

# Description of the legislative framework in the Western Balkan countries and the Republic of Moldova

---

## *Albania*

The Government of the Republic of Albania has accessed to the Convention on Biological Diversity in 1994. The National Biodiversity Strategy and Action Plan (NBSAP)<sup>1</sup> approved by the Council of Ministers in 2000 was the first document on biodiversity for the 2000-2015 period. The Strategy defined the main directions for preserving biodiversity and habitats, through their identification and proclamation as protected areas, and through the protection of species inside and outside of protected areas.

Since the time of the Strategy and Action Plan on Biodiversity the country has made progress in terms of biodiversity protection. All current strategies, plans and laws in Albania are aware on biodiversity and sustainable development issues, but agricultural biodiversity is not strongly mentioned.

Albania's new NBSAP<sup>2</sup> was approved in 2016, and is formally known as the Document of Strategic Policies for the Protection of Biodiversity to 2020<sup>3</sup>. The Action Plan presents national and associated operational objectives, measures, monitoring indicators, responsible institutions, timeframes and costs. These objectives include also *increasing activities in the areas of sustainable agriculture and forestry; implementing the Nagoya Protocol on ABS* (Albania is a Party to the Protocol<sup>4</sup>); and *raising of biodiversity*.

The Intersectoral Strategy for the Rural and Agricultural Development 2014-2020<sup>5</sup> is a national strategy prepared in the framework of 'Europe 2020' strategy. Its goals are the attainment of fast, inclusive, and sustainable economic growth and Albania's accession in the European Union (EU). Two main initiatives are promoted: Support for the *use of agriculture production methods that protect environment and establishment of a pilot agro-environmental scheme focused on a limited number of pilot zones with continuous specific environmental problems*. The indicators to be used for the monitoring and evaluation of strategy are included in the annexes of the policy document.

National Strategy of Land Consolidation<sup>6</sup> (law no. 700/2016) is a cross-sectoral strategy prepared with the purpose of *establishing financially viable, competitive, and sustainable family farms* by assisting farmers in improving farm structure through offering opportunities to reduce land fragmentation and increase farm size. The strategy will help to make agriculture more productive while at the same time reducing rural poverty *by promoting*

---

<sup>1</sup> <https://www.informea.org/en/action-plan/albania-nbsap-v1-1999>

<sup>2</sup> <https://www.cbd.int/doc/world/al/al-nbsap-v2-en.pdf>

<sup>3</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC170938/>

<sup>4</sup> <https://www.cbd.int/abs/nagoya-protocol/signatories/>

<sup>5</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC176124/>

<sup>6</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC182179/>

*secure tenure, equitable use and sustainable management of natural resources by poor rural men and women.*

Law on Biodiversity Protection<sup>7</sup> (Law no. 9587/2006, amended 2013, 2014) established the legal basis for the conservation and sustainable use of biodiversity and for achieving targets, of the Convention on Biological Diversity.

Regulation No. 84 on the criteria used for establishing the biodiversity inventory network and monitoring<sup>8</sup> establishes the biodiversity inventorying and monitoring network with a view to ensure the database necessary for preparing biodiversity protection policies. Monitoring is more focused on reporting than sustainable use and conservation.

Law on Environmental Protection<sup>9</sup> (Law No. 10431/2011, amended 2014), replacing the 2002 Law, entered into force in 2013 sets the new framework for strategic planning on the environment, environmental assessments, permitting, environmental monitoring, information, liability for environmental damage and other issues. Since 2011, a large number of subsidiary acts were adopted and many EU directives were transposed on the basis of provisions of this Law. The Environmental Fund, which should be established under the Law in order to support environmental protection activities, has not been created.

The new Law on Protected Areas<sup>10</sup> (Law No. 81/2017) mostly reflects institutional reform and the creation of National Agency of Protected Areas (NAPA), and addresses the reform in forestry and introduce the Natura 2000 concept.

Law on Wild Fauna Protection<sup>11</sup> (Law No. 10006/2008, amended 2013), has a purpose to protect, manage and control wild fauna with a view to ensuring the conservation of species, populations and their habitats.

Law on Fisheries<sup>12</sup> (Law No. 64/2012, amended 2017) and the Law on Aquaculture (Law No. 103/2016) are supplemented by subsidiary legislation, including inspection and sustainable exploitation of fishery resources in the Mediterranean Sea and fish catch certification. The current priorities include the administrative strengthening of fisheries administration, including inspection and control services, as well as *fishery data collection*. Law on Aquaculture<sup>13</sup> aims at contributing to the promotion and development of the aquaculture industry through supporting the competition and trade in the sector while respecting a balanced and sustainable environmental development. The Law establishes the institutional and legal framework for the production and cultivation of water organisms and aquaculture in the Republic of Albania.

Law on forests and the forestry service (Law No. 9385, amended 2006, 2007, 2012, 2013, 2016)<sup>14</sup> establishes equal rules on the relationships, rights, obligations and responsibilities of the State institutions, local government, non-governmental organizations and private business

---

<sup>7</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC067304>

<sup>8</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC099647/>

<sup>9</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC112561>

<sup>10</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC176095>

<sup>11</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC088518>

<sup>12</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC162503>

<sup>13</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC162503>

<sup>14</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC066945>

owners for the protection, administration, management and usage of the National Forestry Fund, forestry land and their biological and natural resources.

In February 2016, the Law on the Moratorium in Forests (Law No. 5/2016) introduced a 10-year ban on logging for industrial purposes and export. The Law is a drastic measure to address illegal logging, mostly logging in excess of the permitted timber quantities, which has been a common practice.

Law No. 10253 on Hunting (amended 2013, 2014)<sup>15</sup>. The law establishes the legal framework for the development of hunting as a traditional, relaxing, and touristic activity; its sustainable management while assuring strict implementation of principles on ecosystems and ecological balances; protection of wild fauna species; and enforcement of rights on hunting, hunting products, and their trade.

Guideline No.1 of 11 February 2016 approving the methodologies of registration, inventorying, and reporting on wild fauna species and their populations allowed for hunting. This Guideline approves the methodologies used for registering, inventorying, and reporting on the wild fauna species and their populations that are allowed for hunting. The inventory is carried out twice a year with the purpose of identifying the wild fauna species and their status and provide information for the annual or ten-year management plans. The inventory techniques are species-specific as laid down by the guideline.

In June 2016, the Law on the Moratorium on Hunting (Law No. 61/2016) extended for another five years the ban on hunting initially introduced in 2014.

Some provisions on GMOs are present in the Law on Environmental Protection and the Law on Organic Production, Labelling of Organic Products and Their Control (Law No. 106/2016) but subsidiary legislation is largely undeveloped.

Law on the Pasture Fund (2007, amended 2012, 2013, 2016)<sup>16</sup>. This Law concerns the administration and protection of pastures and meadows.

Law on Livestock Breeding<sup>17</sup> (Law No. 9426/200, amended by Law no. 9864/2008; Law no. 10137/2009; Law no. 72/2013) is one of the most important act in regard to animal genetic resources. The purpose of this law is to ensure the improvement and protection through breeding and conservation programs (*in-situ*, *ex-situ in vivo*, *ex-situ cry conservation*) and sustainable use. But in this law, issues related to *in-situ* and *ex-situ* conservation of AnGR are treated only generally in definition. The Albanian legislative and/or the regulatory framework does not contain any statement regarding the *in-situ*, *ex-situ*, *in vitro* or *in vivo* conservation as different complementary alternatives for the conservation of local animal breeds at risk of extinction.

Regulation No. 1708 (2008) on the implementation of programs for *in-situ* conservation of indigenous breeds of small ruminants. This Regulation concerns the implementation of programs for *in-situ* conservation of indigenous breeds of small ruminants under the threat of extinction. The Commission for the Assessment of the Status and the Extinction Level of Indigenous Breeds of Small Ruminants is set up under the Ministry of Agriculture, Food and Consumer Protection. On the local level, the Regulation establishes the Commission for the identification of breeds of endangered small ruminants.

---

<sup>15</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC132101>

<sup>16</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC083473>

<sup>17</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC069501>

Decision No.1634 (2008) on the rules and procedures of providing financial subsidies for the conservation of the indigenous buffalo genetic resources. Decision lays down the rules and procedures for providing financial subsidies for the conservation of the indigenous buffalo genetic resources. It determines the amount of financial support per male and female breeders as well as payment terms and conditions. The responsible authority is the Commission for the Evaluation of Breeding and Buffalos Genetic Resources Conservation at the Ministry of Agricultural, Food and Consumer Protection.

