



КОНСУЛЬТАНТ ПЛЮС

The Law of the Republic of Belarus
of June 14, 2003 No. 205-3

(as of December 18, 2018)

“On Plant Kingdom”

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LAW OF THE REPUBLIC OF BELARUS

of June 14, 2003 No. 205-3

ON PLANT KINGDOM

Adopted by the Chamber of Representatives on May 13, 2003
Approved by the Council of the Republic on May 29, 2003

(as worded in the Laws of the Republic of Belarus of October 29, 2004 [No. 319-3](#);
of July 19, 2005 [No. 42-3](#); of June 29, 2006 [No.137-3](#); of July 20, 2006 [No. 162-3](#); of October 20,
2006 [No.169-3](#); of June 13, 2007 [No. 238-3](#); of November 10, 2008 [No. 444-3](#); of July 2, 2009 [No.
32-3](#); of December 28, 2009 [No. 96-3](#); of May 17, 2011 [No. 260-3](#); of January 22, 2013 [No. 18-3](#);
of July 18, 2016 [No. 402-3](#); of December 18, 2018 [No.153-3](#))

This Law lays down legal norms on the safeguarding, protection, reproduction, maintenance, withdrawal, removal, transplantation of Plant Kingdom objects and their use, as well as greening, safeguarding of a habitat of Plant Kingdom objects; on enhancing their environmental, water conservation, protection, sanitary-hygienic, recreation and other functions to provide favorable environment for the life and health of citizens and the rational (sustainable) use of Plant Kingdom resources.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

CHAPTER 1 GENERAL PROVISIONS

Article 1. Main Terms Used in this Law and their Definitions

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

The following main terms and definitions are used for the purposes of this Law:

“**Acclimatization of plants**” means ensuring the adaptation of plants to a new habitat as a result of their introduction with the formation of stable self-replicating populations;

“**Green area balance**” means the percentage of territories on which Plant Kingdom objects grow and other territories within the boundaries of a green area;

“**Developed green area**” means a green area on which a number of activities have been performed in order to create favorable conditions for the recreation of population, the formation of a full, aesthetically expressive habitat;

“**Botanical Garden**” means a developed green area where woody, shrubby, flowering, and other plants used for scientific-research, cultural and educational and recreational purposes grow;

“Boulevard” means a publicly accessible developed green area with one or more rows of plantings located between the traffic lanes of the means of transport of the locality’s street;
(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

“Reproduction of Plant Kingdom objects” means a natural (controllable or non-controllable) or artificial process of regeneration of Plant Kingdom objects, restoration of their qualitative characteristics;

“State Plant Kingdom Cadastre” means a systematic collection of data on the geographical distribution of Plant Kingdom objects, their quantitative and qualitative characteristics, economic evaluation and utilization of Plant Kingdom objects, as well as other information on Plant Kingdom objects required to ensure their safeguarding and sustainable use;

“Arboretum” means a green area where trees and shrubs grow used for scientific-research, educational and experimental, cultural and educational and recreational purposes;

“Trees and shrubs of improper quality status” means trees and shrubs where the number of dried branches constitutes more than 50 percent and/or the bark over most of a trunk is destroyed or fallen;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

“Wild plants” means plants growing in their natural habitat and capable of forming populations, plant communities;

“Tree and shrub vegetation” means individual trees, shrubs and their plantings;

“Procurement (purchase) of wild plants and/or their parts” means a kind of the special use of Plant Kingdom objects carried out by organizations, individual entrepreneurs;

“Withdrawal of Plant Kingdom objects” means separation of plants from their habitat and/or parts from plants related to the use of Plant Kingdom objects;

“Invasive plants” means plants outside their natural area the spread and abundance of which pose a threat to the life or health of citizens, conservation of biological diversity, of causing harm to a number of economic sectors;

(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

“Introduction of plants” means the activity aimed at introducing of plants into places beyond the boundaries of their natural distribution;

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

“Compensatory payments of the cost of removed Plant Kingdom objects” means the reimbursement of the cost of removed Plant Kingdom objects;

“Compensatory measures” means compensatory plantings or compensatory payments for the cost of removed Plant Kingdom objects;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

“Compensatory planting” means a set of measures to create Plant Kingdom objects instead of the removed ones;

“A person in the field of greening” means a legal person, an individual entrepreneur engaged in the creation and maintenance of plantings that perform sanitary-hygienic, recreational, engineering-technical, cultural, aesthetic or other non-agricultural functions, as well as a legal person who has a structural unit carrying out such activities;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

“Plantings” means the total number of trees and/or shrubs growing in the certain area, both constituting and not constituting a plant community;

“Illegal withdrawal, removal, transplantation of Plant Kingdom objects” means withdrawal, removal, transplantation of Plant Kingdom objects without permits issued by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus and its territorial bodies, local executive and regulatory bodies (in cases where the need to obtain such permits provided for by this Law); Decisions of state bodies that have set restrictions or prohibitions with regard to Plant Kingdom objects on changing or removing of established restrictions or prohibitions, approved design documentation according to the procedure established by the legislation of the Republic of Belarus stipulating the removal, transplantation of Plant Kingdom objects; [conclusions](#) on recognizing a tree as dangerous, or the withdrawal, removal, transplantation of not those Plant Kingdom objects and not in the volumes stipulated for withdrawal, removal, transplantation in accordance with the specified permits, decisions, design documentation, conclusions, or removal of Plant Kingdom objects before the conclusion of a civil law contract on compensatory plantings or compensatory payments of the cost of Plant Kingdom objects subject to removal, provided that the conclusion of such a contract or making such payments is stipulated by this Law or other legislative acts of the Republic of Belarus, or failure to carry out compensatory plantings within the time limits and in the volumes established in accordance with this Law, or failure to comply with the requirement of this Law to direct notifications to the local executive and regulatory body of the planned, carried out removal, transplantation of Plant Kingdom objects; (as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

“Standards in the field of handling of Plant Kingdom objects” means standards established in accordance with the parameters of the state and numbers of Plant Kingdom objects and the level of area’s greening non-compliance with which may lead to the unfavorable state of the environment;

“CITES specimens” means wild plants, their parts and/or derivatives falling under the scope of the [Convention](#) on International Trade in Endangered Species of Wild Fauna and Flora signed in Washington on March 3, 1973 (CITES);

“Handling of Plant Kingdom objects” means the activity associated with the safeguarding, protection, reproduction, maintenance, withdrawal or transplantation of Plant Kingdom objects and their use, as well as greening;

“Pruning of trees, shrubs” means separation from trees, shrubs of their parts (shortening of branches, removal of branches and limbs), which entails no loss of the vital activity of those trees, shrubs;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

“Plant Kingdom objects” means growing plants or their assemblage (collection);

“Greening” means a set of measures for creating and maintaining of plantings that perform sanitary-hygienic, recreational, engineering and technical, cultural, aesthetic and other non-agricultural functions;

“Green area” means the territory that has been greened and/or where Plant Kingdom objects that perform sanitary-hygienic, recreational, engineering and technical, cultural, aesthetic or other non-agricultural functions grow;
(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

“Dangerous trees” means trees that pose with their likely fall a threat to harm the life and health of citizens, property of citizens and legal persons (dead trees affected by the trunk rot, with other significant damages to the trunk and/or the root system, hanging on buildings, structures, other trees, and also leaning towards buildings, structures where the radius of the possible fall of such trees exceeds the safe distance to these buildings, structures);
(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

“Safeguarding of Plant Kingdom objects” means a set of measures aimed at the conservation of spatial, species and population continuity of Plant Kingdom objects, their numbers, resource potential and productivity, prevention of their damage, destruction or any other harmful effect;

“Park” means a publicly accessible improved area of more than 5 hectares in the locality;

“Transplantation of Plant Kingdom objects” means separation of plants not associated with the use of Plant Kingdom objects from their habitat, their transfer and planting with subsequent preservation of vital activities;

“Use of Plant Kingdom objects” means the use of Plant Kingdom objects or their properties when carrying out economic and other activities;

“Users of land lots or water objects” means persons who are granted, according to the procedure established by the legislation of the Republic of Belarus, a land lot or a water body or part thereof (hereinafter referred to as “the water body”) within the boundaries of which Plant Kingdom objects grow as the private property right, lifetime inheritable possession, permanent or temporary use, lease, or on any other ground established by the legislation of the Republic of Belarus;

“Users of Plant Kingdom objects” means persons who, according to the procedure established by legislation, have been granted a right to the use of Plant Kingdom objects;

“Road-side plantings” means plantings growing within the boundaries of the railway right-of-way along public railways (roadside railway plantings), lines up to 100 meters wide to both sides of the axis of the republican highway, up to 50 meters to both sides of the axis of the local highway, and in localities – to both sides of the public highway to the border of the existing building site (road-side plantings of motor highways);

“Erosion-preventive plantings” means plantings growing in gullies, bars, on slopes with the steepness of 25 degrees or more and within the borders of 100 meters wide lanes adjacent to

them along the perimeter, as well as field-protective plantings created to protect agricultural lands from water, wind erosion and any other harmful effects of natural and anthropogenic factors;

“Plants” means vascular plants and bryophytes, algae, lichens and fungi;

“Plant products” means plants, their parts and/or products of their vital activity withdrawn from a habitat and used as raw material or for other production and consumption purposes;

“Plant community” means a relatively homogeneous collection of plants of various species of one or many generations with a formed composition and structure, capable of natural reproduction or substituted by another plant community as a result of interaction between plants and their habitat;

“Plant Kingdom” means a collection of growing plants, populations, plant communities and plantings formed by them;

“Plant Kingdom resources” means Plant Kingdom objects or their properties which are used or may be used during the realization of economic and other activities and are of a consumption value;

“Gathering of wild plants and/or their parts” means a kind of common use of Plant Kingdom objects exercised by individuals;

“Square” means a publicly accessible improved green area of 0.1 to 5 hectares in the locality;

“Habitat of Plant Kingdom objects” means a habitat of Plant Kingdom objects in combination with other natural factors creating growth conditions for Plant Kingdom objects needed to ensure their viability;

“Removal of Plant Kingdom objects” means separation of plants from their habitat and/or parts from plants not associated with the use of Plant Kingdom objects, which results in the loss of their viability, as well as separation of fallen trees from their habitat;
(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

“Deterioration in the green area balance” means a decrease in the share of territories where Plant Kingdom objects grow within the boundaries of a green area.

Article 2. Legislation of the Republic of Belarus on the Safeguarding and Use of Plant Kingdom

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

The legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom shall be based on the [Constitution](#) of the Republic of Belarus and consist of this Law and other normative legal acts of the Republic of Belarus that contain norms regulating relations in the field of handling of Plant Kingdom objects.

Relations in the field of handling of Plant Kingdom objects that are part of the Forest Fund shall be regulated by the legislation of the Republic of Belarus on the use, safeguarding, protection and regeneration of forests except for relations provided for in [Articles 18, 19, 24, 26 - 28, 33-1](#) (in

part relating to city forests) and 38 (in part relating to city forests) of this Law that shall be regulated by the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom.

(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

Relations in the field of handling of plants belonging to living modified organisms shall be regulated by the [legislation](#) of the Republic of Belarus “On Safety in Genetic Engineering Activity.”

Relations in the field of plant quarantine and protection shall be regulated by the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom in part not regulated by the legislation of the Republic of Belarus in the field of plant quarantine and protection.

Relations in the field of greening shall be regulated by the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom in part not regulated by the legislation of the Republic of Belarus in the field of architectural, urban planning and construction activities, on public utilities.

Relations in the field of handling of Plant Kingdom objects as a component of a habitat of Animal Kingdom objects shall be regulated by the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom unless otherwise provided for by the legislation of the Republic of Belarus on the safeguarding and use of the Animal World.

Relations in the field of protection and use of land (including soil), waters, bowls, atmospheric air as a habitat of Plant Kingdom objects shall be regulated by the legislation of the Republic of Belarus on the protection and use of lands, on the protection and use of waters, on the protection and use of bowls, on the protection of the atmosphere air unless otherwise provided for by this Law.

Relations in the field of handling of withdrawn or removed plants and/or their parts, including plant products, shall be regulated by the civil legislation of the Republic of Belarus.

Relations associated with the import and/or export of plants, their parts and/or derivatives shall be regulated by the legislation of the Republic of Belarus on foreign economic activity, customs regulation, international treaties of the Republic of Belarus, acts constituting the Law of the Eurasian Economic Union.

Relations in the field of handling of Plant Kingdom objects growing in burial places shall be regulated by the interment and funeral legislation of the Republic of Belarus.

Relations in the field of handling of Plant Kingdom objects growing within the boundaries of land lots provided for collective gardening and dacha construction shall be governed by the legislative acts of the Republic of Belarus regulating the activities of horticultural associations and dacha projects, except for relations specified in [Articles 18, 19, 24, 26-28, 37 and 37-4](#) of this Law subject to regulation by the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom.

Article 3. International Treaties of the Republic of Belarus

(as worded in the Laws of the Republic of Belarus of October 20, 2006 [No. 169-3](#), of November 10, 2008 [N 444-3](#))

If the International Treaty of the Republic of Belarus establishes rules other than those contained in this Law, then the rules of the International Treaty shall apply.

Article 4. Parties to a Relationship in the Field of Handling of Plant Kingdom Objects

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Parties to a relationship in the field of handling of Plant Kingdom objects may be as follows:

The President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, local Councils of Deputies, executive and regulatory bodies, other state bodies (organizations) that exercise state regulation and administration in the field of handling of Plant Kingdom objects, control in the field of safeguarding and use of Plant Kingdom, territorial public self-government bodies within the scope of their competence;

Legal persons of the Republic of Belarus, foreign states, foreign and international organizations, regardless of their legal person's status, that are the users of Plant Kingdom objects, land lots or water bodies or carry out activities that affect Plant Kingdom objects (hereinafter unless otherwise set forth herein – legal persons);

Citizens of the Republic of Belarus, including individual entrepreneurs, foreign citizens, stateless persons who are the users of Plant Kingdom objects, land lots or water bodies or who carry out activities that affect Plant Kingdom objects (hereinafter unless otherwise set forth herein – citizens).

