph 7.4, with the text as following:

7.4. Forests and public forests and are property of Kosovo State.

Article 4

Article 8, paragraph 8.2, sub-paragraph c), the word “chief” is deleted and replaced with word “Executive Chief” and the sentences in the continuation remains the same.

Article 8, paragraph 8.3, is reworded as following:

“Forests fund is financed by:

Kosovo Budget, different Donors, the incomes by legal subjects and institutions that are dealing with activity that pollute the environment - electro economy, communication, industry, hydro economy and all business facilities that act in the forests lands in the amount of 0.05% from their net profit”.

Article 5

Article 11 in the title the word “general” is deleted and text in continuation remains the same.

Article 6

Article 17, paragraph 17.4, sub-paragraph b), at the beginning of the sentence the text: “Forests services” is deleted and amended with the text “Forests Agency” whereas the text in continuation remains the same.

Article 7

Article 18, paragraph 18.1, sub-paragraph a), the word “Municipality” is deleted.

Article 8

Article 21, paragraph 21.3, is deleted.

Article 21, paragraph 21.4, the beginning of the sentences “Government on proposal of the Ministry” is amended with the text “Ministry with the KFA proposal” and the text in continuation remains the same.

Article 21, paragraph 21.5 in two sub-paragraphs a) and b) the sentence “Kosovo Consolidated Budget” shall be replaced with sentence “Budget of Republic of Kosovo”.

Article 21 paragraph 21.5 sub-paragraphs b) the percentage twenty percent (20%) is amended to percentage thirty percent (30%).

Article 9

Article 23, paragraph 23.1, sub-paragraph a), text “Forests Agency issues rules” is amended with the text “Ministry issues rules”.

Article 10

Article 25, paragraph 25.1 sub-paragraph a) is reworded as following:

a) Person who transports the wood products must have accompanied paper by the Competent Authority.

Article 25, paragraph 25.1 sub-paragraph b) word “stamp” is replaced with the word “band of transport”.

Article 25, paragraph 25.2 word “permission” is replaced with word “accompany paper”.

Article 25, after paragraph 25.4 three new paragraphs shall be added 25.5, 25.6 and 25.7 as following:

25.5. Provisions of Article 25.1 and 25.2 are valid for every wood quantity regardless of origin of wood and cutting place and from surfaces that are not considered forests, according to the Article 1 of this law.

25.6. It is prohibited acceptance, pile and processing of woods measure, without accompany paper and transport band.

25.7. Provision of this paragraph are valid for all sawmill that process wood and for all natural and legal persons.”

Article 11

Article 26 title "Protection from the fire" is amended to the title "Protection of forests".

Article 26, four new paragraphs are added 26.5, 26.6, 26.7 and 26.8 with the text as following:

26.5. Owners, users and forests management are obliged to take appropriate measures for protection of forests and forests lands by the pests and diseases".

26.6. For protection of forests may be used only pesticides registered in MAFRD for the elimination of forests pests. Consent for usage of pesticides in forests is given by Ministry upon the request of owners and forests managers.

26.7. In extraordinary cases, Ministry assigns undertaken appropriate measures for protection of forests that ought to be applied by competent institution, owners and forests users.

26.8. In cases of spoiling of biologic balance and serious damages in the forests ecosystem, Ministry designs necessary measures for the ascertainment of forests situation.

Article 12

Article 29 seven paragraphs 29.7, 29.8, 29.9, 29.10, 29.11, 29.12 and 29.13 shall be added with the text as following:

29.7. Protection of forests and issuance of the licenses for cutting woods in the territory of the municipality is defined as delegated competence according to the Article 18 of the Law on Local Self- Governing.

29.8. Ministry by sub-legal act stipulates the rules, organization and functioning of protection of forests as delegated competence in the territory of municipality.

29.9. The administrative supervision in the enforcement of this law and sub-legal acts is done by Ministry through the competent authority.