Albania ratified the International Treaty on Plant Genetic Resources for Food and Agriculture in 2010. In 2011, the FAO supported the creation of a “National Program on Protection and Management of the Genetic Resources”, accompanied by an Action Plan<sup>18</sup>. For this purpose it was necessary to develop the legal base to build the Genetic Bank (1998), and five Agricultural Technology Transfer Centers (2006) that work on cultivating autochthonous (indigenous) species that can be used for the improvement of the species which have to become adapted to the new climate conditions that occur due to climate changes.

Law on the protection of natural medicinal, ether oil and tanifer plants<sup>19</sup> (Law No. 10120, amended by Law 10137/2009; Law no. 42/2013). This Law aims at protecting medicinal and ether oil plants. It sets out the conditions governing their collection and harvest and further promotes activities aimed at their cultivation and rehabilitation.

Law on the plant genetic material (Law No.10416 / 2011, amended 2013, 2015)<sup>20</sup>. This Law in fact repealed the Law (No. 7659) on seed and seedlings<sup>21</sup> from 1993. The Law lays down the rules intended for guaranteeing the quality of the plant genetic material used for agricultural production, environment and consumer protection. Under this law there are many by-law documents (regulation, order, instruction) for each group of plant genetic material (fruits, vine, cereals, vegetable, etc.), by which are European regulations implemented on seed and planting materials (certification scheme) as well as the Conservation varieties<sup>22</sup>. The EU seed and planting material legislation still does not recognized farmer's seed and farmer's rights, and the situation is the same in Albania.

The Ministry of Agriculture and Rural Development is the national authority for the conservation and sustainable use of plant (PGR) and animal (AnGR) genetic resources for agriculture and food. The coordination and supervision of actions concerning genetic resources in agriculture, such as activities for "on farm" conservation and using of PGR have to be directed through the Directorate of Agricultural and Livestock Production (DALP), but their activities are mainly focused on seed issues, mainly for seed used for production, and on maintaining the National List of Varieties.

For the fulfillment of the responsibilities related to AnGR, ten years ago the Ministry of Agriculture, with the technical support of the FAO established the National Network for AnGR conservation, management and sustainable use. This Network was led by the National Coordinator of AnGR. A network was extended to the whole country, in 12 regions. In each

---

<sup>18</sup> [http://seerural.org/wp-content/uploads/2018/09/Agricultural\\_biodiversity-Study-Albania-Web.pdf](http://seerural.org/wp-content/uploads/2018/09/Agricultural_biodiversity-Study-Albania-Web.pdf)

<sup>19</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC088525>

<sup>20</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC112575/>

<sup>21</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC020302/>

<sup>22</sup> [http://www.fao.org/faolex/results/details/en/c/LEX-FAOC088525ps://ec.europa.eu/food/plant/plant\\_propagation\\_material/legislation/conservation\\_varietes\\_en](http://www.fao.org/faolex/results/details/en/c/LEX-FAOC088525ps://ec.europa.eu/food/plant/plant_propagation_material/legislation/conservation_varietes_en)

region, the network was headed by a regional coordinator. The regional coordinator was responsible for coordinating the work among the different stakeholders, farmers, animal production specialists, and IA operators.

Actually, at the regional level there are Regional Directorates of Agriculture and Food, Extension Service and Public Veterinary Service structures, laid up to the level of the units of local governing. These public institutions have the responsibilities to support and collaborate with other stakeholders for the implementation of the programs and projects in the fields of conservation and sustainable use of PGR and AnGR.

Ministry of Tourism and Environment (MTE), is a national authority for conservation and sustainable use of biodiversity, protected areas, protection of nature, sustainable development and management of forestry and pastures, etc. All activities have to be directed through the Directorate of Biodiversity and Protected Areas (DBPA), but their activities are mainly focused on wild flora and fauna. MTE cooperates with the MARD regarding agro-biodiversity.

The Institute of Plant Genetic Resources (IPGR) is an important part of the Agricultural University of Tirana, at the faculty level. It is the leading research institution in the area of plant genetic resources. The institute have trial fields, various laboratories for phenotypic, agronomic and qualitative PGR analysis, laboratory of “*in-vitro*”, inventory collection of seed samples, 16 vertical freezers for long-term storage condition of seed collections (-18°C to -20°C), cold chambers (0-5°C) of active seed collections, greenhouses, and ten ha of field collections of fruit trees, etc.

To improve coordination of activities of different organizations involved into preservation of plant genetic resources the Coordination Council on Plant Genetic Resources for Food and Agriculture was founded in March 2016.<sup>23</sup>

### ***Bosnia and Herzegovina***

According to the Dayton Peace Agreement signed in 1995, Bosnia and Herzegovina (BiH) is comprised of two entities: Republic of Srpska (RS), as a parliamentary republic, and Federation of Bosnia and Herzegovina (FBiH), as a federation constituted of ten cantons. After Final Arbitration Decision (5 March 1999) Brčko District (BD) it was declared as a condominium of the two entities and is governed by its own government.

BiH has a decentralized policy implemented by administrative structures at multiple levels of government. According the Constitution, environmental and nature protection policy, as well as use and management of natural resources are the responsibility of entity and BD governments. Almost all relevant biodiversity legislation is adopted at entity and BD levels.

Some issues of international obligations of BiH related to biodiversity and environment are regulated at the state level (monitoring and coordination of preparations for the conclusion and implementation of international agreements, coordination of projects with international organizations). These issues which require a harmonized access within institutional structures in BiH and by the entities, including preparing of CBD action plans and reports are dealt with by the Inter-Entity Cooperation Body, while the Federal Ministry of Environment and Tourism (Federation of BiH) is the focal institution for reporting to the CBD Secretariat.

---

<sup>23</sup> Sokrat Jani, Kristaq Kume. 2018. Agricultural biodiversity in Southeast Europe - assessment and policy recommendations - country report Albania, Skopje, GIZ.

BiH accessed to the CBD Convention in 2002. The most significant strategic document for biodiversity at the state level is the National Biodiversity Strategy and Action Plan 2008-2015 (NBSAP) adopted in 2011 by the Council of Ministers of BiH. This strategy has expired and its implementation was rated as insufficient in the Fifth National Report of BiH to the UNCBD. In January 2013 BiH started developing its second NBSAP for the period 2015 – 2020. The document was adopted by the Council of Ministers of BiH in May 2017, when many of the prescribed measures should have already been implemented.

Agriculture and rural development is regulated at the state and entity level. Certain agricultural affairs are under the authority of the Ministry of Foreign Trade and Economic Relations of BiH (MoFTERBiH) and three BiH joint institutions: Veterinary Office, Administration for Plant Health, and Food Safety Agency.

Strategic Plan for Rural Development of Bosnia and Herzegovina (SPRR BIH) - Framework Document 2018-2021. In the field of agroecology, the following problems were identified: land degradation, waste management, agro ecological policy, and protection of biodiversity of animal and plant genetic resources as well as not giving adequate significance to the products with protected geographic origin, original and traditional products. Sustainable management of natural resources and adaptation to climate changes is one of the six defined strategic goals in the SPRR BIH.

The Law on Agriculture, Food and Rural Development in BiH regulates the objectives, principles and mechanisms for the development of frame policies and strategies in BiH. Also, this Law should facilitate progress towards European integration, as well as coordination of preparatory activities in order to create conditions and the possibility of using pre-accession assistance. The Law also provides the definitions of traditional manufacturing and traditional products based on plant and animal components, and provides the definitions of indigenous species and breeds of animals. According to Article 4 of the Law, one of the sectoral goals in BiH is to ensure rational use and protection of natural resources and biodiversity.

The Law on Seeds and Planting Material of Agricultural Plants of BiH prescribes in Article 18 that delivery for the marketing of seed and planting material of agricultural plants is not considered for: b) Samples of seed and planting material for scientific and professional institutions for research purposes, for breeding or for storage in gene banks. Article 55 of the same law stipulates that "1) In order to preserve biological diversity in agriculture, as a maintained cultivars, both a domestic and an indigenous, can be entered into a List of varieties, although they do not meet all conditions for their enrolment in this List;, and that the sample of the seed and planting material of the maintained cultivars, when they are excluded from the List of varieties, should be placed in the gene bank."