Article 5. Objects of Relations in Handling of Plant Kingdom Objects

(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

Objects of relations in handling of Plant Kingdom objects are as follows:

growing plants, populations formed by them, plant communities or plantings;

withdrawn or removed plants, their parts and/or vital activity products;

plant derivatives;

habitat of Plant Kingdom objects;

green areas;

rights to the use of Plant Kingdom objects.

The Provisions of this Law unless otherwise provided for shall not apply to:

Plant Kingdom objects growing within the boundaries of land lots provided to citizens for

the construction and maintenance of a residential building (an apartment in a blocked residential building), subsidiary husbandry management, gardening, haying, grazing of farm animals;

Plant Kingdom objects growing within the boundaries of land lots provided for collective gardening and countryside house (dacha) construction;

Plant Kingdom objects that grow within the boundaries of land lots provided in the private ownership of non-state legal persons, the property of foreign states, international organizations;

Plant Kingdom objects cultivated (grown, handled) in order to obtain plant cultivation products (including in fruit and fruit and berry orchards), in greenhouses, nurseries of woody, shrubby and other plants;

Plant Kingdom objects cultivated (grown, handled) in containers (hanging baskets, flower pots, boxes, tubs, etc.);

Tree and shrub vegetation growing on the territories of the Forest Fund;

Plant Kingdom objects growing in burial places.

Article 6. Right of Ownership of Plant Kingdom Objects and Withdrawn, Removed Plants and/or their Parts

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Plant Kingdom objects growing on the territory of the Republic of Belarus shall be regarded as state property, apart from the cases established by this Article.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Plant Kingdom objects growing within the boundaries of land lots provided for collective gardening and country house (dacha) construction, land lots provided to citizens for the construction and maintenance of a residential building (an apartment in a blocked residential building), subsidiary husbandry management, gardening, haying, grazing of farm animals, land lots provided in the private ownership of non-state legal persons, the property of foreign states, international organizations shall be regarded as the property of persons the land lots are provided to.

(Part 2 of Article 6 as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

When providing, in accordance with the [procedure](#) established by the legislation of the Republic of Belarus, Plant Kingdom objects growing within the boundaries of land lots for collective gardening and country house (dacha) construction, land lots provided to citizens for the construction and maintenance of a residential building (an apartment in a blocked residential building), subsidiary husbandry management, gardening, haying, grazing of farm animals, in the private ownership of non-state legal persons, the property of foreign states, international organizations, state bodies shall make a decision on the fate of such Plant Kingdom objects.

(Part 3 of Article 6 as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

Plant Kingdom objects planted and cultivated (grown, handled) on legal grounds shall be

regarded as the property of the users of land lots or water objects within the boundaries of which these Plant Kingdom objects grow.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

The Republic of Belarus shall exercise the right of ownership of Plant Kingdom objects in nationwide interests through specially authorized State bodies.

Handling of Plant Kingdom objects growing within the boundaries of land lots or water objects not granted to legal persons or citizens shall be administered by local executive and regulatory bodies these land lots or water objects are under the jurisdiction of or by the legal persons specially authorized by them. In this case, local executive and regulatory bodies or their specially authorized legal persons shall fulfill the duties of the users of land lots or water objects in the field of handling of Plant Kingdom objects.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Plants and/or their parts, withdrawn, removed by legal persons and citizens in accordance with the procedure established by the legislation of the Republic of Belarus shall be regarded as their property unless otherwise provided for by the legislative acts of the Republic of Belarus or a civil law contract.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 7. Handling of Plant Kingdom Objects by the Users of Land Lots or Water Objects

Handling of Plant Kingdom objects to the extent allowed by the legislation of the Republic of Belarus shall be administered freely by the users of land lots or water bodies unless it is in contrary to common good and safety, causes damage to the environment, historical and cultural values, and infringes upon the rights and legally protected interests of citizens, legal persons and the State.

The right to the use of Plant Kingdom objects shall come for the user of a land lot or water body from the moment it arises in accordance with the legislation of the Republic of Belarus on the protection and use of lands, on the protection and use of waters and terminate from the moment of the termination of the right to a land lot or water body, as well as death, destruction or other loss of a Plant Kingdom object.

(Part 2 of Article 7 as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 2016 No. 402-3)

State bodies when providing a land lot or water body within the boundaries of which Plant Kingdom objects grow to a legal person or citizen may establish restrictions and prohibitions in relation to Plant Kingdom objects in cases provided for by this Law and other laws of the Republic of Belarus.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 7-1. Basic Principles in the Field of Handling of Plant Kingdom Objects

(introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Basic principles in the field of handling of Plant Kingdom objects are as follows:

conservation of biological diversity;

prevention of harmful effects on the habitat of Plant Kingdom objects;

rational (sustainable) use of Plant Kingdom objects;

economic incentives for the safeguarding, protection and regeneration of Plant Kingdom objects, their rational (sustainable) use;

taking into account the specifics of Plant Kingdom objects when establishing the legal regime for the lands or water bodies within the boundaries of which these Plant Kingdom objects grow;

responsibility for a violation of the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom;

compensation for the harm caused to Plant Kingdom objects, their habitat, the life and health of citizens, the property of citizens and legal persons as a result of harmful effects on Plant Kingdom objects;

providing access to environmental information in the field of handling of Plant Kingdom objects.

Article 8. Rights of the Users of Land Lots or Water Bodies in Handling of Plant Kingdom Objects

The users of land lots or water bodies in handling of Plant Kingdom objects shall have the right to:

administer the use of Plant Kingdom objects in accordance with the procedure established by the legislation of the Republic of Belarus, exercising herewith the rights and fulfilling the duties of the users of Plant Kingdom objects, unless otherwise provided for by the legislation of the Republic of Belarus or follows from the nature of a legal relationship;

exercise the removal, transplantation or withdrawal of Plant Kingdom objects in accordance with this Law and other legislative acts of the Republic of Belarus;
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

compensation for damages caused by the withdrawal or temporary occupation of land lots where Plant Kingdom objects grow, restriction (encumbrance) of rights to such land lots, including the establishment of a land easement;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

control the execution of works associated with the realization by other legal persons and citizens of the use of Plant Kingdom objects, as well as works that have a harmful effect on the habitat of Plant Kingdom objects;

involve in cases and according to the procedure established by the legislation of the Republic of Belarus specialized services, the users of Plant Kingdom objects, as well as other legal

persons and citizens with their consent for fighting fires, liquidating other emergencies and their implications, pest and disease control of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

claim damages caused as a result of illegal taking, removal, transplantation of Plant Kingdom objects, a damage to or destruction of Plant Kingdom objects and/or their parts, including by filing a lawsuit to claim such damages.
(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

The users of land lots or water bodies may exercise other rights in the field of handling of Plant Kingdom objects unless their realization is contrary to the legislative requirements of the Republic of Belarus.

Article 9. Responsibilities of the Users of Land Lots or Water Bodies in the Field of Handling of Plant Kingdom Objects

Users of land lots or water bodies in the field of handling of Plant Kingdom objects shall be obliged to:

comply with legislative requirements of the Republic of Belarus on environmental protection and the safeguarding and use of Plant Kingdom;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

plan and implement measures for the rational (sustainable) use of Plant Kingdom objects;
(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); December 18, 2018 [No. 153-3](#))

comply with the established norms in the field of handling of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

safeguard Plant Kingdom objects from fires, pollution and other harmful effects, as well as provide quarantine and protection of Plant Kingdom objects;
(as worded in the Laws of the Republic of Belarus of July 18, 2016 [No. 402-3](#); of December 18, 2018 [No. 153-3](#))

ensure safety of Plant Kingdom objects unless their withdrawal, removal or transplantation is allowed by this Law and other legislative acts of the Republic of Belarus and provide their maintenance and reproduction;
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

safeguard the habitat of Plant Kingdom objects, including fire-fighting and sanitary improvement of the territory and equipping places (sites) or special facilities destined for the collection and storage of wastes;

keep record of Plant Kingdom objects specified in [Paragraphs 2-6](#) of [Part 1](#) of [Article 65](#) of this Law and their handling and submit information to the State Plant Kingdom Cadastre;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

ensure the conservation of biological and landscape diversity;
(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

exercise in cases and according to the procedure established by the legislation of the Republic of Belarus works regulating the distribution and numbers of plants a species list of which shall be determined in line with [Part 3 of Article 26](#) of this Law; (as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); of July 18, 2016 [No. 402-3](#))

suspend the use of Plant Kingdom objects in case of a violation of their reproductive function and make proposals according to the procedure established by the legislation of the Republic of Belarus for limiting or suspending rights to the special use of Plant Kingdom objects;

carry out compensatory measures in cases and according to the procedure established by this Law or other legislative acts of the Republic of Belarus. (The Paragraph introduced by the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

Users of land lots or water bodies must also fulfill other duties in the field of handling of Plant Kingdom objects provided for by the legislative acts of the Republic of Belarus. (as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

CHAPTER 2 STATE REGULATION AND ADMINISTRATION IN THE FIELD OF HANDLING OF PLANT KINGDOM OBJECTS

Article 10. Excluded.

(Article 10 excluded since 31 December 2016. – The [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 11. Bodies Exercising State Regulation and Administration in the Field of Handling of Plant Kingdom Objects

State regulation and administration in the field of handling of Plant Kingdom objects shall be exercised by the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, specially authorized Republican bodies of the State Administration in the field of handling of Plant Kingdom objects in accordance with the legislation of the Republic of Belarus, local Councils of Deputies, executive and regulatory bodies.

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, the Ministry of Forestry of the Republic of Belarus, the Ministry of Housing and Communal Services of the Republic of Belarus and other Republican bodies of the State Administration established by the President of the Republic of Belarus and the Council of Ministers of the Republic of Belarus are the specially authorized Republican Bodies of the State Administration in the field of handling of Plant Kingdom objects (hereinafter referred to as “specially authorized Republican Bodies of the State Administration”). (Part 2 of Article 11 as worded in the [Law](#) of the Republic of Belarus of October 29, 2004 No. 319-3)

The powers of the specially authorized Republican bodies of the State Administration shall be defined in accordance with this Law and other legislative acts of the Republic of Belarus.

The specially authorized Republican bodies of the State Administration shall exercise powers rested with them directly and through their territorial bodies.

Article 11-1. Powers of the President of the Republic of Belarus in the Field of Handling of Plant Kingdom Objects

(introduced by the [Law](#) of the Republic of Belarus of June 13, 2007 No. 238-3)

The President of the Republic of Belarus in the field of handling of Plant Kingdom objects shall:

determine the single state policy;

The Paragraph excluded. – The [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3;
The Paragraph excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3;

specify [powers](#) of the State Inspectorate for the Safeguarding of Animal and Plant Kingdom under the President of the Republic of Belarus for exercising control in the field of handling of Plant Kingdom objects;
(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

establish a procedure for turning into the state revenue of illegally withdrawn, removed, transplanted wild plants and/or their parts;
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

exercise other powers rested with him/her by the [Constitution](#) of the Republic of Belarus and legislative acts of the Republic of Belarus.

Article 12. Powers of the Council of Ministers of the Republic of Belarus in the Field of Handling of Plant Kingdom Objects

The Council of Ministers of the Republic of Belarus in the field of handling of Plant Kingdom objects shall:

ensure the realization of the single state policy;
(as worded in the [Law](#) of the Republic of Belarus of June 13, 2007 No. 238-3)

approve state programmes for the sustainable handling of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

establish a [procedure](#) for granting a right to the special use of Plant Kingdom objects and informing local executive and regulatory bodies about planned activities related to the purchase of wild plants and/or their parts;
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

The Paragraph excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3;

establish a procedure for imposing of restrictions and bans;
Paragraphs 7-11 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3

The Paragraph excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No.

18-3;

establish a [procedure](#) for issuing of [permits](#) for the removal of Plant Kingdom objects and permits for the transplantation of Plant Kingdom objects in localities unless otherwise provided for by the legislative acts of the Republic of Belarus;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

establish a [procedure](#) determining conditions to realize compensatory measures;
(as worded in the Laws of the Republic of Belarus of July 18, 2016 [No. 402-3](#); December 18, 2018 [No. 153-3](#))

establish a [procedure](#) for monitoring Plant Kingdom and using its data;
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

establish a [procedure](#) for withdrawing of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus from their habitat unless otherwise provided for by the President of the Republic of Belarus;
(The Paragraph introduced by the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

establish a [procedure](#) for transferring of the habitats of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus under the safeguarding of the users of land lots and/or water bodies; [forms](#) of a Habitat Certificate for Wild Plants belonging to the species included in the Red [Book](#) of the Republic of Belarus, and a conservation order, as well as a procedure and terms of their issue;
(The Paragraph introduced by the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

Paragraphs 13-14 excluded. – The [Law](#) of the Republic of Belarus of June 13, 2007 No. 238-3;

establish a [list](#) of plant species the distribution and numbers of which are subject to regulation, as well as a [procedure](#) to deliver activities regulating their distribution and numbers;
(The Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

exercise other powers in accordance with this Law and other legislative acts of the Republic of Belarus.
(as worded in the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

Article 13. Powers of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus in the Field of Handling of Plant Kingdom Objects

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus in the field of handling of Plant Kingdom objects shall:

pursue the single state policy;

organize the development and realization of state programmes, plans and measures to sustainably handle Plant Kingdom objects;

regulate the handling of Plant Kingdom objects except for the issues falling under the scope

of competence of other State bodies;

organize preparation of draft normative legal acts that regulate the handling of Plant Kingdom objects;

Paragraph excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3;

issue permits for the withdrawal of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus;

(as worded in the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

approve in coordination with the Ministry of Forestry of the Republic of Belarus [rules](#) for the procurement of tree saps, gathering, procurement (purchase) of wild plants and/or their parts;

(as worded in the Laws of the Republic of Belarus of October 29, 2004 [No. 319-3](#); May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

Paragraph excluded. – The [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3;

Paragraphs 9-11 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3

coordinate rules for design and landscaping, rules for the maintenance of green areas;

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 N 402-3)

take in accordance with this Law and other legislative acts of the Republic of Belarus decisions on the restriction or suspension of certain types of use of Plant Kingdom objects;

establish a [procedure](#) for using Plant Kingdom objects for scientific-research and educational and experimental purposes;

coordinate rules establishing specifics of handling of Plant Kingdom objects growing on the lands of certain categories specified in [Article 56](#) of this Law;

(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

Paragraphs 16-17 excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3;

Paragraph excluded. – The [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3;

exercise control in the field of safeguarding and use of Plant Kingdom in accordance with the legislation of the Republic of Belarus on control (supervising) activities and environmental protection;

(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

establish a [procedure](#) for keeping record of Plant Kingdom objects and their handling;

Consultant Plus: comment.