29.10. Inspection supervision of this law and sub-legal acts is done by the forestry inspection of the Ministry.

29.11. Inspection supervision of the wood assortment that comes from circulation – movement is carried out by the market inspection in cooperation with the forestry inspectorate.

29.12. Protection of forests is competence is delegated to municipalities:

- a) forest protection service as a whole in compliance with Article 29.1, 29.2 and 29.3 of Chapter VIII of the Law on Kosovo Forests shall become as municipality competence;
- b) confiscation of wood measures by forests service in municipalities, is the income of municipality and shall be proceeded in compliance with provisions of the Law on Public Procurement of Kosovo;
- c) municipalities are obliged at least once a year to carry out the registration of locations and to send written report to the competent authority for managing with forests;
- d) municipal service for forests protection is obliged to send monthly report on the field of this service to the competent authority for managing with forests;
- e) KFA is obliged to supply with uniforms the service for protection of forests in order to be the same for the whole territory of Kosovo as well as form for way of reporting;

29.13. Issuance of licenses for using wood measures as competence shall be delegated to municipalities. When issuing licenses the municipalities are obliged to respect the following criteria:

- a) based on annual operational plans for managing with forests, in compliance with Article 18 of the law on Kosovo Forests;
- b) procedures for issuing licenses should be in harmony with Administrative Instruction in compliance with this law, that regulate this issue approved by the Ministry;
- c) collection of income from issuance of licenses in compliance with paragraph a) of this Article shall be deposited in the Kosovo budget through specific municipal code which determines this income as an income from realization of wood measure;
- d) municipalities shall perform services for surveillance of wood measure, which documentation shall be provided from KFA with specific codes for every municipality. Design and form of this documentation shall be the same for the whole territory of Kosovo;
- e) monitoring of management of all these procedures in compliance with paragraphs of this Article, shall be done by KFA

Article 13

Article 32, paragraph 32.1 sub-paragraphs d) and e) are deleted.

Article 14

Article 36, title of the Article is supplemented as following: "Fines and Minor offences".

Article 36 paragraph 36.1 is reworded as following:

36.1. With fine punishment from two thousand (2.000) up to twenty five thousand (25.000) € is punished the natural person, respectively legal person for the actions indicated below in the protected forests, and other text remains the same.

Article 36 paragraph 36.2 is reworded as following:

36.2. With fine punishment from five hundred (500) up to fifteen thousand (15.000)€ is punished for the minor offence, natural person, legal person and responsible person of legal person and other text remains the same.

Article 36 paragraph 36.3 is reworded as following:

36.3. With fine punishment of four hundred (400) up to five thousand (5.000) € is punished for minor offence the natural person, respectively legal person and other text remains the same.

Article 36, paragraph 36.3 sub paragraph b) is added as following:

b) Acceptance, pile and processing of wood.

Article 36 paragraph 36.4 is reworded as following:

36.4. With fine punishment from two hundred (200) up to five thousand (5.000) € for minor offence is punished the person and the other text remains the same.

Article 36 paragraph 36.5 is reworded as following:

36.5. With fine punishment from five hundred (500) up to five thousand (5.000) € for minor offence is punished a person and other text remains the same.

Article 36 paragraph 36.6 is reworded as following:

36.6. With fine punishment from two hundred (200) up to three thousand (3.000) € for minor offence is punished parent if a juvenile commits a violence that is punishable according to this law.

Article 36 paragraph 36.7 is reworded as following:

36.7. With fine punishment from one hundred (100) up to two thousand (2.000) € for minor offence is punished person for every violation of this law.

After Article 36.7 is added a new paragraph 36.8, as following:

36.8. With fine punishment for minor offence from five hundred (500) up to five thousand (5.000) € is punished responsible person of the legal person for any violation of the Article 36 of this Law.

Article 15

Article 38 and 39 are deleted from the text of the law.

Article 16

This law enters into force fifteen (15) days after the publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-153
25 February 2010

Promulgated by the Decree No. DL-011-2010, dated 12.03.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.