Law on Genetically Modified Organisms in BiH: regulates the procedure and conditions for the limited use, cross-border transfer, intentional introduction into the environment and placing on the market of genetically modified organisms and products containing or originating from genetically modified organisms, provides the definitions of genetic material, genetic resources and genetically modified organisms.

Regulation on Recognition of Varieties of Agricultural Plant Species in BiH: regulates the procedure and manner of recognizing varieties of agricultural plants which must be registered in the List of Varieties of BiH.

Regulation on Registration of Varieties in the Variety List of BiH: prescribes the process of registration of varieties in the List of Varieties of Agricultural Plants in BiH for plant species which must be registered. It also provides the definition of domestic varieties.

Law on the Protection and Welfare of Animals (“Official Gazette of Bosnia and Herzegovina”, No. 25/09, 9/2018) regulates the responsibility of humans for the protection and welfare of animals in terms of keeping, housing and nutrition, protection from torture, protection of animals at the time of killing or slaughter, stress during transport, protection of wild animals, and treatment of abandoned animals, pets and laboratory animals; the formation of an ethics commission and an expert council, as well as supervision over the implementation of this law and criminal sanctions for violators of the law.

Law on Protection of Geographic Origin (“Official Gazette of Bosnia and Herzegovina”, No. 53/10) regulates: the manner of acquisition, maintenance, content, termination and legal protection of geographical indications in Bosnia and Herzegovina. This Law shall also apply to names of origin and geographical indications that are internationally registered for BiH, but not apply to those products in the part in which the acquisition and protection system, as well as the exercise of the right to use the geographical indication on these products are explicitly regulated by a special law.

Law on Wine, Brandy and Other Grape and Wine Products (“Official Gazette of Bosnia and Herzegovina” No. 25/08) regulates: the specifics of preserving the geographical origin of grapes, wine and other grape and wine products; production, trade and processing of precious wine grapes for wine; production and trade of must and wine and other grape and wine products; tasks of the authorized institution for viticulture and; preparation and maintenance of the vineyard cadaster; other issues relevant to the implementation of the single system relating to the production and marketing of grapes, wine and other grape and wine products.

Given that the competences in the sector of nature protection in BiH are conferred on the entity level (RS, FBiH and BD), the principal legal enactments related to biodiversity are defined in the Law on Nature Protection of FBiH (OG of the FBiH, no. 66/13), the Law on Nature Protection of RS (OG of RS, no. 20/14) and the Law on Nature Protection of Brčko District (BD) (OG of BD of BiH, no. 24/04, 1/05, 19/07, and 9/09).

### ***Republika Srpska legal framework***

The Law on Environmental Protection (“Official Gazette of Republika Srpska” No. 71/2012, 79/2015, 70/20)<sup>24</sup> is the basic legal act that regulates the protection of the whole environment in RS. The Law prescribes preserving of environment, reducing the risks to human life and health, and ensuring and improving the quality of life, protecting all elements of the environment, informing and accessing information in the field of environment protection, planning and protection of the environment, strategic assessment and environmental impact assessment, environmental permitting and large-scale accident prevention, eco-labeling and environmental management systems, environmental financing activities, liability for environmental damage, as well as the rights and obligations of legal and regulatory authorities.

The Law on Nature Protection<sup>25</sup> regulates the protection and conservation of nature, biological, geological and landscape diversity as part of the environment. Professional tasks related to nature conservation in RS are carried out by the Institute for Protection of Cultural-Historical and Natural Heritage of RS, which maintains a Register of Protected Natural

---

<sup>24</sup> <https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mgr/PAO/Pages/Akti.aspx>

<sup>25</sup> [http://nasljedje.org/docs/pdf/Zakon\\_o\\_zastiti\\_prirode\\_20\\_14.pdf](http://nasljedje.org/docs/pdf/Zakon_o_zastiti_prirode_20_14.pdf)

Resources and other data of importance for nature conservation, and operates its own database. Article 39 of this Law defines that taking genetic material from nature for use must not endanger the survival of the eco-system or the population of wildlife, plant and animal species in their habitats; that on the genetic material created from the genetic material of wild plants, animals and fungi property cannot be acquired, and that the use, conditions and method of taking genetic material, access to genetic resources and gene bank are regulated by special regulations.

The Law on Agriculture.70/2006, 20/2007, 86/2007, 71/2009<sup>26</sup> of the RS, inter alia, prescribes measures to support the development of agriculture that does not pollute the natural environment and ensures the preservation of biodiversity incentives for integrated and organic agricultural production that takes care of the protection of natural resources such as agricultural land and water as well as the environment in general; preserving the environment of endangered areas and preventing the formation of infertile, uncultivated and unsustainable agricultural land on agricultural holdings; preserving the biodiversity of the ecological systems.

The Law on Planting Material ("Official Gazette of Republika Srpska" No 37/2009, 117/11)<sup>27</sup> in Articles 2 and 3, as well as the Law on Seeds of Agricultural Plants ("Official Gazette of Republika Srpska" No 37/09, 100/11)<sup>28</sup> in Articles 2 and 3, defines in the same way the plant gene bank as the place for storing, describing, collecting and using plant genetic resources, which is regulated by a special program. Also, these two laws regulate that the provisions of this law do not apply to plant material or seeds in quantities that serve for experimental purposes or for plant gene banks. Both laws prescribe the obligation of authorities to store autochthonous and old domesticated cultivars and local populations in the plant gene bank, in accordance with the regulations governing the conservation of plant genetic resources as well as to register them in the Register of cultivars.

Special regulations and programs related to genetic resources in RS are Program for the Preservation of Plant Genetic Resources of the Republic of Srpska<sup>29</sup> and the Program for Preservation of Forest Genetic Resources of the Republic of Srpska<sup>30</sup>. Both documents stipulates the Institute of Genetic Resources of the University of Banja Luka in charge of the Program's implementation and coordination.

The Law on Livestock Breeding (Official Gazette of Republika Srpska", No. 1/2009, 93/2012, 14/2016)<sup>31</sup> prescribes in Article 1, among other things, "preservation of genetic variability, conservation and use of genetic resources of cultivated animals". This law stipulates that "the original and protected breeds and strains of domestic animals originating in the territory of RS constitute a part of the national biological heritage", and that "the preservation and using of such breeds and strains are carried out according to a special program for each individual breeds and strains, but such documents have not been adopted. Regardless, there is no regulation on breeding of indigenous breeds and method of maintaining records.

---

<sup>26</sup> <https://www.paragraf.ba/propisi/republika-srpska/zakon-o-poljoprivredi.html>

<sup>27</sup> [http://www.podaci.net/\\_gBiH/propis/Zakon\\_o\\_sadnom/Z-smater03v0937-11B7.html](http://www.podaci.net/_gBiH/propis/Zakon_o_sadnom/Z-smater03v0937-11B7.html)

<sup>28</sup> <https://rzsm.org/tehprop/155-mpsv>

<sup>29</sup> <https://igr.unibl.org/index.php?idsek=163>

<sup>30</sup> <https://igr.unibl.org/sajt/doc/file/PROGRAM%20C5%A0UMSKI%20GENETI%C4%8CKI%20RESURSI%20-srb.pdf>

<sup>31</sup> <http://www.vet.minpolj.gov.rs/legislativa/zakoni/Zakon%20o%20sto%C4%8Darstvu.pdf>

The Law on Beekeeping ("Official Gazette of Republika Srpska" No. 52/100)<sup>32</sup> prescribes that only the queen bee of *Apis mellifera carnica* (Carniolan honey bee) can be used for reproduction in order to preserve biological characteristics of this breed. Because of that, it is forbidden to breed and use the reproductive material from other bee breeds.

The Law on Organic Food Production ("Official Gazette of Republika Srpska" No. 52/100)<sup>33</sup> regulates the production of agricultural and other products by methods of organic production, organic production goals and principles, methods of organic production, control and certification in organic production, processing, marking, storage, transport, trade, import and export of organic products, as well as other issues of importance for organic production. Certification of organic production can be done by a body authorized by the ministry.

Law on Fishery ("Official Gazette of Republika Srpska" No. 72/12)<sup>34</sup> regulates fishing waters, the manner of use of fishing waters and fish stock, commercial fishing, sport fishing, commercial-sport fishing, aquaculture, protection of fish stock in fishing waters, fisheries records, supervision and other issues related to the use of fishing waters. It prescribes that the management of the fishing area and fish stock have the function of protecting the fish stock and biological balance, preserving a healthy environment, wild flora and fauna and other conditions for fish habitats.