The State Plant Kingdom Cadastre is available on the official website: <http://plantcadastre.by/>.

maintain the State Plant Kingdom Cadastre;

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

solicit information from the Republican bodies of the State Administration, local executive

and regulatory bodies, legal persons and individual entrepreneurs and obtain ecological information from them on a gratuitous basis in the field of handling of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

disseminate and provide in accordance with the legislative acts of the Republic of Belarus ecological [information](#) in the field of handling of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

Paragraph excluded. – The [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3;

make claims to legal persons or citizens who have caused harm to Plant Kingdom objects, their habitat, and sue to compensate for the harm caused to Plant Kingdom objects, their habitat, file claims with the court to compensate for the harm caused to Plant Kingdom objects, their habitat in accordance with writ proceedings;
(The Paragraph introduced by the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3; as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

Paragraphs 19 and 20 excluded. – The [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3;

exercise other powers in accordance with this Law and other legislative acts of the Republic of Belarus.
(as worded in the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

Article 14. Powers of Local Councils of Deputies, Executive and Regulatory Bodies in the Field of Handling of Plant Kingdom Objects

Local Councils of Deputies in the field of handling of Plant Kingdom objects shall:

approve regional plans of activities for the sustainable handling of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

revoke decisions of local executive and regulatory bodies, which are in non-compliance with the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Paragraph excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3;

exercise other powers in accordance with the legislation of the Republic of Belarus.

Local executive and regulatory bodies in the field of handling of Plant Kingdom objects within the limits of their competence shall:

organize the development and realization of regional plans of activities for the sustainable handling of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

upon recommendation of the related territorial body of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus coordinated with the National Academy of Sciences of Belarus make decisions on turning the safeguarding over the detected habitats of wild plants belonging to the species listed in the Red [Book](#) of the Republic of Belarus to the users of land

lots and/or water bodies;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

carry out the handling of Plant Kingdom objects growing within the boundaries of land lots or water bodies not provided to legal persons or citizens or determine specially authorized legal persons for such purposes;

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

make in accordance with the legislation of the Republic of Belarus decisions on granting, limiting, suspending or terminating the right to the special use of Plant Kingdom objects;

make in accordance with this Law and other legislative acts of the Republic of Belarus decisions on limiting or suspending of separate types of use of Plant Kingdom objects in relation to certain Plant Kingdom objects for the conservation of biological and landscape diversity, the safeguarding of individual natural objects;

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

set in cases stipulated by this Law and other legislative acts of the Republic of Belarus limits and bans in relation to Plant Kingdom objects;

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

organize in accordance with the legislation of the Republic of Belarus activities related to the safeguarding, quarantine and protection of Plant Kingdom objects;

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

lay legal persons and individual entrepreneurs exercising the special use of Plant Kingdom objects for cultural and therapeutic, recreational, touristic, other recreational and/or sporting purposes under an obligation of realizing measures to improve territories within the boundaries of which Plant Kingdom objects used for these purposes grow;

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Paragraphs 9-11 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3;

inform citizens about the provision for use and the planned withdrawal, removal, transplantation of individual Plant Kingdom objects in cases where their interests are affected and also disseminate and provide in accordance with the legislative acts of the Republic of Belarus ecological information in the field of handling of Plant Kingdom objects;

(as worded in the Laws of the Republic of Belarus of November 10, 2008 [No. 444-3](#); May 17, 2011 [No. 260-3](#))

organize the maintenance of Plant Kingdom objects growing on public lands;

(as worded in the Laws of the Republic of Belarus of December 28, 2009 [No. 96-3](#); July 18, 2016 [No. 402-3](#))

establish in coordination with the territorial bodies of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus and the Ministry of Forestry of the Republic of Belarus the time period for gathering, stocking (purchasing) of wild plants and/or their parts;

(as worded in the Laws of the Republic of Belarus of October 29, 2004 [No. 319-3](#); May 17, 2011 [No. 260-3](#))

Paragraph excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3;

establish specifics in the handling of Plant Kingdom objects growing on the lands of localities and reserve lands;

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Paragraph excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3;

Paragraphs 14-17 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3;

organize field surveys of the territory in order to detect the habitats of plants the distribution and numbers of which are subject to regulation in line with Article 26 of this Law;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

make decisions about the issuance of a permit for the removal of Plant Kingdom objects, a permit for the transplantation of Plant Kingdom objects and issue the specified permits;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

exercise other powers in accordance with this Law and other legislative acts of the Republic of Belarus.

(as worded in the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

Article 14-1. Participation of Citizens, Public Associations and the Bodies of Territorial Public Self-government in Addressing the Issues Related to the Safeguarding and Use of Plant Kingdom

(introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Citizens shall have the right to participate in resolving of issues related to the safeguarding and use of Plant Kingdom through referenda, meetings and other forms of direct participation in state and public affairs in accordance with the legislation of the Republic of Belarus. Authorized state bodies shall facilitate in accordance with the legislation of the Republic of Belarus the participation of citizens in resolving of issues related to the safeguarding and use of Plant Kingdom.

Citizens, public associations and the bodies of territorial public self-government shall have the right to obtain from authorized state bodies in the field of handling of Plant Kingdom objects ecological information in the field of handling of Plant Kingdom objects in accordance with the legislation of the Republic of Belarus on environmental protection.

Public associations and the bodies of territorial public self-government shall take measures to promote a caring attitude to Plant Kingdom objects and foster it in citizens, prevent the possibility of causing harm to Plant Kingdom objects and/or their habitat degradation, as well as to prevent invasive plants from entering natural ecological systems.

Citizens, public associations and the bodies of territorial public self-government shall:

put forward proposals to authorized state bodies in the field of handling of Plant Kingdom objects for setting (lifting) of restrictions and bans in relation to Plant Kingdom objects;

assist the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, other authorized state bodies in the field of handling of Plant Kingdom objects in implementing of measures for the safeguarding of Plant Kingdom objects and their habitats.

Article 15. Scientific Support of the State Regulation and Administration in the Field of Handling of Plant Kingdom Objects

Scientific support of the state regulation and administration in the field of handling of Plant

Kingdom objects shall be provided by the National Academy of Sciences of Belarus and other scientific institutions of the Republic of Belarus.

The National Academy of Sciences of Belarus in the field of handling of Plant Kingdom objects shall:

participate in the development and implementation of science and technology policy;

coordinate scientific activities;

ensure the implementation of state research programs and state science and technology programs;

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

provide scientific support for maintaining the State Plant Kingdom Cadastre;

organize Plant Kingdom monitoring within the National Environmental Monitoring Framework in the Republic of Belarus;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Paragraph excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3;

undertake work on detecting of rare and endangered plant species in the territory of the Republic, preparing scientific substantiation and other materials required for including these species in the Red [Book](#) of the Republic of Belarus or excluding them from it;

(as worded in the [Law](#) of the Republic of Belarus of November 11, 2008 No. 444-3)

undertake work on detecting in the territory of the Republic of Belarus of the habitats of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus;

(Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Paragraphs 9-11 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3;

Paragraph excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3;

make in accordance with the procedure established by the legislation of the Republic of Belarus proposals for financing scientific and innovative activities;

exercise other powers in accordance with this Law and other legislative acts of the Republic of Belarus.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

CHAPTER 3

EXCLUDED

(Chapter 3 excluded since 31 December 2016. – The [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 16. Excluded.

(Article 16 excluded since 31 December 2016. – The [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 17. Excluded.

(Article 17 excluded since 31 December 2016. – The [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

**CHAPTER 4
SAFEGUARDING, QUARANTINE AND PROTECTION
OF PLANT KINGDOM OBJECTS <*>**

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

<*> The rules established by this Chapter unless otherwise provided for in it shall apply to Plant Kingdom objects growing on the lands of all categories, including land lots provided to citizens for the construction and maintenance of a residential building (apartments in a blocked residential building), running of personal subsidiary husbandry, gardening, haying, grazing of agricultural animals, land lots provided in the private ownership of non-governmental legal persons, the property of foreign states, international organizations.

(Footnote as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

Article 18. Safeguarding of Plant Kingdom Objects

Plant Kingdom objects growing within the boundaries of any land lots and/or water bodies shall be subject to the safeguarding. All Plant Kingdom objects with imposed restrictions and bans in accordance with this Law and other legislative acts of the Republic of Belarus shall be also subject to the safeguarding.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

The safeguarding of Plant Kingdom objects shall be carried out by the specially authorized Republican Bodies of the State Administration and their territorial bodies, local executive and regulatory bodies, the users of Plant Kingdom objects, the users of land lots or water bodies, as well as by legal persons and citizens engaged in the activities, which cause or may cause harmful effects on Plant Kingdom objects.

The safeguarding of Plant Kingdom objects shall be provided through:

norming in the field of handling of Plant Kingdom objects;

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

imposing of restrictions and bans in relation to Plant Kingdom objects;

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

setting of limitations (encumbrances) of rights to individual land lots;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

setting of restrictions on the water and forest use;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

prevention of and constraints on the unauthorized use and other violations of the established

procedure for using Plant Kingdom objects;

maintaining in a favourable state and safeguarding the habitat of Plant Kingdom objects;

prevention and suppression of damages or the liquidation of Plant Kingdom objects, including as a result of fires;

reservation of areas, which are planned to be declared as specially protected natural areas, and declaring of specially protected natural areas;

establishing the specifics in the handling of wild plants of rare and endangered species;

creating of specialized facilities (botanical gardens and arboretums, greenhouses, tree and shrub vegetation and other plant nurseries, etc.) for wild plant breeding, conservation of their gene pool and their restoration in habitats;

(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); January 22, 2013 [No. 18-3](#); December 18, 2018 [No. 153-3](#))

implementing by legal persons and individual entrepreneurs in the course of economic and other activities, which have or may have a harmful effect on Plant Kingdom objects and/or their habitat, of measures to prevent or compensate for possible harmful effects on Plant Kingdom objects and/or their habitat;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

reproduction of wild plants;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

regulation of the distribution and numbers of invasive plants;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

exercising protection of wild plants;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

regulating the export from the Republic of Belarus of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus and their parts, as well as the import into the Republic of Belarus and export from the Republic of Belarus of CITES specimens;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

detecting the habitats of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus, typical and rare natural landscapes and biotopes and transfer them to the users of land lots and/or water bodies for the safeguarding with the establishment of a special regime for the safeguarding and use of the habitats of such plants, typical and rare natural landscapes and biotopes;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

organizing of scientific research aimed to ensure the sustainable handling of Plant Kingdom objects;

conducting of state ecological examination by the objects of state ecological examination and other activities to prevent an authorized damage to and liquidation of Plant Kingdom objects; (as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

building and operating Plant Kingdom Monitoring Framework, keeping record of Plant Kingdom objects and the State Plant Kingdom Cadastre; exercising control in the field of the safeguarding and use of Plant Kingdom;
(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

access in accordance with the legislative acts of the Republic of Belarus to ecological information in the field of handling of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

public awareness campaign for the safeguarding of Plant Kingdom objects and their habitat, educating citizens in the spirit of a caring attitude to them and building of an ecological culture;

establishing responsibility of legal persons and citizens for a violation of the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

taking other measures for the safeguarding of Plant Kingdom objects and their habitat in accordance with the legislation of the Republic of Belarus.

Measures for the safeguarding of Plant Kingdom objects shall not cause damage to other natural objects, historical and cultural values, the life and health of citizens, their property and the property of legal persons except for the cases stipulated by the legislative acts of the Republic of Belarus.

Article 19. Imposing Restrictions and Bans in Relation to Plant Kingdom Objects

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Specially authorized Republican Bodies of the State Administration or their territorial bodies, local executive and administrative bodies may impose, provided it is necessary for ensuring the State security, the protection of the environment, historical and cultural values, rights and legitimate interests of citizens and legal persons, as well as in other cases provided for by this Law and other legislative acts of the Republic of Belarus, restrictions or bans in relation to Plant Kingdom objects.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

In line with [Part 1](#) of this Article, restrictions or bans may be imposed in relation to:

any plant to protect it as the monument of nature; promote the conservation of a rare or typical landscape and its attractiveness; safeguard the wild plants of rare and endangered species, as well as the species protected for the maintenance of species diversity, the conservation of typical and rare biotopes;

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

populations of any species for the maintenance of species diversity, conservation of typical and rare biotopes; protection of rare or endangered species; promotion of the conservation of a rare or typical natural landscape and its attractiveness or the prevention of land degradation (including soils);

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

any planting or plant community for protecting them and their habitats as the specially

protected natural area; promoting the conservation of a rare or typical natural landscape and its attractiveness or preventing land degradation (including soils); for the safeguarding of wild plants of rare or endangered species, as well as species safeguarded for the maintenance of species diversity, the conservation of typical and rare biotopes;
(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

any wild plant species used as an object of special use by Plant Kingdom objects.
(The Paragraph introduced by the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Restrictions or bans in relation to Plant Kingdom objects shall be established in accordance with the [procedure](#) determined by the Council of Ministers of the Republic of Belarus.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No.402-3)

Article 20. Safeguarding of Plant Kingdom Objects from Fires

The main objectives of the safeguarding of Plant Kingdom objects from fires are their prevention, detection, localization of their spread and liquidation.