Law on Forestry ("Official Gazette of Republika Srpska" No. 75/08 i 60/13)<sup>35</sup> regulates, among others things, that forests and forest land are managed in accordance with the criteria and principles of sustainable management, that means maintenance, conservation and improvement of biological diversity in the forest ecosystem, and maintenance and improvement of protective functions in forest management, especially land and water. Under this law, the Rulebook on the conditions of use of other forest products and the manner of collecting their fees was passed ("Official Gazette of the Republika Srpska " No.8/10 i 97/13). This Rulebook regulates permits and quantities for harvesting forest by-products but there is no effective way of control and monitoring.

Law on reproductive material of forest trees ("Official Gazette of Republika Srpska" No. 70/09)<sup>36</sup> regulates the basic characteristics of starting and reproductive material of forest trees, conditions, manner of evaluation and recognition of starting material, production, control and finishing of reproductive material of forest trees, as well as its quality, trade and use, and keeping the register of forest plant varieties and other registers. This law also prescribes the establishment of a genetic bank of forest plants. The Rulebook for the Establishment of the Forest Plant Gene Bank was adopted and the ten-year program for the conservation of forest genetic resources was adopted in 2013. However, so far no financial support has been provided to any institution for these tasks, which means that there is no practical implementation of these acts.

Law on hunting ("Official Gazette of Republika Srpska" No. 60/09 i 50/13) regulates the management of hunting resources, hunting ground management, game ownership, systematic

---

<sup>32</sup> [http://www.podaci.net/\\_gBiH/propis/Zakon\\_o\\_pcelarstvu/Z-pcelar03v1052.html](http://www.podaci.net/_gBiH/propis/Zakon_o_pcelarstvu/Z-pcelar03v1052.html)

<sup>33</sup> [http://www.podaci.net/\\_gBiH/propis/Zakon\\_o\\_organskoj/Z-ophran03v0475-0971.html](http://www.podaci.net/_gBiH/propis/Zakon_o_organskoj/Z-ophran03v0475-0971.html)

<sup>34</sup> [https://rzsm.org/images/stories/RZSM/Propisi/MPSV/Poljoprivreda/MPSV\\_Polj\\_Vazeci/127-72-12%20zakon%20o%20ribarstvu.pdf](https://rzsm.org/images/stories/RZSM/Propisi/MPSV/Poljoprivreda/MPSV_Polj_Vazeci/127-72-12%20zakon%20o%20ribarstvu.pdf)

<sup>35</sup> <https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mps/Documents/Zakon%20o%20sumama%2017%2010%2009.pdf>

<sup>36</sup> <https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mps/Documents/Zakon%20o%20reproduktivnom%20materijalu%20sumskog%20drveca.pdf>

categorization of game and its protection, hunting grounds, hunting planning and hunting cadastre, hunting and exploitation game, prevention and compensation of game and game damage, means for improving hunting and hunting personnel. The law prescribes that hunting is in the function of integral protection, breeding, sustainable use and constant improvement of the quality of the hunting fund, habitat and other hunting resources.

Ministry of Spatial Planning, Civil Engineering and Ecology of the Republic of Srpska is in charge of environment and nature protection and the implementation of CBD in RS.

Ministry of Agriculture, Forestry and Water Management of the Republic of Srpska is in charge of preservation of genetic resources, without defined specific activities or support measures.

The Institute of Genetic Resources is an organizational unit of the University of Banja Luka, established in January 2009 on the basis of a recommendation in the Plant Genetic Resources Preservation Program. The Institute serves as the national Plant Gene Bank with seed and field collections. This Institute also participates in coordination of the Program on Preservation of Forest Genetic Resources of RS and has initiated the activities on inventarization and characterization of animal genetic resources since 2019.

The financing of the Plant Genetic Resources Preservation Program, adopted in 2008 was in charge of this Ministry of Agriculture until 2011. Ministry of Science and Technology (now Ministry of Scientific and Technological Development, Higher Education and Information Society) is has been in charge of financing and supervision over the implementation of the Plant Genetic Resources Program since 2012. The grant has changed into a grant for all genetic resources preservation since 2015.

### ***Federation of BiH legal framework***

Law on Environment Protection ("Official newspaper of FBiH" No. 33/03, 38/09)<sup>37</sup> regulates preservation, protection, restoration and improvement of ecological quality and capacity of the environment, as well as quality of life; measures and conditions of management, preservation and rational use natural resources; legal measures and institutions for preservation, protection and improvement of environmental protection; financing of activities related to the environment, voluntary measures; and tasks and duties of administrative bodies at various levels of government.

Law on Nature Protection ("Official newspaper of FBiH" No.66/13) regulates the conditions and manner of restoration, protection, conservation and sustainable development of landscape, natural areas, plants, animals and their habitats, minerals and fossils and other components of nature, the jurisdiction of authorities in carrying out tasks related to environmental protection, nature conservation planning, the general and special measures for nature protection, information system, supervision, and financing of nature conservation, provides the definitions of biodiversity, natural resources, habitat, living organisms, species, sustainable development and sustainable use.

In fact, both entity laws on environment and nature protection are compatible.

Law on Agriculture ("Official newspaper of FBiH" No. 88/07, 4/10, 7/13) regulates goals and measures of agricultural policy, beneficiaries of rights, defines agricultural farming, defines the concept of farmers, institutional support, information in agriculture and keeping

---

<sup>37</sup> <https://www.fmoit.gov.ba/bs/zakoni/zakoni-na-razini-fbih>

registers, administrative and inspection supervision, penal provisions and other issues of importance for agriculture. The goals of the policy in agriculture are, among other things, the rational use and preservation of natural resources, environmental protection and the improvement of integrated and organic agriculture, as well as the development and preservation of rural areas and the preservation of traditional rural values.

Law on Seeds and Planting Material of Forest and Horticultural Species of Trees and Shrubs ("Official newspaper of FBiH" No. 71/05 i 8/109)<sup>38</sup> regulates all issues related to forest and horticultural seeds and planting material, as well as the process of registration and the manner of keeping registers.

Law on protection animal welfare ("Official newspaper of FBiH" No. 25/2009, 9/2018)<sup>39</sup> deals with the definition, description and regulation of animal production, trade and quality of animals and animal products, and animal welfare. This law has a lot of disadvantages, as it does not define clear categories of animals and how they are rated or classified. In this law there is a term of animal breeding selection service whose existence is questionable. The articles within this law do not deal with agricultural biodiversity.

Animal Husbandry Law ("Official newspaper of FBiH" No. 66/2013)<sup>40</sup> regulates the production and breeding of domestic animals, insemination and licensing of domestic animals, trade in quality animals and genetic material, zoological technical measures, sanitary conditions for breeding and exploitation of domestic animals, carrying out breeding of breeding-valued animals. The provisions of this Law encompasses the breeding of: cattle, pigs, goats, sheep, horses, donkeys, rabbits, poultry, bees and other species of domestic animals that have an economic purpose, and as with the aforementioned laws does not, to a great extent, treat the issue of agricultural biodiversity.

Law on agricultural organic production ("Official Newspaper of FBiH" No. 72/2016)<sup>41</sup> prescribes the objectives and principles of organic production, the production rules of organic agricultural production, the labeling of organic products, the system of controls in organic production, the register of organic producers, administrative and inspection monitoring, import, export and placing on the market organic products, issues of importance for organic production. This law does not mention in its text agricultural biodiversity, nor issues related to it.

Law on Agricultural Land ("Official Newspaper of FBiH" No. 52/09) regulates the basic principles and management, protection, use, arrangement, disposal, records and supervisions with the main goal to preserve, use, increase production capacity and improve the management of agricultural land as a limited and non-renewable natural resource, regardless of who owns it, and harmonize the interests of all entities in the use of agricultural land in economic development.

Law on Freshwater Fisheries ("Official Newspaper of the Federation of BiH" No. 64/04)<sup>42</sup> regulates fishing waters, fishing, aquaculture, fish protection, fisheries and guarding service, administrative and inspection supervision of law enforcement, penal provisions and other issues relevant to the field of freshwater fisheries in the Federation of Bosnia and

---

<sup>38</sup> [http://www.podaci.net/\\_gBiH/propis/Zakon\\_o\\_sjemenu/Z-ssmshv04v0571-1008.html](http://www.podaci.net/_gBiH/propis/Zakon_o_sjemenu/Z-ssmshv04v0571-1008.html)

<sup>39</sup> <https://www.paragraf.ba/propisi/bih/zakon-o-zastiti-i-dobrobiti-zivotinja.html>

<sup>40</sup> [http://www.podaci.net/\\_gBiH/propis/Zakon\\_o\\_stocarstvu/Z-stocar04v1366.html](http://www.podaci.net/_gBiH/propis/Zakon_o_stocarstvu/Z-stocar04v1366.html)

<sup>41</sup> <https://www.paragraf.ba/propisi/fbih/zakon-o-poljoprivrednoj-organskoj-proizvodnji.html>

<sup>42</sup> <http://www.fbihvlada.gov.ba/bosanski/zakoni/2004/zakoni/44hrv.htm>

Herzegovina. The law also prescribes that the fish in fishing waters are used in a sustainable way that contributes to the conservation of the biological diversity of ecological systems.

Law on Hunting ("Official Newspaper of the Federation of BiH" No. 4/06, 8/10, 81/14)<sup>43</sup> prescribes that the hunting, is a public activity and includes measures for protection and breeding of game, landscaping, game hunting and rational use of game and hunting grounds, which contributes to preserving the biological diversity of ecological systems and ecological balance of natural game habitats.

Federal Ministry of Environment and Tourism performs administrative, professional and other tasks related to: environmental protection of air, water and land; development of environmental strategy and policy; air, water and soil quality standards; environmental monitoring and control of air, water and land; development of strategy and policy for the development of tourism and hospitality; monitoring tourist flows in domestic and foreign markets; directing the long-term development of tourism within the entire economic system and other tasks determined by law. This ministry is focal institution to the CBD in BiH.

Federal Ministry of Agriculture, Water Management and Forestry manages the genetic and biological resources in FBiH. The Ministry of Agriculture of the FBiH is highly decentralized. It consists of departments for agriculture, veterinary services, water resources and forestry. Besides this Ministry, there are seven cantonal ministries of agriculture. For the other three cantons, agriculture is under the jurisdiction of the Ministry of Economy. On the municipality level, there are 200 agricultural administrators. Currently, most of the activities of the Ministry of Agriculture of FBiH are directed towards the reconstruction of the agricultural production, preparation of the strategy for agricultural development and the establishment of an institutional infrastructure for agriculture in market economy conditions.

This Ministry has been involved in establishing the Gene Bank for PGR in FBiH. Also, this Ministry adopted the Operative Program for Plant Genetic Resources in Agriculture in the Federation of Bosnia and Herzegovina (2014); however, there are no other activities related to agricultural biodiversity in FBiH. The establishment of a livestock breeding service in FBiH is under consideration, pending major policy orientation to be approved within the strategy for agricultural development<sup>44</sup>.

When reviewing the above-mentioned legal framework in BiH from the perspective of conservation and sustainable use of genetic resources, some inconsistencies and limiting factors are noticeable. BiH is member of CBD but not a member of the International Treaty on Plant Genetic Resources for Food and Agriculture - ITPGRFA nor ABS Nagoya Protocol. Current regulations from the phytosanitary area (seed and planting material regulations) do not cover the production of small quantities of seed and planting material of local populations and autochthonous plant cultivars for the local market. That means that the rights of farmers to market seeds of traditionally maintained and saved old local populations and indigenous cultivars are still not regulated. The existing laws in the field of animal husbandry do not regulate the formation of a gene bank and no special programs for animal genetic resources have been adopted. In general, all laws have a good basis for the protection of agricultural biodiversity but lack of by-laws and implementation mechanisms and measures. Supervision and monitoring over the implementation of all regulations is scarce, primarily due to the lack

---

<sup>43</sup> <https://fmpvs.gov.ba/wp-content/uploads/2017/Lovstvo/Lovstvo-zakoni/Zakon-lovstvo-preciscena-verzija.pdf>

<sup>44</sup> Drkenda, P., Zečević, E. 21018. Agricultural biodiversity in Southeast Europe - assessment and policy recommendations - entity report Federation of Bosnia and Herzegovina. Skopje : GIZ.

of qualified staff in ministries and other institutions, as well as due to the lack of modern equipment and resources.

### ***Montenegro***

The framework for future development of the Republic of Montenegro as the environment friendly society is founded by Declaration of Ecological state Montenegro adopted by the Montenegrin Parliament in 1991. That was later embedded into the Constitution. On strategic level, by adopting the National Strategy for Sustainable Development and National Biodiversity Strategies with the Action Plan 2010 – 2015<sup>45</sup>, Montenegro defined a long term commitment to conservation and sustainable use of natural resources. National Biodiversity Strategy With Action Plan for the period 2016-2020 still is adopted by the government<sup>46</sup>.

Montenegro became a party Of CBD By Succession In 2006. Recently, Montenegro has significantly improved its environmental legal and policy frameworks. The establishment of the Environmental Protection Agency made possible the separation of policy and legislation functions from implementation responsibilities. Agency is now an administrative body within the Ministry of Sustainable Development and Tourism and it is called Agency for Nature Conservation and Environment.

The second Strategy for the Development of Agriculture and Rural Areas 2015-2020, adopted in 2015, is continued to implement the concept of sustainable agriculture development with support measures that are in line with EU agricultural policy.

Biodiversity management and protection are under jurisdiction of the Ministry of Sustainable Development and Tourism but some segments of natural resources like water and forests are under the jurisdiction of the Ministry of Agriculture and Rural Development. This fragmentation of competencies and responsibilities interfere with planning and efficient implementation of programs.

Law on Nature Protection ("Official Gazette of Montenegro", No. 54/2016)<sup>47</sup> is the basic law which regulates the protection and preservation of nature including, inter alia, the conservation and improvement of biological diversity and limiting and preventing negative impacts on biodiversity. This law introduces a ban on the use of space and natural resources and goods in a way that, among other things, permanently disrupts the biological diversity, and determines that the protection of biological diversity is achieved by implementing measures for the conservation of biological diversity in use natural resources and landscaping, as well as the protection of habitat types.

Law on Agriculture and Rural Development ("Official Gazette of Montenegro", No. 56/09, 18/2011, 34/14, 01/15 and 51/2017)<sup>48</sup> regulates: the development of agriculture and rural areas, the objectives and measures of agrarian policy, the incentives in agriculture and the preconditions for their realization, the rights and obligations of beneficiaries of subsidies, the measures for sustainable management of agricultural resources, which are defined through the promotion of agricultural programs that are compatible with the principles of

---

<sup>45</sup> file:///C:/Users/KAB-32~1/AppData/Local/Temp/Nacionalna%20Strategija%20biodiverziteti%20sa%20Akcionim%20planom.pdf

<sup>46</sup> <https://www.cbd.int/doc/world/me/me-nbsap-v2-me.pdf>

<sup>47</sup> <https://epa.org.me/wp-content/uploads/2017/12/zakon-o-zastiti-prirode.pdf>

<sup>48</sup> <https://www.paragraf.me/propisi-crnegore/zakon-o-poljoprivredi-i-ruralnom-razvoju.html>

environmental protection – agri- ecological measures; the conservation and sustainable use of agricultural genetic resources.

Law on the Seed Material of Agricultural plants "Official Gazette of Montenegro", No. 28/2006, 73/2010, 40/2011, 61/2011, 48/2015)<sup>49</sup> and the Law on Planting material ("Official Gazette of Montenegro", No. 28/2006, 73/2010, 40/2011, 61/2011, 48/2015<sup>50</sup>) regulates the production and trade of seed and planting material of agricultural plants, conditions and manner of their production and certification, processing, control, quality, marketing the recognition of varieties, the entry of varieties into the Register of Agricultural Plant Varieties and other issues of importance for production and trade of seed and planting material. Both laws make exceptions to the material intended for the research and gene bank. There is no exceptions for small quantities for local markets.

Law on Organic Farming ("Official Gazette of Montenegro" No. 56/13) regulates establishment of a sustainable agricultural management system that respects the natural systems and cycles and maintains and improves the quality of land and water, plant and animal health and their balance. The law prescribes that organic production contributes to a high level of biodiversity and rationally uses energy and natural resources; respects animal welfare standards and meets the specific needs of animals species.