A procedure for the safeguarding of Plant Kingdom objects from fires, the powers of bodies and divisions on emergency situations, local executive and regulatory bodies, the rights and obligations of citizens and legal persons in this area shall be determined by the legislation of the Republic of Belarus in the field of organizing activities aimed to provide fire protection, on the safeguarding and use of Plant Kingdom; on the use, safeguarding, protection and reproduction of forests.

(Part 2 of Article 20 as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Users of Plant Kingdom objects, land lots or water bodies shall be obliged to comply with fire safety regulations, and in cases of the detection of the points of fire outbreaks of Plant Kingdom objects, shall take measures for their liquidation.

Consultant Plus: comment.

Administrative liability for making fires in prohibited areas is established by [Article 15.58](#) of the Code on Administrative Offenses of the Republic of Belarus.

Making fires, burning down of plant residues in the common areas of localities, except for specially developed areas for this determined by Decisions of local executive and regulatory bodies, shall not be allowed, and in other areas shall be allowed, provided that environmental requirements and fire safety regulations are complied with.

(Part 4 of Article 20 as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Administrative liability for illegal burning of dry vegetation, standing grass, as well as stubbles and afterharvest residues in fields, or failure to take measures to liquidate burns is established by [Article 15.57](#) of the Administrative Code of the Republic of Belarus.

Burning down of dry vegetation (dry plants) and its standing residues shall be prohibited unless otherwise provided for by the legislation of the Republic of Belarus on environmental protection, on the safeguarding and use of Animal Kingdom and in the field of organizing activities

aimed to provide fire protection.

(as worded in the Laws of the Republic of Belarus of November 10, 2008 No. 444-3; July 18, 2016 No. 402-3)

Article 21. Safeguarding of Plant Kingdom Objects when Using Plant Protection Agents, Mineral Fertilizers and other Preparations

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

When using plant protection agents, mineral fertilizers and other preparations allowed for use in the territory of the Republic of Belarus, the legislative requirements of the Republic of Belarus for the environmental protection and agriculture must be complied with.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Using plant protection agents, mineral fertilizers and other preparations, which have or may have a harmful effect on Plant Kingdom objects must be in line with the implementation of agrotechnical, biotechnical, biological and other measures aimed at reducing harmful effects arising from the use of these preparations.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 22. Safeguarding the Habitats of Plant Kingdom Objects

Any activities involving changes to the habitats of Plant Kingdom objects, their vegetation conditions must be carried out in compliance with the norms in the field of handling of Plant Kingdom objects and other legislative requirements of the Republic of Belarus for the safeguarding and use of Plant Kingdom and environmental protection.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

When placing, constructing, commissioning construction objects, as well as exploiting, preserving, demolishing other objects, using bowels, determining places for cattle grazing and driving, organizing mass recreation places for citizens, developing touristic routes and carrying out other types of activities that affect the habitat of Plant Kingdom objects, measures for its conservation must be carried out in accordance with the legislation of the Republic of Belarus.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; July 18, 2016 No. 402-3)

Consultant Plus: comment.

Information about specially protected natural areas is posted on the official website of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (<http://www.minpriroda.gov.by/ru/>).

Article 23. Safeguarding of Plant Kingdom Objects in Specially Protected Natural Areas

The activities of legal persons and citizens, which affect or may affect Plant Kingdom objects growing in specially protected natural areas, shall be allowed unless they are in contrary to a regime for the safeguarding and use of these areas.

(as worded in the Laws of the Republic of Belarus of July 2, 2009 No. 32-3; July 18, 2016 No. 402-3)

Part 2 of Article 23 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3.

Safeguarding of Plant Kingdom objects growing in specially protected natural areas shall be carried out in accordance with the legislation of the Republic of Belarus on specially protected natural areas and the safeguarding and use of Plant Kingdom.
(as worded in the Laws of the Republic of Belarus of July 2, 2009 2009 No. 32-3; of July 18, 2016 No. 402-3)

Article 24. Safeguarding of Wild Plants Belonging to Rare and Endangered Wild Species on the Territory of the Republic of Belarus, as well as the Species Falling under the Scope of International Treaties of the Republic of Belarus

(as worded in the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

Rare and endangered wild plant species on the territory of the Republic of Belarus shall be included in the Red [Book](#) of the Republic of Belarus.

In order to protect wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus shall organize measures for detecting the habitats of such plants and their tracking.

Local executive and administrative bodies shall make upon the recommendation of the related territorial body of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus coordinated with the National Academy of Sciences of Belarus decisions on the transfer of the detected habitats of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus under the safeguarding of the users of land lots and/or water bodies.
(as worded in the [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

A Wild Plant Habitat Certificate for the species included in the Red [Book](#) of the Republic of Belarus, and a preservation order stipulating a special regime for the safeguarding and use of this habitat shall be issued to the users of land lots and/or water bodies under the safeguarding of which the habitats of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus were transferred to.

A [procedure](#) for the transfer of habitats of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus under the safeguarding of the users of land lots and/or water bodies, a form of the Wild Plant Habitat Certificate for the species included in the Red [Book](#) of the Republic of Belarus, and a preservation order, as well as a procedure for and terms of their issue shall be established by the Council of Ministers of the Republic of Belarus.

Withdrawal of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus from their habitat shall be handled in accordance with the [procedure](#) and under the terms established by the legislation of the Republic of Belarus on environmental protection.
(Part 6 of Article 24 as worded in the [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

Unauthorized withdrawal and transplantation of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus from their habitat, their illegal circulation as well as their removal or other actions, which may result in their loss, reduction in their numbers or the disturbance of their habitat shall be prohibited.
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

For the safeguarding of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus may impose restrictions, bans or establish other measures for the safeguarding, withdrawal, transplantation, maintenance, storage, exhibition of wild plants, belonging to the species included in the Red [Book](#) of the Republic of Belarus, their parts and derivatives and trade in them; for the conservation, safeguarding and restoration of their habitat, as well as for carrying out economic and other activities during which they are used as raw material, for other consumption and realization purposes.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus shall ensure the elaboration and approve management plans for the populations of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus, as well as the species falling under the scope of the International Treaties of the Republic of Belarus, action plans for the conservation of these wild plant species and other measures for the safeguarding of wild plants belonging to the species included in the Red [Book](#) of the Republic of Belarus, as well as to the species falling under the scope of the International Treaties of the Republic of Belarus. The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus shall organize the implementation of these measures and control over their implementation.

(Part 9 of Article 24 as worded in the [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

This Article shall not apply to cultivated (grown, handled) plants belonging to rare or endangered species.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 25. Quarantine and Protection of Plant Kingdom Objects

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Consultant Plus: comment.

On the issue relating to legal, organizational and economic foundations for protecting of plants from pests, diseases and weeds, plant quarantine, and the handling of plant protection agents refer to the [Law](#) of the Republic of Belarus of December 25, 2005 No. 77-3.

Quarantine and protection of Plant Kingdom objects shall be carried out through a set of measures for preventing of damage or destruction of Plant Kingdom objects by pests and diseases in accordance with the legislation of the Republic of Belarus in the field of plant quarantine and plant protection and on the safeguarding and use of Plant Kingdom.

(Part 1 of Article 25 as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Quarantine and protection of Plant Kingdom objects with due regard to their biological and other specifics shall be carried out by the users of land lots or water bodies within the boundaries of which these Plant Kingdom objects grow.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

For the purpose of quarantine and protection of Plant Kingdom objects, the users of land lots and water bodies shall:

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

exercise measures for the prevention and timely detection of pests and diseases of Plant

Kingdom objects and their control;

carry out activities using the techniques and in compliance with the technologies, which ensure the improved state of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

prevent the spread of pests and diseases of Plant Kingdom objects;

assist the specially authorized Republican Bodies of the State Administration and their territorial bodies in exercising measures to protect Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

timely inform specially authorized State Bodies about the facts of large-scale damage or destruction of Plant Kingdom objects resulting from the actions of pests or diseases.

The users of land lots or water bodies must also assume other responsibilities prescribed in the legislative acts of the Republic of Belarus in the field of quarantine and plant protection.
(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); of July 18, 2016 [No. 402-3](#))

CHAPTER 5

REGULATION OF THE SPREAD AND NUMBERS OF PLANTS <*>

(as worded in the Law of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

<*> Rules established by this Chapter shall apply to plants growing on the lands of all types, including the lands of the Forest Fund, or in/on water bodies.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 26. Regulation of the Spread and Numbers of Plants of Individual Species

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

In order to protect the life and health of citizens, safeguard and protect Animal Kingdom objects and their habitat, Plant Kingdom objects and their habitat, protect water bodies, protect the environment at large, as well as prevent harm to a number of sectors of economy, measures regulating the spread and numbers of plants of certain categories (poisonous, containing narcotic substances, invasive, etc.) shall be exercised.
(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

Regulation of the spread and numbers of plants shall be exercised by methods ensuring the prevention of harm to other Plant Kingdom objects and the preservation of their habitat.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

A [list](#) of plant species the spread and numbers of which are subject to regulation, as well as a [procedure](#) for exercising measures regulating their spread and numbers, shall be established by the Council of Ministers of the Republic of Belarus.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 27. Introduction and/or Acclimatization of Plants

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Based on the results of scientific research in the field of introduction and acclimatization of plants, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus in coordination with the National Academy of Sciences of Belarus may establish a [list](#) of plants banned from introduction and/or acclimatization.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

Parts 2-4 of Article 27 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3.

Consultant Plus: comment.

On the issue concerning the regulation of safety in genetic engineering activity refer to the [Law](#) of the Republic of Belarus of January 9, 2006 No. 96-3.

The plants banned from introduction and/or acclimatization in the Republic of Belarus shall be banned from growing and realization unless it is associated with scientific research. Scientific research must be conducted in compliance with the legislative requirements of the Republic of Belarus for the safeguarding and use of Plant Kingdom, in the field of safety in genetic engineering activity imposed for such scientific research.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#))

The users of land lots or water bodies shall be obliged not to allow carrying out the introduction and/or acclimatization of plants with a violation of legislative requirements of the Republic of Belarus.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 28. Hybridization and Breeding of Plants

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Hybridization and breeding of plants shall be allowed in the Republic of Belarus.

In order to protect the life and health of citizens, safeguard and protect Animal Kingdom objects and their habitat, Plant Kingdom objects and their habitat, protect water bodies and the environment as a whole, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus may impose restrictions or bans relating to the hybridization and breeding of plants in the habitat of Plant Kingdom objects.

Article 29. Excluded.

(Article 29 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

CHAPTER 6 EXCLUDED

(Chapter 6 excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

(Footnote <*> excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

Article 30. Excluded.

(Article 30 excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

Article 31. Excluded.

(Article 31 excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

Article 32. Excluded.

(Article 32 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

CHAPTER 7 GREENING. LANDSCAPED AREAS. ANTIEROSION AND ROADSIDE PLANTINGS. REPRODUCTION OF PLANT KINGDOM OBJECTS.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 33. Greening

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

The users of land lots shall be obliged to carry out greening in accordance with the legislation of the Republic of Belarus in the area of architectural, urban planning and construction activities, on public utilities, on the safeguarding and use of Plant Kingdom.

Greening shall be carried out in specially designated areas within the time limits and involving Plant Kingdom objects with quantitative and qualitative characteristics determined and approved according to the established procedure for urban planning and project documentation, landscaping programs (plans) developed in compliance with design and landscaping rules, norms in this field and in the absence of such documentation, programs (plans) based on design and landscaping rules, norms in this area.

Design and landscaping rules shall be established by the Ministry of Architecture and Construction of the Republic of Belarus in coordination with the Ministry of Housing and Communal Services of the Republic of Belarus and the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

Norms in the field of greening shall be established by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

Measures to ensure compliance with/fulfillment of norms in the field of greening in localities, city districts (in cases where cities are divided into districts) shall be established by urban planning documentation.

A [list](#) of tree and shrub species allowed for planting for greening purposes shall be established by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus in coordination with the National Academy of Sciences of Belarus. In case of planting of trees and shrubs that do not belong to the species included in the specified list (except for their

planting in botanical gardens and arboretums), such trees and shrubs shall be subject to removal pursuant to the instructions of the territorial body of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus at the expense of a person carried out their planting.

(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

Planting of trees and shrubs on common lands and the adjoining territory of apartment buildings by citizens shall be organized by persons in the area of greening, housing operation and maintenance providers, condominium associations and developer organizations, provided that design and landscaping rules are complied with.

(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

Rules for maintaining landscaped areas shall be established by the Ministry of Housing and Communal Services of the Republic of Belarus in agreement with the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

Article 33-1. Landscaped Areas

(as worded in the [Law](#) of the December 18, 2018 No. 153-3)

Landscaped areas shall be divisible into:

public landscaped areas – parks, squares, boulevards, urban forests, botanical gardens, arboretums, as well as recreational areas, the areas of short-time recreation by water, landscaped areas of community centers of a municipal and regional status, other landscaped areas (landscaped areas within the boundaries of sanitary-protection zones, territories of antierosion and roadside plantings, plantings along the streets of localities within the borders of red lines and landscaped areas in housing constructions) located on the public lands of localities;

landscaped areas of limited use – landscaped areas within the boundaries of the land lots of legal persons and citizens not classified as the landscaped areas of common use.

The maintenance of landscaped areas located on the public lands of localities shall be carried out by organizations authorized by local executive and administrative bodies.

Landscaped areas of common use (except for other landscaped areas) of 0.03 hectares or more in the city of Minsk, the cities of regional and district subordination shall be subject to inclusion in the scheme of landscaped areas for common use of the city, of a district in the city (in cases where the city is divisible into districts). The scheme of landscaped areas for common use of the city, of a district in the city (in cases where the city is divisible into districts) shall be developed according to the procedure established by the legislation of the Republic of Belarus on architectural, urban planning and construction activities, coordinated with the territorial body of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus and approved by a decision of the related local executive and regulatory body.

A scheme for landscaped areas of common use must consist of information about the name (if any), location, borders, the area and balance of landscaped areas included in it, about organizations carrying out the maintenance of landscaped areas, about the availability index of the landscaped areas of common use for the population of the city, of a district in the city (in cases where the city is divisible into districts), as well as the area indicators of the landscaped areas of common use of the city, of a district in the city (in cases where the city is divisible into districts), which are planned to be achieved over a certain period, taking into account the urban development

of the city, of a district in the city (in cases where the city is divisible into districts).