Law on Livestock ("Official Gazette of Montenegro" No. 72/2010, 48/2015) prescribes and regulates the manner and preconditions for the rearing domestic animals, the breeding programs, preservation of genetic variability, marketing of animal feed and genetic material, the rights and obligations of livestock farmers and other issues relevant to livestock breeding. Preservation of genetic variability and genetic resources of domestic animals is a public interest. The fund for preserving the genetic resources of domestic animals should be provided by the state budget. The law also regulates the preservation of biological diversity in livestock farming as well as the conservation of autochthonous breeds.

Action Plan for Conservation of Genetic Resources in Agriculture (2009-2013)<sup>51</sup> is adopted on the base of National Program for Conservation and Sustainable Use of Genetic Resources in Agriculture (2008-2013) which is adopted in 2007 by the Government. This document regulates all measures related to conservation and sustainable use of plant and animal genetic resources for food and agriculture in line with the Convention on Biological Diversity, and the FAO Global Plans of Action. The Action Plan is focused on inventory, characterization, identification, regeneration, maintenance of *ex-situ* and *in-situ* collections and sustainable use of plant genetic resources, as well establishing a system of documentation, work on strengthening public awareness and further strengthening of human and technical capacities as well. The Plant Gene Bank is located at the Biotechnical Faculty University of Montenegro.

Law on Forests ("Official Gazette of Montenegro", No. 074/2010 40/11 47/2015)<sup>52</sup> regulates the protection, preservation and improvement of forests, planning, manner and conditions of forest use, construction and maintenance of forest roads, forest monitoring, as well as other issues of importance for forests, forest land and forestry. This law applies to the protection, preservation and use of forest trees located in the forest and forest land. Forests and forest

---

<sup>49</sup> file:///C:/Users/KAB-32~1/AppData/Local/Temp/Zakon%20o%20semenskom%20materijalu%20poljoprivrednog%20bilja%20(1)%20(1).pdf

<sup>50</sup> file:///C:/Users/KAB-32~1/AppData/Local/Temp/Zakon%20o%20sadm%20materijalu%20(4)%20(1)-1.pdf

<sup>51</sup> <http://www.fao.org/3/b-bc262o.pdf>

<sup>52</sup> <https://epa.org.me/wp-content/uploads/2017/12/zakon-o-sumama.pdf>

lands, as goods of public interest, enjoy special protection, which is achieved by: permanent preservation and improvement of forests and forest lands and their functions; sustainable and multifunctional forest management, preservation and improvement of biological and landscape diversity of forests, as well as the quality of their environment.

The Law On The Protection Of Animal Welfare ("Official Gazette of Montenegro", No. 018/08, 040/11, 047/15)<sup>53</sup> regulates the rights, obligations and responsibilities of legal and natural persons for the protection of animal welfare that are bred or kept for production from unnecessary pain, suffering or injury, protection during killing, slaughter and transport, when performing procedures on animals and performing experiments, as well as other issues of importance for animal welfare.

Law on Wildlife And Hunting ("Official Gazette of Montenegro", No. 52/2008, 40/2011, 14/2015)<sup>54</sup> regulates hunting as a public interest activity and wildlife as a state property, organization of management of hunting areas, species with permanent hunting ban, and a temporary ban through hunting bonuses, as well as inspection administrative supervision over the application of the law.

Law on Marine Fisheries And Marine- culture ("Official Gazette of Montenegro", No. 56/2009 40/2011)<sup>55</sup> defines that marine fisheries is the management of living marine resources, and includes catch, collection and protection fish and other marine organisms on the principles of sustainable development, in the fishing sea of Montenegro. This law also regulates marine culture. Fish and other marine organisms in the fishing sea of Montenegro, as a good of general interest, enjoy special protection and are used in the manner and under the conditions determined by this law and other regulations.

Law on Freshwater Fisheries and Aquaculture ("Official Gazette of Montenegro", No. 17/2018) regulates the use, protection, conservation and catch of fish, crustaceans, shellfish, frogs and other living aquatic organisms in fishing waters, conditions for aquaculture and other issues of importance for freshwater fisheries

### ***North Macedonia***

North Macedonia became a party to the CBD by accession in 1997. The first National Strategy and Action Plan for Protection of Biological Diversity was adopted in 2004. The Action Plan encompasses 11 Strategic Approaches on the following themes: *in situ* conservation; *ex situ* conservation; sustainable use of biodiversity; institutional improvement; investigation and monitoring; public awareness and education; impact assessment; incentive measures; legislation; financial resources for NBSAP implementation; coordination and implementation of the NBSAP. Obstacles to NBSAP implementation that have been identified include, among others, insufficient financial resources, lack of capacities, education and public awareness, and insufficient mainstreaming of biodiversity into different sectors. The new NBSAP - National biodiversity strategy and action plan for the period 2018 – 2023 is adopted<sup>56</sup>.

---

<sup>53</sup> <https://epa.org.me/wp-content/uploads/2017/12/zakon-o-zastiti-dobrobiti-zivotinja.pdf>

<sup>54</sup> <https://epa.org.me/wp-content/uploads/2017/12/zakon-o-divljaci-i-lovstvu.pdf>

<sup>55</sup> <https://epa.org.me/wp-content/uploads/2017/12/zakon-o-morskom-ribarstvu-i-marikulturi.pdf>

<sup>56</sup> <https://www.cbd.int/doc/world/mk/mk-nbsap-v2-en.pdf>

The National Agricultural and Rural Development Strategy (2014-2020)<sup>57</sup> defines the overall and specific objectives for the rural development policy in line with the IPA II priorities, among others, agro environmental objectives for restoring, preserving and enhancing ecosystems dependent on agriculture and forestry, improvement of socioeconomic development in rural areas and human potential. The measures within the National program for Agriculture and Rural Development (2018-2022) underlines the organic farming and agriculture in area with natural constraints and started with biodiversity support from 2018<sup>58</sup>.

The Ministry of Environment and Physical Planning is responsible for environment protection including water, soil, biodiversity (in a broad sense) and climate. It is responsible for the obligations taken from the Convention on Biological Diversity.

The Ministry of Agriculture Forestry and Water Economy is directly responsible for the implementation of agro-environmental measures.

Law on Environment (“Official Gazette of Republic of Macedonia” No. 53/05, 81/05, 24/07, 159/08, 83/09, 48/10, 124/10, 51/11, 123/12, 93/2013, 42/2014, 44/2015, 129/2015, 192/2015, 39/2016)<sup>59</sup> is amended several times. The main reason is harmonization with international frame and EU legislation. This law sets out the main objectives : a) preservation, protection, restoration and improvement of the quality of the environment; b) protection of human life and health; c) protection of biological diversity; d) rational and sustainable utilization of natural resources; e) implementation and improvement of measures aimed at addressing regional and global environmental problems; f) forecast, monitoring, prevention, limitation and elimination of the negative impacts on the environment. With the prelast amending the State Environmental Inspectorate is defined.

Law on Nature Protection (“Official Gazette of Republic of Macedonia” no. 67/2004, 14/2006, 84/2007, 35/2010, 47/2011, 148/2011, 59/2012, 13/2013, 163/2013, 41/2014, 146/2015, 39/2016 and 63/2016)<sup>60</sup> is the basic law in the area of nature protection and on all issues which regulate the nature protection in the Republic of North Macedonia. The law regulates nature protection by protecting the biological and landscape diversity and protection of natural heritage in and outside of protected areas, along with protection of natural rarities and the use of natural resources for economic purposes where apart from the provisions of this Law, the provisions of special laws shall also apply. It is amended several times to increase harmonization with Directives such on the conservation of natural habitats and of wild fauna and flora, and on the conservation of wild birds.

Law on Agriculture and Rural Development (“Official Gazette of Republic of Macedonia” No. 49/2010) is the major legal act regulating planning and implementation of agricultural and rural development policies and governmental support for agriculture. The Law provides the general setup for agro-biodiversity protection. Moreover, the Law prescribes that manure and compost should be used for fertilizing agricultural crops and for maintaining the soil fertility. This Law also defines the term agricultural biodiversity and plant and animal genetic resources. Plant genetic resources of agricultural crops are all agricultural species except cereals and industrial crops. The animal genetic resources are domestic animals used for agricultural production (vertebrates and *invertebrates*), *microorganisms* and wild fauna that

---

<sup>57</sup> <http://extwprlegs1.fao.org/docs/pdf/mac176055.pdf>

<sup>58</sup> <http://seerural.org/wp-content/uploads/2018/09/AEP-Study-A4.pdf>

<sup>59</sup> [http://www.sei.gov.mk/page\\_en.asp?ID=2](http://www.sei.gov.mk/page_en.asp?ID=2)

<sup>60</sup> [http://www.moep.gov.mk/?page\\_id=16550](http://www.moep.gov.mk/?page_id=16550)

is/may be used in agricultural production." These definitions need revision as cereals and industrial crops are not part of the definition, and micro-organisms should be separately listed as resources<sup>61</sup>.

Law on Seeds and Seedlings ("Official Gazette of Republic of Macedonia" No. 39/06, 89/08, 171/10, 53/11, 69/13, 187/13, 43/14, 129/15 и 39/16)<sup>62</sup> defines the protection of the plant genetic resources. Defines the gene bank as an institution that maintains and stores seed and seedlings of divergent populations and autochthonous species in order to protect biodiversity and stores referent samples of seed and seedlings of agricultural plants. It excludes the small quantities for own consumption but not for local markets, and also define the gen bank.

Law on Livestock Production ("Official Gazette of Republic of Macedonia" No. 23/2013) determines the goals of animal husbandry, conditions and manner of keeping livestock, sustainable animal husbandry, ways of raising livestock, breeding programs, change and protection of domestic animal traits, transfer of selection achievements in breeding, protection of genetic variability, genetic resources and indigenous species, professional tasks and public services in the field of animal husbandry, such as gene banks in animal husbandry, recognized organizations in animal husbandry, educational and research work in animal husbandry, production and trade with breeding material, ways of providing funds for breeding programs, as well as supervision over the implementation of the provisions of this Law. Chapter VI of this law is dedicated to AnGR protection<sup>63</sup>.

Law on Organic Agriculture ("Official Gazette of the Republic of Macedonia" No. 64) as well as many laws in the region in this area, regulates certification of organic products without special emphasis on agricultural biodiversity in this area.

The Law on Fishery and Aquaculture<sup>65</sup> regulates fisheries and aquaculture similarly as in other countries in the region. The principles of sustainable use of fish stocks and care for waters are beginning, but the special preservation and protection of the autochthonous gene pool is not addressed.

Law on Forests ("Official Gazette of the Republic of Macedonia" No. 64/2009, 24/2011, 53/2011, 25/2013, 79/2013, 147/2013 and 43/2014<sup>66</sup>) regulates the planning, management, management (cultivation, protection and use (hereinafter: forest management), preservation of forests as a natural resource and forest land, realization of the common functions of forests, the right and obligations of forest use, financing and other issues of importance for forests and forest land on the principle of biological, economic, social and environmental acceptability.

Law on Hunting ("Official Gazette of the Republic of Macedonia" No. 26/2009, 82/2009, 136/2011, 1/2012, 69/2013, 164/2013 and 187/13<sup>67</sup>) regulates that wildlife is state-owned and of public and general interest for the Republic of North Macedonia and enjoys special

---

<sup>61</sup> Ivanovska, S., Andonov, S. 2018. Agricultural biodiversity in Southeast Europe - assessment and policy recommendations - country report, Macedonia. Skopje. GIZ.

<sup>62</sup> [http://arhiva.mzsv.gov.mk/files/Zakon\\_za\\_semenski\\_i\\_saden\\_materijal\\_za\\_zemjodelski\\_rastenija\\_Precisten\\_tekst.pdf](http://arhiva.mzsv.gov.mk/files/Zakon_za_semenski_i_saden_materijal_za_zemjodelski_rastenija_Precisten_tekst.pdf)

<sup>63</sup> [http://arhiva.mzsv.gov.mk/files/Zakon\\_za\\_stocarstvoto.pdf](http://arhiva.mzsv.gov.mk/files/Zakon_za_stocarstvoto.pdf)

<sup>64</sup> [http://arhiva.mzsv.gov.mk/files/zakon\\_za\\_organsko\\_zemjodelsko\\_proizvodstvo.pdf](http://arhiva.mzsv.gov.mk/files/zakon_za_organsko_zemjodelsko_proizvodstvo.pdf)

<sup>65</sup> <http://arhiva.mzsv.gov.mk>

<sup>66</sup> [http://arhiva.mzsv.gov.mk/files/Zakon\\_za\\_shumite\\_0.pdf](http://arhiva.mzsv.gov.mk/files/Zakon_za_shumite_0.pdf)

<sup>67</sup> [http://arhiva.mzsv.gov.mk/files/Zakon\\_za\\_lovstvoto\\_0.pdf](http://arhiva.mzsv.gov.mk/files/Zakon_za_lovstvoto_0.pdf)

protection in a manner and under conditions determined by this Law and the Law on Nature Protection.

### ***Moldova***

The Republic of Moldova ratified the CBD in 1995. The new Strategy on Biological Diversity of the Republic of Moldova for the years 2015–2020 and the Action Plan for its implementation was adopted by the Government Decision in 2015. The Strategy aims at integrating the CBD provisions at national level, among others through creating an institutional and legislative framework to help stop the loss of biodiversity; conservation of flora and fauna species; sustainable extension and management of state-protected natural areas and protecting genetic resources and sharing the benefits of using them<sup>68</sup>.

The National Biodiversity Strategy and Action Plan for 2015–2020, contain provisions for the implementation of the access and benefit sharing to genetic resources procedures according to the ABS Nagoya Protocol. Measures to be undertaken under the NBSAP Action Plan 2015-2020 include also implementation of the requirements of the International Treaty on Plant Genetic Resources for Food and Agriculture of the Commission of Genetic Resources for Food and Agriculture under FAO, then conducting a study on access to genetic resources and equitable sharing of benefits from their use (according to the recommendations of Nagoya Protocol), encouraging the activities for the maintenance of domestic genetic breeding stock.

The main legislation related to the goals of the NBSAP include the National Environmental Strategy for 2014-2023 (approved in 2014) and Strategy for Agriculture and Rural Development in Moldova 2014-2020 (adopted in 2014).

The Environmental Agency, an administrative authority subordinated to the Ministry of Agriculture, Regional Development and Environment is responsible for the implementation of the state policy for protection and use of animal kingdom and vegetal kingdom, biological resources aquatic conservation, biodiversity conservation and management of the state-protected natural areas and biosafety.

The Republic of Moldova ratified the International Treaty on Plant Genetic Resources for Food and Agriculture, in 2015. Moldova has ratified the Nagoya Protocol on Access to Genetic Resources (ABS) and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity in 2016.

There is no specific legislation on access to genetic resources and the benefit-sharing at national level at present. Traditional knowledge is not among the National Biodiversity Targets by present.

Fishery is regulated by the Law on Fish Fund, Fishing and Fish Farming (No. 149-XVI/2006, amended in 2020<sup>69</sup>). This law regulates procedure and conditions of creation and protection of fish fund, reproduction, cultivation and catch of aquatic organisms, melioration of fishery water objects, development of fish breeding, determines the principles of activities of the bodies of the public power given authority on management of water biological resources

---

<sup>68</sup> The Sixth National Report on Biological Diversity of the Republic of Moldova, 2019.

<sup>69</sup> <https://cis-legislation.com/document.fwx?rgn=13415>

Law on the Environment Protection (no. 1515-XII/1993, amended in 2018<sup>70</sup>), defines that environmental protection is the national priority concerning directly living conditions and health of the population, realization of economic and public and humanistic interests, and also opportunities of sustainable development of society in the future.

Law on Natural Resources (no. 1102-XIII/1997, amended in 2017<sup>71</sup>), governs the relations in the field of use, protection and reproduction of natural resources for the purpose of providing ecological safety and sustainable development of the country.

Moldova has developed respective strategies and plans to maintain genetic diversity *in-situ* and *ex-situ* conditions<sup>72</sup>:

- The National Strategy for Agricultural and Rural Development for the years 2014–2020, approved by the Government Decision in 2014;
- The Environmental Strategy for 2014–2023 and its Action Plan, 2014;
- Law on Vegetable Kingdom No. 239 in 2007;
- Law on Animal Kingdom No. 439 in 1995.

At present a number of strategic documents have been drafted with the support of technical assistance projects:

- Draft National Program for the Conservation of Animal Genetic Resources;
- Draft National Program for the Development of the Aquaculture Sector;
- Draft Program for the development of conservative agriculture;
- Draft National Beekeeping Development Program for the period 2018-2025,
- Draft Horticulture Development Program in the Republic of Moldova for the years 2017-2020;
- Draft Wine Development Program.