A project scheme for landscaped areas of common use shall be subject to public discussion in accordance with the legislation of the Republic of Belarus on architectural, urban planning and construction activities.

Changes and/or additions to the scheme for landscaped areas of common use shall be introduced according to a procedure established by [Parts 3-5](#) of this Article.

The local executive and administrative body shall ensure the revision of the scheme for landscaped areas of common use approved by it no less frequently than once every five years. At the same time, such a scheme shall include the developed landscaped areas of common use subject to the inclusion in it according to [Part 3](#) of this Article.

A scheme for landscaped areas of common use approved by a decision of the local executive and regulatory body according to the procedure established by this Article shall be posted within a month after its approval on the official website of the local executive and regulatory body or on the corresponding page of the official website of the higher executive and regulatory body over the global computer network Internet, and the urban print shall publish information on the approval of a scheme for landscaped areas of common use and its location over the global computer network Internet. When introducing changes and/or additions to the scheme for landscaped areas of common use within a month after their introduction, an updated version shall be posted with the indicated date of its update and information on changes and/or additions to this scheme shall be published.

Before the approval by the local executive and regulatory body of a scheme for landscaped areas of common use, a reduction in the area of such territories, including by placing construction objects on it, shall not be allowed, except for construction objects during the development of a project scheme for landscaped areas of common use (until a positive conclusion is obtained from the state ecological examination on such a project) by a decision of the state body authorized to make a decision on the placement of construction objects agreed with the developer of a project scheme for landscaped areas of common use unless the placement of construction objects is in contradiction with the approved urban planning documentation, and provided that within the boundaries of a city, a district in the city (in cases where the city is divisible into districts) landscaping standards are complied with and the placement of construction objects does not interfere with the compliance of such standards.

Reduction in the area and/or deterioration in the balance of landscaped areas of common use, placement of construction projects stipulating such reduction and/or deterioration if norms in the field of landscaping are not complied with and/or the placement of construction projects leads to non-compliance with such norms, and if this contradicts the provisions of a scheme for landscaped areas of common use. Also, a reduction in the area of landscaped areas in the housing construction shall not be allowed if landscaping standards are not met within the boundaries of the housing construction quarter or if this results in non-compliance with such standards.

Excluding the landscaped area of common use or its part from a scheme for landscaped areas of common use shall be prohibited if landscaping standards are not met in the city, a district in the city (in cases where the city is divisible into districts) or if this results in non-compliance with such standards.

Deterioration in the green area balance shall not be allowed if within the boundaries of landscaped areas of common use landscaping standards are not met, or if this results in non-compliance with such standards.

Schemes for landscaped areas of common use shall be taken into consideration in the development and realization of concepts, projections, programs, action plans, sectoral development schemes the realization of which may affect landscaped areas in the development and implementation of projects and schemes for land management, urban planning, architectural and construction projects, action plans for the improvement (maintenance) of territories, a rationale for investments in construction, draft sectorial schemes for the location and development of production and transport and engineering infrastructure objects, projects for water protection zones and shorefronts, forest management projects, recreation area planning projects, while maintaining the land information system of the Republic of Belarus, and shall be subject to registration in the State Urban Planning Cadastre of the Republic of Belarus.

The following shall be prohibited within the boundaries of parks, squares and boulevards:

erection of construction objects, except for the construction in the parks under development of objects for nature protection, scientific and research, educational and fostering, recreational and therapeutic purposes; greenhouses, tree, shrub and other plant nurseries; the construction of environmental information centers, water bodies and hydraulic structures to regulate their regime; underground utility networks, facilities for the infrastructure development and/or improvement of recreation areas and places, ecological paths, improvement of territories, creation of elements of improvement and placement of small architectural forms;

hyrotechnical amelioration works, except for the works on reconstruction, exploitation (maintenance) of amelioration systems and separately located hydraulic structures;

waste disposal, except for the temporary storage of waste in authorized waste storage places before their transportation to waste disposal facilities, waste neutralization facilities and/or waste management facilities.

Article 33-2. Antierosion and Roadside Plants

(introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Antierosion plantings shall be created during the construction, reconstruction of melioration systems (their parts) and separately located hydraulic structures, the implementation of land regulation projects, and other project documentation.

A procedure and conditions for the creation and maintenance of antierosion plantings shall be established by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

Roadside plantings shall be created during the construction, reconstruction, overhaul and maintenance of public railways, public roads, and actualization of project documentation.

A procedure and conditions for the creation and maintenance of roadside plantings shall be established by the Ministry of Transport and Communications of the Republic of Belarus in coordination with the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

Roadside plantings of railways shall be created along public railways on the railway rights-of-way the width of which shall be established by the legislation of the Republic of Belarus on railway transport.

Roadside plantings of motor roads shall be created in fixed width lanes differentiated by

different categories of motor roads, along public motor roads, which are included in the lanes of motor road rights-of-way. The width of lanes along public motor roads intended for the creation and maintenance of the roadside plantings of roads and differentiated by various categories of motor roads shall be established by the legislation of the Republic of Belarus on motor roads and road activities.

When creating antierosion and roadside plantings, the species of trees and shrubs included in the list of tree and shrub species allowed for planting for landscaping purposes established by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus in coordination with the National Academy of Sciences of Belarus shall be used.

Article 34. Reproduction of Plant Kingdom Objects

Reproduction of Plant Kingdom objects shall be provided by the users of land lots or water bodies through:

creating of a favorable habitat for this and preventing its change;

planting and creating of plantings;

restriction, suspension or prohibition in accordance with this Law and other legislative acts of the Republic of Belarus of activities that have a harmful effect on Plant Kingdom objects and their habitat.

(as worded by the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

The scope of works on the reproduction of Plant Kingdom objects, methods to carry them out and a list of reproducible plant species shall be determined in line with design and landscaping rules and standards in this area in land management, urban planning and design documentation approved according to the established procedure, and in the absence thereof – by instructions of the territorial bodies of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, other specially authorized Republican Bodies of the State Administration or their territorial bodies, local executive and regulatory bodies.

(as worded in the Laws of the Republic of Belarus of December 28, 2009 [No. 96-3](#); May 17, 2011 [No. 260-3](#); July 18, 2016 [No. 402-3](#); December 18, 2018 [No. 153-3](#))

CHAPTER 8

REQUIREMENTS IMPOSED FOR THE ACTIVITIES THAT AFFECT PLANT KINGDOM OBJECTS. REMOVAL, TRANSPLANTATION OF PLANT KINGDOM OBJECTS. PRUNING OF TREES, SHRUBS. COMPENSATORY MEASURES

(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

Article 35. Requirements in the Field of Handling of Plant Kingdom Objects Imposed for Urban Planning on the Development of Territories and Localities, Territorial Zoning.

Urban planning on the development of territories and localities, territorial zoning must be carried out taking into account the need to conserve biological and landscape diversity, exercise measures for landscaping and other types of handling of Plant Kingdom objects, providing a favorable living environment for citizens.

The development of territories within the boundaries of which wild plants grow belonging to the species included in the Red Book of the Republic of Belarus or protected in accordance with the International Treaties of the Republic of Belarus, and typical and rare natural landscapes and biotopes are located shall be allowed in cases where decisions have not been made in accordance with the procedure established by the legislation of the Republic of Belarus on declaring these territories as specially protected natural areas, reserving them to declare as specially protected natural areas, transferring them under protection as the habitats of wild plants belonging to the species included in the Red Book of the Republic of Belarus, as the places of typical and rare natural landscapes and biotopes or on another special regime for their protection and use.

Territorial development and the development of localities shall be carried in accordance with the urban planning documentation, which stipulates measures in line with [Article 36](#) of this Law.

Article 36. Requirements in the Field of the Safeguarding and Use of Plant Kingdom Imposed during the Development of Design Documentation on the Erection, Reconstruction, Restoration, Major Repairs, Construction Object Improvement, and Demolition; during the Acceptance of Construction Objects into Operation.

When developing design documentation on the erection, reconstruction, restoration, major repairs, construction object improvement, demolition, and during the acceptance of construction objects into operation, the following shall be stipulated:

compensatory measures unless otherwise provided for by the President of the Republic of Belarus or legislative acts of the Republic of Belarus;

greening in accordance with design and landscaping rules, norms in this area;

measures to ensure the safeguarding of Plant Kingdom objects against the harmful effects of chemical and radioactive substances, wastes and other factors on them;

other measures ensuring the prevention of harmful effects on Plant Kingdom objects and their habitat.

Article 36-1. Requirements Imposed for the Activities not Related to the Use of Plant Kingdom Objects and Having Harmful Effects on Them.

Activities that are not related to the use of Plant Kingdom objects and have a harmful effect on them must be carried out using methods that contribute to the conservation of biological and landscape diversity and cause no deterioration in the state of Plant Kingdom objects and conditions for their reproduction.

In cases and according to the procedure established by the legislative acts of the Republic of Belarus, activities posing a danger to Plant Kingdom objects may be restricted, suspended or prohibited for the reason of non-compliance during its implementation with the measures ensuring the safeguarding of Plant Kingdom objects and elimination of harmful effects on them.

Article 37. Bases for the Removal, Transplantation of Plant Kingdom Objects

Removal, transplantation of Plant Kingdom objects may be carried out on the basis of:

design documentation approved in accordance with the procedure established by the legislation of the Republic of Belarus;

permission of the local executive and regulatory body;

a decision of the state body on changing or lifting restrictions or prohibitions established in accordance with this Law and other legislative acts of the Republic of Belarus;

measures for overcoming the consequences of the Chernobyl disaster approved in accordance with the procedure;

[conclusions](#) recognizing a tree as dangerous;

an act on the presence of a habitat of trees and shrubs related to the species the spread and numbers of which are subject to regulation;

prior notification of the local executive and regulatory body of the planned removal, transplantation of Plant Kingdom objects;

other grounds provided for by this Law and other legislative acts of the Republic of Belarus.

Without the documentation specified in [Part 1](#) of this Article, except for the case provided for in [Article 37-4](#) of this Law, the following shall be carried out:

removal, transplantation of Plant Kingdom objects during the operation (maintenance) of melioration systems and separately located hydraulic facilities (apart from trees, shrubs growing in anti-erosion plantings);

removal, transplantation of trees, shrubs growing within the boundaries of land lots provided for the construction and/or maintenance of gas pipelines, oil pipelines (product pipelines), overhead and cable power and communication lines, heat, water and sewerage systems, except for the cases of the erection of these objects, their reconstruction with the provision of additional land lots. In these cases, the removal, transplantation of trees, shrubs shall be carried out on the basis of the design documentation approved in accordance with the procedure established by the legislation of the Republic of Belarus;

removal, transplantation of trees and shrubs growing within the boundaries of individual objects of military infrastructure (polygons, ammunition storage facilities (warehouses), objects of military air forces and air defense forces) located on the lands provided for defense purposes;

removal of fallen trees (except for those that grew on reserve lands and the common use lands of localities) by the users of land lots within the boundaries of land lots provided to them, as well as by other persons on the basis of a civil law contract with the users of land lots;

removal of flower beds, lawns, other grass cover (except for their removal on the common use lands of localities) by the users of land lots within the boundaries of land lots provided to them, as well as by other persons on the basis of a civil law contract with the users of land lots;

removal of Plant Kingdom objects during the emergency response and its consequences;

removal of plants (except for trees, shrubs) related to the species the spread and numbers of which are subject to regulation in accordance with [Article 26](#) of this Law;

removal, transplantation of Plant Kingdom objects growing within the boundaries of land lots provided for collective gardening and dacha construction, land lots provided to citizens for the construction and maintenance of a residential building (an apartment in a blocked residential building), subsidiary husbandry, gardening, haying, grazing of farm animals, land lots provided to

the private ownership of non-state legal persons, the property of foreign states, international organizations.

Article 37-1. General Requirements for the Removal, Transplantation of Plant Kingdom Objects.

Removal, transplantation of Plant Kingdom objects growing on the lands of common use in localities, issuance of a conclusion confirming the improper quality of trees, shrubs, and a conclusion recognizing a tree as dangerous shall be carried out by a person authorized by the local executive and regulatory body in the field of greening (hereinafter – “the authorized person”).

Removal of Plant Kingdom objects during the maintenance of motor road lanes shall be carried out by motor road owners, and when servicing the roadside lanes (controlled areas) of motor roads – by motor road owners, as well as by the users of land lots located within the roadside lanes (controlled areas) of motor roads, other persons on the basis of a civil law contract.

Removal of Plant Kingdom objects during the operation (maintenance) of melioration systems and separately located hydraulic facilities shall be carried out by the users of melioration systems or construction and operation organizations for melioration systems on the basis of a contract for providing of services related to the operation (maintenance) of melioration systems and separately located hydraulic facilities.

Removal of Plant Kingdom objects growing on other lands shall be carried out by the users of land lots within the boundaries of which Plant Kingdom objects grow, as well as by other persons on the basis of a civil law contract with the users of land lots.

Removal of Plant Kingdom objects before the implementation of compensatory measures if their implementation is provided for by this Law or other legislative acts of the Republic of Belarus shall be prohibited, except for the case where carrying out compensatory plantings during the period unfavorable for the planting of trees and shrubs (from December 1 to March 15 or May 15 to September 30) is necessary. In this case, compensatory plantings shall be carried out in the nearest period favorable for the planting of trees and shrubs (from March 16 to May 14 or from October 1 to November 30), and the removal of Plant Kingdom objects shall be carried out after the conclusion by a person interested in removing of Plant Kingdom objects of a civil law contract for carrying out of compensatory plantings with a person in the field of greening, except for cases where a person interested in the removal of Plant Kingdom objects is a person in the field of greening who carries out compensatory plantings independently. In this case, a person in the field of greening must submit a guarantee letter to the local executive and regulatory body on carrying out compensatory plantings in the immediate period favourable for the planting of trees and shrubs.

Transplantation of Plant Kingdom objects growing on lands that are not of common use in localities shall be carried out by a person in the field of gardening (except for cases stipulated in [Part 14](#) of Article 37-3 and [Part 1](#) of Article 37-8 where the transplantation of Plant Kingdom objects may be also carried out by the users of land lots and other legal persons and citizens) on the basis of a civil law contract (unless a person interested in the transplantation of Plant Kingdom objects is a person in the field of greening) upon availability with a person interested in the transplantation of Plant Kingdom objects of the following:

design documentation stipulating the transplantation of Plant Kingdom objects approved according to the procedure established by the legislation of the Republic of Belarus;

permits issued by the local executive and regulatory body for the transplantation of Plant

Kingdom objects in cases provided for in [Article 37-3](#) of this Law;

decision of a state body on changing or lifting restrictions or bans established in accordance with this Law and other legislative acts of the Republic of Belarus.

Persons interested in carrying out the transplantation of Plant Kingdom objects growing on the lands of common use in localities (except for persons in the field of landscaping carrying out the transplantation of Plant Kingdom objects independently) shall be obliged to conclude a civil law contract with a person in the field of landscaping.

During works on the removal, transplantation of Plant Kingdom objects, the manager (executor) of works in the place of the removal, transplantation of Plant Kingdom objects must have the documents provided for in [Articles 37-2 to 37-8](#) of this Law, and if this Law provides for the implementation of compensatory plantings – also a copy of the civil law contract for the implementation of compensatory plantings (unless a person interested in the removal of Plant Kingdom objects is a person in the field of landscaping carrying out compensatory plantings independently, who must have a letter of guarantee on carrying out compensatory plantings) or a payment document for the realization of compensatory payments of the cost of removed Plant Kingdom objects (except for cases where Plant Kingdom objects are removed by legal persons and citizens in accordance with the procedure established by [Part 14 of Article 37-3](#) of this Law).

Persons interested in the removal, transplantation of Plant Kingdom objects shall be obliged to send a notice to the local executive and regulatory body in cases and within the time limits stipulated by [Part 2 of Article 37-5](#), [Parts 2 and 4 of Article 37-8](#) and [Part 2 of Article 37-9](#) of this Law of the planned or carried out removal, transplantation of Plant Kingdom objects. Failure to comply with this requirement entails that the removal, transplantation of Plant Kingdom objects shall be recognized as unlawful. The date of directing of a specified notice shall be the date of sending of the corresponding registered mail, and in cases where a notice is sent without using postal services – the date of its registration in the incoming correspondence log of the local executive and regulatory body.

When removing Plant Kingdom objects in cases provided for in [Articles 37-2 to 37-4](#) of this Law, the users of land lots within the boundaries of which Plant Kingdom objects subject to removal grow, local executive and regulatory bodies may be entrusted with responsibilities for gathering and procurement of plant products.

The territory on which the works on the removal, transplantation of Plant Kingdom objects are carried out must from the beginning to the completion of these works be marked along the perimeter with ribbons or in another way indicating the name (family name, name, patronymic (if any) and the contact details of a person, carrying out such removal, transplantation.

Article 37-2. Removal, Transplantation of Plant Kingdom Objects on the Basis of Design Documentation Approved According to the Procedure Established by the Legislation of the Republic of Belarus

On the basis of design documentation approved in accordance with the procedure established by the legislation of the Republic of Belarus, the removal, transplantation of Plant Kingdom objects shall be carried out, provided that design documentation stipulates the removal, transplantation of Plant Kingdom objects. At the same time, design documentation must specify Plant Kingdom objects subject to removal, transplantation, and the terms to implement compensatory measures.

During works on the removal, transplantation of Plant Kingdom objects, the manager (executor) of works in the place of the removal, transplantation of Plant Kingdom objects must have design documentation approved in accordance with the procedure established by the legislation of the Republic of Belarus or the extraction from it in part providing for the removal, transplantation of Plant Kingdom objects certified according to the established procedure.

Article 37-3. Removal, Transplantation of Plant Kingdom Objects upon the Authorization of the Local Executive and Regulatory Body

Upon the authorization of the local executive and regulatory body, the removal, transplantation of the following shall be carried out:

trees, shrubs that impede the exploitation of buildings, facilities and other objects (except for the cases provided for in [Article 37-8](#) of this Law);

trees, shrubs to conduct topographic works, geological study of bowls;

trees, shrubs growing in antierosion plantings;

trees, shrubs with a trunk diameter of 12 centimeters or more at a height of 1.3 meters, growing in roadside plantings;

trees, shrubs with a trunk diameter of 12 centimeters or more at a height of 1.3 meters, curly birch, growing on agricultural lands, the agricultural lands of other categories of lands (except for the removal, transplantation of trees, shrubs during works on the exploitation (maintenance) of melioration systems and separately located hydraulic facilities);

trees, shrubs growing on reserve lands, the lands of common use in localities;

fallen trees growing on reserve lands, the lands of common use in localities (except for the cases provided for in [Articles 37-8](#) and [37-9](#) of this Law);

trees, shrubs of improper quality (except for the cases provided for in [Article 37-8](#) of this Law);

flower beds, lawns, other grass cover on the lands of public use in localities (except for the cases provided for in [Articles 37-2](#), [37-5](#), [37-8](#) and [37-9](#) of this Law);

Plant Kingdom objects in other cases established by the legislative acts of the Republic of Belarus.

Removal, transplantation of trees, shrubs that impede the exploitation of buildings, facilities and other objects shall be allowed unless the removal of obstacles to the exploitation of buildings, facilities and other objects is possible by pruning these trees, shrubs.

The procedure for issuance of permits for the removal of Plant Kingdom objects, permits for the transplantation of Plant Kingdom objects shall be established by the Council of Ministers of the Republic of Belarus unless otherwise provided for by the legislative acts of the Republic of Belarus.

A decision to issue a permit for the removal of Plant Kingdom objects, a permit for the transplantation of Plant Kingdom objects in case of the removal, transplantation of trees, shrubs that impede the exploitation of buildings, facilities and other objects shall be made by the local executive and regulatory body upon availability of a conclusion confirming the circumstances that impede the exploitation of buildings, facilities and other objects, which is requested by the local

executive and regulatory body independently.

A **conclusion** confirming the circumstances that impede the exploitation of buildings, facilities and other objects shall be issued by an organization in the field of architectural, urban planning and construction activities authorized by the local executive and regulatory body or a structural unit of the local executive and regulatory body in this field, except for the cases provided for in **Parts 6 and 7** of this Article.

A conclusion confirming the circumstances that impede the exploitation of buildings, facilities and other objects (in relation to trees, shrubs with a trunk diameter of 12 centimeters or more at a height of 1.3 meters, growing in the roadside plantings of motor roads) shall be issued by the organization of state road facilities, which is an entity in the field of landscaping, in cases where:

trees and shrubs growing in the roadside plantings of motor roads prevent the visibility of signs and other objects in accordance with the legislation of the Republic of Belarus on motor roads and road activities;

in accordance with the procedure and conditions for the creation and maintenance of the roadside plantings of roads established in accordance with **Part 4 of Article 33-2** of this Law, the care of the roadside plantings of motor roads, replacement of trees of low-value species, plants that lose their protective functions should be carried out.

A **conclusion** confirming the circumstances that impede the exploitation of buildings, facilities and other objects (in relation to trees, shrubs with a trunk diameter of 12 centimeters and more at a height of 1.3 meters, growing in the roadside planting of railways) shall be issued by the public railway organization, which is an entity in the field of landscaping, in cases where:

trees and shrubs, growing in roadside plantings of railways, impede the visibility of signs, facilities and other objects in accordance with the legislation of the Republic of Belarus regulating relations in the field of railway transport;

in accordance with the procedure and conditions for the creation and maintenance of roadside plantings of railways established in accordance with **Part 4 of Article 33-2** of this Law, the care of the roadside plantings of railways, replacement of trees of low-value species, plantings that lose their protective functions should be carried out.

A procedure for drawing up a conclusion confirming the circumstances that impede the exploitation of buildings, facilities and other objects shall be established by the Council of Ministers of the Republic of Belarus.

A decision to issue a permit for the removal of Plant Kingdom objects, a permit for the transplantation of Plant Kingdom objects in cases of the removal, transplantation of trees, shrubs for topographic works, geological exploration of bowels shall be made by the local executive and regulatory body upon availability of a civil law contract stipulating topographic works, geological exploration of bowels.

A decision to issue a permit for the removal of Plant Kingdom objects, a permit for the transplantation of Plant Kingdom objects in cases of the removal, transplantation of trees, shrubs with a trunk diameter of 12 centimeters or more at a height of 1.3 meters, curly birch growing on agricultural lands, the agricultural lands of other land categories, trees, shrubs growing on reserve lands shall be made by the local executive and regulatory body if the transfer of agricultural lands, the agricultural lands of other land categories, reserve lands to the lands of the Forest Fund, other

categories, types of lands with the preservation of trees, shrubs is not reasonable, and if there are no restrictions and bans imposed in accordance with this Law and other legislative acts of the Republic of Belarus in relation to Plant Kingdom objects.

In order to make a decision on issuance of a permit for the removal of Plant Kingdom objects, a permit for the transplantation of Plant Kingdom objects in cases provided for in [Part 10](#) of this Article, the local executive and regulatory body shall create by its own decision a Commission acting on an ongoing basis to assess the feasibility of the removal, transplantation of Plant Kingdom objects growing on agricultural lands, the agricultural lands of other land categories, reserve lands (hereinafter referred to as “the Commission”); it shall determine its personnel, appoint the Chairperson of the Commission from among the Deputy Chairpersons of the local executive and regulatory body and approve its operational Regulation.

The Commission shall consist of the authorized officials of structural divisions in the areas of land management, architectural, urban planning and construction activities, agriculture and food of the local executive and regulatory body, rural, village executive committee, a legal person involved in forest management, the territorial body of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus. By decision of the local executive and regulatory body, representatives of other interested organizations may be included in the Commission. In the event that the Commission concludes that the removal and transplantation of Plant Kingdom objects growing on agricultural lands, the agricultural lands of other land categories, reserve lands is not reasonable, the further fate of these lands shall be determined in accordance with the legislation of the Republic of Belarus on the protection and use of lands.

When making a decision to issue a permit for the removal of Plant Kingdom objects, a permit for the transplantation of Plant Kingdom objects in cases of the removal, transplantation of trees, shrubs with a trunk diameter of 12 centimeters and more at a height of 1.3 meters, curly birch growing on agricultural lands, the agricultural lands of other land categories, trees, shrubs growing on reserve lands, the local executive and regulatory body shall establish the conditions for clearing the land lot after the removal, transplantation of trees, shrubs.

If there is a [permit](#) for the removal of Plant Kingdom objects, a permit for the transplantation of Plant Kingdom objects in cases of the removal, transplantation of trees, shrubs with a trunk diameter of 12 centimeters or more at a height of 1.3 meters, curly birch growing on agricultural lands, the agricultural lands of other land categories, trees, shrubs growing on reserve lands, the users of land lots after making compensatory plantings or concluding a civil law contract for making compensatory planting in cases provided for in [Part 5 of Article 37-1](#) of this Law, or after making compensatory payments covering the cost of Plant Kingdom objects subject to removal, provided that the implementation of compensatory measures is provided for by this Law or other legislative acts of the Republic of Belarus, may confer a right to legal persons and citizens to remove, transplant trees, shrubs on the basis of a civil law contract. The specified contract must take into account the requirements and conditions for the removal, transplantation of Plant Kingdom objects established by a permit for the removal of Plant Kingdom objects and a permit for the transplantation of Plant Kingdom objects.

A decision to issue a permit for the removal of Plant Kingdom objects, a permit for the transplantation of Plant Kingdom objects in case of the removal, transplantation of trees, shrubs of substandard quality shall be made by the local executive and regulatory body upon availability of a conclusion confirming that trees, shrubs are of improper quality, which is requested by the local executive and regulatory body independently.

A conclusion confirming that trees and shrubs are of improper quality shall be issued by an

authorized person.

Legal persons and citizens interested in removing of fallen trees that grew on reserve lands, the lands of common use in localities shall apply with this issue to the local executive and regulatory body in writing, which considers the issuance of a permit for the removal of Plant Kingdom objects in accordance with [Part 3](#) of this Article.

During the removal, transplantation of Plant Kingdom objects, the manager (executor) of works in the place of the removal, transplantation of Plant Kingdom objects must have a [permit](#) for the removal of Plant Kingdom objects, a [permit](#) for the transplantation of Plant Kingdom objects or their copies certified in accordance with the established procedure, and a legal person and a citizen who have been granted a right to remove, transplant trees, shrubs by the user of a land lot – also a civil law contract on the basis of which this right is granted.

Article 37-4. Removal, Transplantation of Plant Kingdom Objects Based on a Decision of the State Body on Changing or Lifting of Restrictions and Bans Imposed in Accordance with this Law and other Legislative Acts of the Republic of Belarus

Based on a decision of the state body on changing or lifting of restrictions and bans imposed in accordance with this Law and other legislative acts of the Republic of Belarus, Plant Kingdom objects shall be removed and transplanted, including those growing within the boundaries of land lots provided for collective gardening and countryside cottage construction, land lots provided to citizens for the construction and maintenance of a residential building (apartments in a blocked residential building), subsidiary husbandry, gardening, haying, grazing of farm animals, land lots provided to the private ownership of non-state legal persons, the property of foreign states, international organizations, in relation to which restrictions or bans were imposed earlier in accordance with this Law and other legislative acts of the Republic of Belarus.

During works on the removal, transplantation of Plant Kingdom objects, the manager (executor) of works in the place of the removal, transplantation of Plant Kingdom objects must have a decision of the state body that previously imposed restrictions or bans on Plant Kingdom objects in accordance with this Law and other legislative acts of the Republic of Belarus, on changing or removing imposed restrictions or bans or a copy certified according to the established procedure.