The plant agricultural biodiversity of the Republic of Moldova, including their wild relatives is preserved *ex-situ* in the experimental fields and seed collections by the research institutions: the Institute of Genetics, Physiology and Plant Protection, the Scientific-Practical Institute of Horticulture and Food Technologies, Institute of Practical Science Phytotechny “Selectia”, Institute of Phytotechnology “Porumbeni”.

The genetic resources of farming animals includes breeds developed in the country and introduced from abroad. The Scientific and Practical Institute of Biotechnologies in Animal Breeding and Veterinary Medicine provide research activity on animal breeding.

## ***Serbia***

Serbia ratified the CBD in 1992 and became a party from 1993. NBSAP Biodiversity Strategy of the Republic of Serbia for the period 2011-2018 (“Official Gazette of the

---

<sup>70</sup> <https://cis-legislation.com/document.fwx?rgn=3317>

<sup>71</sup> <https://cis-legislation.com/document.fwx?rgn=3312>

<sup>72</sup> The Sixth National Report on Biological Diversity of the Republic of Moldova, 2019

Republic of Serbia” No. 13/2011<sup>73</sup>) defines the objective to improve the integration of biodiversity concerns into all relevant sectors. Activities to achieve the goals set in the agriculture and livestock sector are: develop a national strategy and program for sustainable use, develop and conserve plant genetic resources and domestic animal genetic resources; develop a national program for organic farming; establish an efficient national agro-environmental program; develop and promote best practices guidelines for sustaining biodiversity in agriculture and support their implementation. The new biodiversity strategy for the upcoming period is under construction.

National Program for Rural Development for the period 2018-2020<sup>74</sup> prescribes medium-term directions for the development of rural areas and describes in more detail the ways of implementing rural development measures for the programming period from 2018 to 2020. At the same time, this document is harmonized with the strategic framework of the Common Agricultural Policy of the European Union for the period 2014-2020, taking into account the specific needs and priorities of the development of agriculture and rural areas of the Republic of Serbia.

Law on Environmental Protection (“Official Gazette of the Republic of Serbia” No. 135/2004, 36/2009, 36/2009, 72/2009, 43/2011, 14/2016, 79/2018, 95/2018<sup>75</sup>) regulates the integral system of environmental protection to ensure a healthy environment. Among the issues relevant for agricultural policy, the Law specifically refers to the protection of natural value (landscapes), biological diversity, species and ecosystems diversity, public natural goods such as water-fronts and forests.

Law on Nature Protection (“Official Gazette of the Republic of Serbia”, No. 36/2009, 88/2010, 91/2010, 14/16. 95/2018<sup>76</sup>) regulates the protection and preservation of nature, biological, geological and landscape diversity as part of the environment. The law includes the NATURA 2000 Strategy and the protection of special areas for conservation of habitats and species and certain species of birds based on the relevant EU Directives (2009/14/EEC; 92/42/EEC). The Law governs the protection and conservation of nature and the biological, geological and landscape diversity. Many of these provisions are relevant to agriculture. The law establishes the main principles of protection of forest and water ecosystems and habitats within the agro ecosystems.

Law on Agriculture and Rural Development (“Official Gazette of the Republic of Serbia” No. 41/2009, 10/2013, 101/2016<sup>77</sup>) sets the basic definitions, rights and responsibilities of agricultural producers, enforcing a duty for protection of the environment, animal health, animal welfare and soil.

Law on Agricultural Land (“Official Gazette of the Republic of Serbia”, 41/2009, 112/2015, 80/2017, 95/2018<sup>78</sup>) regulates the planning, protection, organization and use of agricultural land, which is used for agricultural production and cannot be used for other purposes, except

---

<sup>73</sup> [https://www.rs.undp.org/content/serbia/en/home/library/environment\\_energy/biodiversity-strategy-of-the-re-public-of-serbia-for-the-period.html](https://www.rs.undp.org/content/serbia/en/home/library/environment_energy/biodiversity-strategy-of-the-re-public-of-serbia-for-the-period.html)

<sup>74</sup> [https://www.infotim.rs/subvencije\\_regulative\\_u\\_poljoprivredi\\_pdf?file=ministarstvo\\_poljoprivrede\\_donelo\\_je\\_nacionalni\\_programruralnog\\_razvoja\\_od\\_2018\\_\\_do\\_2020\\_\\_godine-1533643094\\_580.pdf](https://www.infotim.rs/subvencije_regulative_u_poljoprivredi_pdf?file=ministarstvo_poljoprivrede_donelo_je_nacionalni_programruralnog_razvoja_od_2018__do_2020__godine-1533643094_580.pdf)

<sup>75</sup> [https://www.paragraf.rs/propisi/zakon\\_o\\_zastiti\\_zivotne\\_sredine.html](https://www.paragraf.rs/propisi/zakon_o_zastiti_zivotne_sredine.html)

<sup>76</sup> [https://www.paragraf.rs/propisi/zakon\\_o\\_zastiti\\_prirode.html](https://www.paragraf.rs/propisi/zakon_o_zastiti_prirode.html)

<sup>77</sup> [https://www.paragraf.rs/propisi/zakon\\_o\\_poljoprivredi\\_i\\_ruralnom\\_razvoju.html](https://www.paragraf.rs/propisi/zakon_o_poljoprivredi_i_ruralnom_razvoju.html)

<sup>78</sup> [https://www.paragraf.rs/propisi/zakon\\_o\\_poljoprivrednom\\_zemljistu.html](https://www.paragraf.rs/propisi/zakon_o_poljoprivrednom_zemljistu.html)

in cases and under conditions determined by this Law. The law prescribes prohibition of discharge and disposal of hazardous and harmful substances on agricultural land, in drainage canals and irrigation systems. It is obligatory to control the fertility of arable land and keep record of the amount of used mineral fertilizers and pesticides. It also introduces erosion measures which require from farmers to apply temporary or permanent prohibition on ploughing meadows and pastures, crop rotation, growing perennial plants, growing or raising agro-protection belts etc.

Law on Land Protection (“Official Gazette of the Republic of Serbia”, No. 112/2015<sup>79</sup>) regulates land protection, the systematic monitoring of the state and quality of the soil, remediation measures, re-cultivation, inspection supervision and other issues of importance for the protection and conservation of the land as a natural resource of national interest.

Law on Forests (“Official Gazette of the Republic of Serbia”, No. 30/2010, 93/2012, 89/2015, 95/2018<sup>80</sup>) regulates the preservation, protection, planning, growing and use of forests, disposal of forests and forestland, transposition of this law, as well as other issues important for the forests and forestland.

Animal Welfare Law (“Official Gazette of the Republic of Serbia” No. 41/2009<sup>81</sup>) regulates the prevention and treatment of disease and injury of animals; prevention and mitigation of pain, distress and other negative states; and provision of diets and living conditions that are suited to the needs and nature of animals. The key on-farm environmental aspect of livestock production is related to the natural living processes, and the nutrients - organic manure should be absorbed as feed for crop.

Animal Husbandry Law (“Official Gazette of the Republic of Serbia” No. 41/2009, 93/2012, 14/2016<sup>82</sup>) among other things, this Law regulates the treatment of animal waste (feces and urine) and its use as an organic fertilizer. Animal waste must be treated in a way which does not influence the human health and the health of animals, the environment and the quality of food.

Law on Organic Production (“Official Gazette of the Republic of Serbia”, No. 30/2010, 17/2019<sup>83</sup>) Regulates agricultural and other products using the methods of organic production, its objectives, principles, methods, controls, certification, as well as the processing, marking, storage, transport, trade, import and export of organic products, as along with other issues of importance for organic production.

---

<sup>79</sup> <https://www.paragraf.rs/propisi/zakon-o-zastiti-zemljista-republike-srbije.html>

<sup>80</sup> <https://www.paragraf.rs/propisi/zakon-o-sumama-republike-srbije.html>

<sup>81</sup> [https://www.paragraf.rs/propisi/zakon\\_o\\_dobrobiti\\_zivotinja.html](https://www.paragraf.rs/propisi/zakon_o_dobrobiti_zivotinja.html)

<sup>82</sup> <http://www.vet.minpolj.gov.rs/legislativa/zakoni/Zakon%20o%20sto%C4%8Darstvu.pdf>

<sup>83</sup> <https://www.paragraf.rs/propisi/zakon-o-organskoj-proizvodnji-republike-srbije.html>