Article 37-5. Removal of Plant Kingdom Objects Based on the Measures Set According to the Established Procedure for Overcoming the Consequences of the Disaster at the Chernobyl Atomic Electric Power Station

Based on the measures set according to the procedure established for overcoming the consequences of the Chernobyl disaster, Plant Kingdom objects shall be removed during works on the improvement of the sanitary conditions of territories exposed to radioactive contamination as a result of the Chernobyl disaster, provided that such measures require the removal of Plant Kingdom objects.

Persons who have carried out works on the removal of Plant Kingdom objects shall be obligated to direct no later than within five days from the date of the completion of works to improve the sanitary condition of territories exposed to radioactive contamination as a result of the Chernobyl disaster a notice containing information about removed Plant Kingdom objects (indicating their species, location and habitat) to the local executive and regulatory body, the measures set according to the procedure established for overcoming the consequences of the Chernobyl disaster that stipulate the need for the removal of Plant Kingdom objects.

During works on the removal of Plant Kingdom objects, the manager (executor) of works in the place of the removal of Plant Kingdom objects must have a copy of measures set according to the procedure established for overcoming the consequences of the Chernobyl disaster that stipulate the need for the removal of Plant Kingdom objects during works on the improvement of the sanitary condition of territories exposed to radioactive contamination as a result of the Chernobyl disaster.

Article 37-6. Removal of Trees Based on the Conclusion that a Tree is Dangerous

Based on the conclusion recognizing a tree as dangerous, the removal of dangerous trees shall be carried out. The [conclusion](#) recognizing a tree as dangerous shall be issued by an authorized person.

Legal persons, individual entrepreneurs who are the users of land lots within the boundaries of which dangerous trees grow or persons authorized by them shall independently apply to an authorized person in order to obtain a conclusion recognizing a tree as dangerous.

Representatives of an authorized person no later than within one working day following the day a conclusion recognizing a tree as dangerous has been applied for shall in the presence of the user of a land lot or a person authorized by him/her inspect a tree, take its photo (general view of a dangerous tree and signs of its danger should be presented in photographic materials) and if there are grounds for recognizing it as dangerous, the corresponding conclusion (indicating the location of a dangerous tree and signs of its danger) shall be drawn up and signed according to the procedure established by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, enclose the schematic map of the dangerous tree location to it and also mark the dangerous tree by applying an orange paint strip around the circumference of its trunk, and when indicating in the conclusion that the tree is recognized as dangerous and of several dangerous trees on the schematic map – also by applying the tree number in accordance with the conclusion and the map scheme.

A conclusion recognizing a tree as dangerous and the schematic map of the dangerous tree location shall be drawn up in two copies; one of them shall be given to the user of a land lot or a person authorized by him/her and the other one shall be kept by an authorized person with photo materials in hard copy and electronic format.

Copies of a conclusion recognizing a tree as dangerous and the schematic map of the dangerous tree location shall no later than one working day following the day of their execution be directed to the local executive and regulatory body by a person who has issued these documents.

An authorized person shall ensure that the conclusions issued by him/her recognizing a tree as dangerous shall be recorded in a special log in the [form](#) established by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus. Electronic logging is allowed.

During works on the removal of dangerous trees, the manager (executor) of works must have at the place of the removal of dangerous trees a [conclusion](#) recognizing a tree as dangerous and a schematic map of the dangerous tree's location.

Article 37-7. Removal of Trees, Shrubs on the Basis of the Tree and Shrub Habitat Act Related to Species the Distribution and Numbers of Which are Subject to Regulation

On the basis of the Tree and Shrub Habitat Act related to species the distribution and numbers of which are subject to regulation, the removal of trees and shrubs related to species the distribution and numbers of which are subject to regulation shall be carried out in accordance with

[Article 26](#) of this Law.

The Tree and Shrub Habitat Act related to species the distribution and numbers of which are subject to regulation shall be drawn up by the user of a land lot within the boundaries of which specified trees, shrubs grow or by a person authorized by him/her in an arbitrary form (indicating the Act's execution date, species, a habitat and a growing area of trees, shrubs, and for trees – also their number and a trunk diameter) in two copies and shall be signed by the user of a land lot or by a person authorized by him/her and a representative of the territorial body of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus. A copy of the Tree and Shrub Habitat Act related to species the distribution and numbers of which are subject to regulation shall no later than the working day following the day of its execution be directed by the user of a land lot or a person authorized by him/her to the local executive and regulatory body.

During works on the removal of trees, shrubs related to species the distribution and numbers of which are subject to regulation, the manager (executor) of works at the place of the removal of such trees, shrubs must have a Tree and Shrub Habitat Act related to species the distribution and numbers of which are subject to regulation.

Article 37-8. Removal, Transplantation of Plant Kingdom Objects Based on the Prior Notification of the Local Executive and Regulatory Body of the Planned Removal, Transplantation of Plant Kingdom Objects.

Based on the prior notification of the local executive and regulatory body of the planned removal, transplantation of Plant Kingdom objects, the removal, transplantation of the following shall be carried out:

flower beds, lawns, other grass cover, trees, shrubs of improper quality, on green territories located on the lands of common use in localities, fallen trees on specified territories during the maintenance of those territories by an authorized person;

trees, shrubs that grow within the coastal strip of inland waterways and pose a danger to navigation, hampering the visibility of coastal navigation marks;

trees, shrubs with a trunk diameter of less than 12 centimeters at a height of 1.3 meters, growing in roadside plantations;

trees, shrubs with a trunk diameter of less than 12 centimeters at a height of 1.3 meters (apart from curly birch), growing on agricultural lands, agricultural lands of other categories of lands (except for the removal, transplantation of trees, shrubs growing in anti-erosion plantings, as well as during works on the exploitation (maintenance) of melioration systems and separately located hydraulic structures).

An authorized person carrying out the maintenance of green areas located on the lands of common use in localities must not earlier than fifteen days and not later than five days before the start of the planned removal, transplantation of flower beds, lawns, other grass cover, trees, shrubs of improper quality, fallen trees direct to the local executive and regulatory body prior notification of the planned removal, transplantation of Plant Kingdom objects and specify the following:

for flower beds, lawns, other grass cover – their location and area, a period of works on their removal, transplantation;

for trees and shrubs of improper quality – their species, number, a habitat, a trunk diameter at a height of 1.3 meters (for trees), signs their improper quality has been determined by, a period of

works on their removal;

for fallen trees – their species, number, a habitat, a trunk diameter at a height of 1.3 meters, a period of works on their removal.

Prior notification of the planned removal, transplantation of Plant Kingdom objects shall be accompanied by a schematic map of the location of Plant Kingdom objects planned for removal, transplantation, as well as photo materials, which must give a general view of these Plant Kingdom objects, and for trees and shrubs of improper quality – also signs their improper quality has been determined by. Improper quality trees planned for removal shall be marked by applying an orange paint strip around the circumference of a trunk, and if prior notification states the planned removal, transplantation of Plant Kingdom objects and a schematic map indicates a few of such trees – also by applying of a tree number in line with prior notification and the schematic map.

Legal persons, individual entrepreneurs who are the users of land lots within the boundaries of which Plant Kingdom objects grow in the removal, transplantation of which they are interested must not earlier than thirty days and not later than five days before the day of the planned removal, transplantation of Plant Kingdom objects direct prior notification to the local executive and regulatory body of the planned removal, transplantation of Plant Kingdom objects (indicating their species, a habitat and a growing area, and in case of transplantation – also the species and number of Plant Kingdom objects subject to transplantation), a period of works on their removal, transplantation. A copy of the Land Cadastral Plan of a land lot or the Land Lot Boundary Plan, or a fragment from the Land Information System of the Republic of Belarus in relation to a land lot within the boundaries of which Plant Kingdom objects planned for removal, transplantation grow shall be attached to the prior notification of the planned removal, transplantation of Plant Kingdom objects certified by them (indicating the position, last name, first name, middle name (if any) and signed by the Head).

After directing prior notification to the local executive and regulatory body of the planned removal, transplantation of Plant Kingdom objects, legal persons, individual entrepreneurs who are the users of land lots within the boundaries of which Plant Kingdom objects they wish to remove or transplant grow may accord a right to legal persons and citizens to remove, transplant Plant Kingdom objects on the basis of a civil-law contract.

During works on the removal, transplantation of Plant Kingdom objects, the manager (executor) of works must have at the place of removal, transplantation of Plant Kingdom objects a copy of prior notification of the planned removal, transplantation of Plant Kingdom objects, a copy of the Land Cadastral Plan of a land lot, or the Land Lot Boundary Plan or a fragment from the Land Information System of the Republic of Belarus in relation to a land lot within the boundaries of which Plant Kingdom objects planned for removal, transplantation grow certified by the user of a land lot (indicating the position, last name, first name, middle name (if any) and signed by the Head) and a legal person or a citizen who have been granted a right to remove, transplant Plant Kingdom objects by the user of a land lot – also a civil-law contract on the basis of which this right has been granted.

Article 37-9. Removal of Plant Kingdom Objects when Handling an Emergency and its Consequences

The removal of Plant Kingdom objects when handling an emergency and its consequences shall be allowed in cases where handling an emergency and its consequences is impossible without the removal of Plant Kingdom objects.

Persons who have carried out works on the removal of Plant Kingdom objects are required to direct notification containing local information about Plant Kingdom objects removed (indicating their species, habitat and growing area) to the local executive and regulatory body no later than five days from the date of the removal of Plant Kingdom objects, as well as an emergency description, the date and time of notification of the emergency management body at the corresponding level of its occurrence according to the procedure established by the legislation of the Republic of Belarus on the protection of the population and territories in case of emergency situations.

Article 37-10. Pruning of Trees, Shrubs

In order to prevent harm to the life and health of citizens, property of citizens and legal persons, remove obstacles in the operation of buildings, facilities and other objects, as well as enhance the aesthetic appeal of trees, shrubs (thinning the crown, giving the desired shape to it, etc.), pruning of trees, shrubs in accordance with the rules for the maintenance of green areas may be carried out. In that, obtaining of a permit from the local executive and regulatory body is not required.

Pruning of trees, shrubs growing on public lands in localities shall be carried out by an authorized person as part of the maintenance of green areas or on the basis of a civil law contract.

Works on pruning of trees, shrubs in order to prevent harm to the life and health of citizens, property of citizens and legal persons shall be carried out by the users of land lots within the boundaries of which trees, shrubs subject to pruning grow, as well as by other persons on the basis of a civil-law contract.

Works on pruning of trees, shrubs in order to remove obstacles in the operation of buildings, facilities and other objects shall be carried out by legal persons and individual entrepreneurs operating these buildings, structures and other objects, as well as by other persons on the basis of a civil-law contract.

Works on pruning of trees, shrubs in order to enhance their aesthetic appeal shall be carried out by a person in the field of greening as part of the maintenance of green areas or on the basis of a civil-law contract.

The territory on which pruning of trees and shrubs is carried out must from the beginning to the completion of such works be marked along the perimeter with ribbons or in any other way indicating the name (family name, name, middle name (if any) and contact details of a person pruning trees, shrubs.

Article 38. General Requirements for Compensatory Activities

During the removal of Plant Kingdom objects, compensatory measures shall be carried out exempt for the cases stipulated by [Part 2](#) of this Article.

Compensatory measures shall not be carried out in cases of:

removal of Plant Kingdom objects growing on land lots subject to seizure for state needs (except for the land lots in localities);

removal of Plant Kingdom objects growing on land lots subject to withdrawal from agricultural lands (except for the trees, shrubs growing in anti-erosion plantations; the trees, shrubs with a trunk diameter of 12 centimeters or more at a height of 1.3 meters, curly birch);

removal of Plant Kingdom objects that make up the Forest Fund (except for those growing on the land lots located within the boundaries of urban forests subject to withdrawal for the purposes not related to forestry);

removal of Plant Kingdom objects growing on agricultural lands (arable lands, fallow lands, lands under permanent crops and meadow lands), except for individual valuable trees (the trees: beech, elm (elm, birchbark), common oak, Douglas fir (*Pseudotsuga*), cedar, Norway maple, *Tilia*, European ash with a trunk diameter of 12 centimeters or more at a height of 1.3 meters, curly birch);

removal of Plant Kingdom objects growing on common lands in localities (except for parks, squares, boulevards) of rural localities with a population of up to 5000 people;

removal of trees, shrubs that impede the implementation of requirements for the insolation and illumination of buildings, facilities and other objects established by general and specific sanitary and epidemiological requirements, hygienic standards;

removal of Plant Kingdom objects during reconstruction, exploitation (maintenance) of drainage systems and separately located hydraulic facilities (except for the trees, shrubs growing in anti-erosion plantings);

removal of trees, shrubs growing within the boundaries of land lots provided for the construction and/or maintenance of gas pipelines, oil pipelines (product pipelines), overhead and cable power and communication lines, heating, water supply and sewerage systems, except for the cases of the erection of these objects, their reconstruction with the provision of additional land lots;

removal of trees, shrubs growing within the boundaries of individual objects of military infrastructure (polygons, facilities (warehouses) for storing ammunition, the objects of the Air Force and Air Defense Forces) located on the lands provided for defense purposes;

removal of Plant Kingdom objects on the basis of measures approved in the established order to overcome the consequences of the Chernobyl disaster;

removal of trees on the basis of a [conclusion](#) that a tree is dangerous;

removal of fallen trees;

removal of Plant Kingdom objects on the basis of prior notification of the local executive and regulatory body;

removal of flower beds, lawns, other grass cover outside localities;

removal of plants belonging to species the distribution and numbers of which are subject to regulation;

removal of Plant Kingdom objects during the emergency response and its consequences;

removal of trees, shrubs on the basis of an order of the territorial body of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus;

if the President of the Republic of Belarus or legislative acts of the Republic of Belarus provide for the exemption from compensatory measures.

A procedure for determining the conditions to implement compensatory measures shall be established by the Council of Ministers of the Republic of Belarus.

The implementation of compensatory measures shall be provided by persons interested in the removal of Plant Kingdom objects.

Failure to carry out compensatory measures within the time limits and amounts specified in the permit for the removal of Plant Kingdom objects, a Decision of the state body that has established restrictions or prohibitions in relation to Plant Kingdom objects, on changing or removing established restrictions or prohibitions, and an order of the territorial body of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, failure to make compensatory payments of the cost of Plant Kingdom objects subject to removal prior to their removal, provided that the need for making such payments is established in accordance with this Law, as well as failure to make compensatory plantings in case and within the time limits stipulated by [Part 5 of Article 37-1](#) of this Law shall entail that the removal of Plant Kingdom objects is not legitimate.

CHAPTER 9 USE OF PLANT KINGDOM OBJECTS

Article 39. Procedure for Using of Plant Kingdom Objects

The use of Plant Kingdom objects shall be carried out according to the procedure for common and special use.

Common and/or special use of Plant Kingdom objects may be limited or suspended to the extent necessary to ensure state security, protection of the environment, historical and cultural values, rights and legal interests of citizens and legal persons in cases provided for by this Law and other legislative acts of the Republic of Belarus.

Article 40. Common Use of Plant Kingdom Objects and the Right to its Exercise

In accordance with the procedure for common use, Plant Kingdom objects shall be used by citizens gratuitously for personal purposes without assigning Plant Kingdom objects to individual citizens and without obtaining related documentation, except as otherwise provided for by this Law and other legislative acts of the Republic of Belarus.

(Part 1 of Article 40 as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Part 2 of Article 40 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3.

Common use of Plant Kingdom objects must be carried out in compliance with the legislative requirements of the Republic of Belarus on environmental protection and the safeguarding and use of Plant Kingdom.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

In accordance with the legislation of the Republic of Belarus, citizens shall have a right by an open-ended authorization of the user of a land lot or water body or by a local custom to freely stay on the land or water bodies within the boundaries of which Plant Kingdom objects grow and to carry out all types of use of Plant Kingdom objects according to the procedure established by this Law and other legislative acts of the Republic of Belarus, while preventing illegal seizure, removal, transplantation of Plant Kingdom objects, damage to or destruction of Plant Kingdom objects, pollution of their habitat or other harmful effects on it, observing fire safety rules.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); of July 18, 2016 [No.](#)

402-3)

In order to reproduce Plant Kingdom objects, comply with environmental, sanitary, fire-fighting and other legislative requirements of the Republic of Belarus, the stay of citizens on lands within the boundaries of which Plant Kingdom objects grow may be limited or suspended according to the procedure established by the legislation of the Republic of Belarus.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Common use of Plant Kingdom objects shall be exercised according to the types of use provided for in [Article 44](#) of this Law.

Article 41. Special Use of Plant Kingdom Objects and Granting a Right to Its Exercise
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Plant Kingdom objects shall, according to the procedure for special use, be used by legal persons and individual entrepreneurs to carry out economic activities on a fee-paid basis unless otherwise provided for by the legislative acts of the Republic of Belarus.

Special use of Plant Kingdom objects shall be exercised according to the types of use provided for in [Article 44](#) of this Law.

Special use of Plant Kingdom objects may be exercised by legal persons and individual entrepreneurs without their seizure from the users of land lots or water bodies within the boundaries of which these Plant Kingdom objects grow.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

A right to the special use of Plant Kingdom objects arises with legal persons and individual entrepreneurs on the basis of a decision of local executive and regulatory bodies to grant such a right, except for the cases specified in [Part 6](#) of this Article.

A decision to grant a right to the special use of Plant Kingdom objects shall be made by local executive and regulatory bodies in coordination with the user of a land lot or water body and the territorial bodies of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

No decision of the local executive and administrative body to grant a right to the special use of Plant Kingdom objects shall be required in the exercise of the special use of Plant Kingdom objects:

by the users of land lots or water bodies within the boundaries of their land lots or water bodies;

by legal persons and individual entrepreneurs carrying out the procurement of wild plants and/or their parts;

by legal persons and individual entrepreneurs on the lands of the Forest Fund, provided that a right to the procurement of secondary forest resources and exercise of the secondary forest use shall be granted on the grounds stipulated by the legislation of the Republic of Belarus on the use, safeguarding, protection and reproduction of forests.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

In the case provided for in [Paragraph 3](#) of [Part 6](#) of this Article, legal persons and individual entrepreneurs shall be obliged to notify local executive and regulatory bodies of the planned activity on the procurement of wild plants and/or their parts.

A [procedure](#) for granting a right to the special use of Plant Kingdom objects and notifying of local executive and regulatory bodies of planned activities on the procurement of wild plants and/or their parts shall be established by the Council of Ministers of the Republic of Belarus unless otherwise provided for by the legislative acts of the Republic of Belarus.
(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

In order to preserve individual objects of Plant Kingdom, biological and landscape diversity, safeguard individual natural objects, a decision of local executive and regulatory bodies on granting a right to the special use of Plant Kingdom objects may contain binding restrictions and other conditions for the use of Plant Kingdom objects provided for by this Law and other legislative acts of the Republic of Belarus.

Article 42. Excluded

(Article 42 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Article 43. Specifics of Granting a Right to the Special Use of Plant Kingdom Objects

A decision of local executive and regulatory bodies on granting a right to the special use of Plant Kingdom objects growing on specially protected natural territories must be coordinated with the state bodies (other state organizations) to the administration of which these specially protected natural territories are transferred, as well as with state environmental institutions managing these specially protected natural territories (in cases of their establishment), and the territorial bodies of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.
(as worded in the Laws of the Republic of Belarus of July 2, 2009 [No. 32-3](#); of July 18, 2016 [No. 402-3](#))

Specifics of granting a right to the special use of Plant Kingdom objects growing on lands of certain categories shall be established by this Law and other legislative acts of the Republic of Belarus on the safeguarding and use of Plant Kingdom.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 44. Uses of Plant Kingdom Objects

The use of Plant Kingdom objects may be exercised by the following types:

procuring tree saps;

Consultant Plus: comment.

The [rules](#) for the procurement of tree saps, gathering, procurement (purchase) of wild plants and/or their parts are established by the Resolution of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus of November 21, 2016 No. 37.

gathering, procurement (purchase) of wild plants (including moss, lichens and fungi) and/or their parts (berries, nuts, cones, other fruit, buds, leaves, flowers, bark, roots, etc.) (hereinafter

unless otherwise specified – wild plants and/or their parts);
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

The Paragraph excluded since December 31, 2016. – The [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3;

haying;

cattle grazing;

use of Plant Kingdom objects for cultural and therapeutic, recreational, touristic, other recreational and/or sports purposes;

use of Plant Kingdom objects for research and educational and experimental purposes.

The legislative acts of the Republic of Belarus may establish other uses of Plant Kingdom objects.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

The exercise of certain uses of Plant Kingdom objects may be limited or suspended by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, other specially authorized Republican Bodies of the State Administration, local executive and regulatory bodies within the scope of competence in relation to individual Plant Kingdom objects in order to preserve biological and landscape diversity, safeguard individual natural objects.

Article 45. Procurement of Tree Saps, Gathering, Procurement/Purchase of Wild Plants and/or their Parts

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

The procurement of tree saps, gathering of wild plants and/or their parts for personal purposes may be carried out by citizens as a right of the common use of Plant Kingdom objects in accordance with [Article 40](#) of this Law.

The procurement of tree saps, procurement (purchase) of wild plants and/or their parts for carrying out economic activities may be carried out by legal persons and individual entrepreneurs who in accordance with [Article 41](#) of this Law are granted a right to the common use of Plant Kingdom objects.

The procurement of tree saps, gathering or procurement (purchase) of wild plants and/or their parts on the lands of the Forest Fund shall be carried out in accordance with the legislation of the Republic of Belarus on the use, safeguarding, protection and reproduction of forests.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Time periods for gathering, procurement (purchase) of certain species of wild plants and/or their parts shall be established by regional executive committees on the basis of recommendations of the National Academy of Sciences of Belarus in coordination with the territorial bodies of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus and the Ministry of Forestry of the Republic of Belarus.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Gathering, procurement (purchase) of wild plants belonging to species included in the Red

Book of the Republic of Belarus, or subject to the International Treaties of the Republic of Belarus, or plants, their parts and natural raw materials containing narcotic substances included in the **list** of narcotic plants and natural narcotics-containing raw materials approved by the Council of Ministers of the Republic of Belarus shall be prohibited, except for the cases provided for by this Law.
(as worded in the **Law** of the Republic of Belarus of January 22, 2013 No. 18-3)

The procurement of tree saps, wild plants and/or their parts, gathering of buds, leaves, branches, tree bark, osier rods, reeds, moss shall be prohibited:

in localities;

in arboretums, botanical gardens;

in the habitats of wild animals and wild plants transferred under protection in accordance with the established procedure, which belong to the species listed in the Red **Book** of the Republic of Belarus, typical and rare biotopes;
(as worded in the **Law** of the Republic of Belarus of July 18, 2016 No. 402-3)

within the boundaries of zones for the safeguarding of immovable material historical and cultural values;

on the territory of health resorts and healthcare organizations, within the boundaries of the sanitary protection districts of health resorts;

in places of mass recreation.

The procurement of tree saps, except for the cases specified in **Part 6** of this Article, shall be prohibited along the riparian strips of water bodies, within the right-of-ways of railways and auto roads, and other transport communications.

The procurement of wild plants and/or their parts, except for the cases specified in **Part 6** of this Article, shall be prohibited within the right-of-ways of railways and auto roads, and other transport communications.

Rules governing the procurement of tree saps, gathering, procurement (purchase) of wild plants and/or their parts shall be approved by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus in coordination with the Ministry of Forestry of the Republic of Belarus.
(as worded in the **Law** of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 45-1. Excluded.

(Article 45-1 excluded since 31 December 2016. – The **Law** of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 46. Haying, Cattle Grazing

(as worded in the **Law** of the Republic of Belarus of May 17, 2011 No. 260-3)

Haying and cattle grazing may be carried out on the grounds provided for by the legislation of the Republic of Belarus on the protection and use of lands, and on the lands of the Forest Fund – on the grounds provided for by the legislation of the Republic of Belarus on the use, safeguarding, protection and reproduction of forests in compliance with the legislative requirements of the

Republic of Belarus on the safeguarding and use of Plant Kingdom.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Citizens shall also have a right to carry out haying and cattle grazing on reserve lands, provided there is no ban on haying and cattle grazing on these lands imposed by local executive and regulatory bodies.

Article 47. Use of Plant Kingdom Objects for Cultural and Recreational, Touristic, other Recreational and/or Sporting Purposes

The use of Plant Kingdom objects for cultural and recreational, touristic, other recreational and/or sporting purposes may be carried out with or without the removal of wild plants and/or their parts and shall be allowed in cases where it causes no harmful effect on Plant Kingdom objects and their habitats.

A right to the use of Plant Kingdom objects for cultural and recreational, touristic, other recreational and/or sporting purposes shall be granted in accordance with this Law and other legislative acts of the Republic of Belarus.

Part 3 of Article 47 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3.

Article 48. Use of Plant Kingdom Objects for Scientific-Research and Educational and Experimental Purposes

The use of Plant Kingdom objects for scientific-research and educational and experimental purposes may be carried out with or without the removal of wild plants and/or their parts and shall be allowed unless this has a harmful effect on Plant Kingdom objects and their habitat, limits rights of the users of Plant Kingdom objects, a land lot or a water body, except for the cases where their rights are restricted in accordance with the legislative acts of the Republic of Belarus.

The use of Plant Kingdom objects for scientific-research and educational and experimental purposes with the removal of wild plants and/or their parts shall be carried out on a gratuitous basis. A basis for the removal of wild plants and/or their parts from the environment of their habitat for scientific research and educational and experimental purposes is a permit for the removal of wild plants and/or their parts from their habitat issued in accordance with the procedure established by the Council of Ministers of the Republic of Belarus unless otherwise provided for by the legislative acts of the Republic of Belarus.

(as worded in the Laws of the Republic of Belarus of July 18, 2016 [No. 402-3](#); of December 18, 2018 [No. 153-3](#))

A right to the use of Plant Kingdom objects for scientific-research and educational and experimental purposes shall be exercised in accordance with this Law and other legislative acts of the Republic of Belarus.

In the event that certain types of use of Plant Kingdom objects are incompatible with the objectives of scientific-research works and an educational and experimental process, such types of use of Plant Kingdom objects may be limited or suspended in accordance with the legislation of the Republic of Belarus.

Article 49. Periods of Use of Plant Kingdom Objects

The use of Plant Kingdom objects may be permanent and temporary depending on the procedure and types of use.

The use of Plant Kingdom objects shall be recognized as permanent, provided that a right to it has been granted without setting a period of use.

The temporary use of Plant Kingdom objects may be short-term, provided that a right to it has been granted for a period for up to one year, and long-term, provided that a right to it has been granted for a period for up to five years. Specific periods a right to the use of Plant Kingdom objects is granted for shall be established in the decision of local executive and regulatory bodies on granting of a right to the special use of Plant Kingdom objects.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

A period of temporary use may be extended, if required, for a period not exceeding the periods specified in [Part 3](#) of this Article respectively. The extension of a period for the temporary use of Plant Kingdom objects shall be carried out in accordance with the same procedure as for granting a right to the use of Plant Kingdom objects.

Users of land lots or water bodies shall use Plant Kingdom objects growing within the boundaries of their land lots or water bodies during the entire period of their rights to land lots or water bodies.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of July 18, 2016 [No. 402-3](#))

Article 50. Restriction, Suspension or Restoration of a Right to the Special Use of Plant Kingdom Objects

A right to the special use of Plant Kingdom objects may be restricted or suspended in cases of:

violation of environmental, sanitary, fire safety and other legislative requirements of the Republic of Belarus by the users of Plant Kingdom objects;

failure to comply with the terms specified in the decision of local executive and regulatory bodies on granting a right to the special use of Plant Kingdom objects by the users of Plant Kingdom objects;

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

failure to make payments on the due date in the field of handling of Plant Kingdom objects, provided that payments are stipulated by the legislation of the Republic of Belarus;

force majeure;

other cases stipulated by the legislative acts of the Republic of Belarus.

Restriction or suspension of a right to the special use of Plant Kingdom objects or its restoration shall be carried out, unless otherwise stipulated by this Article, on the basis of a decision of local executive and regulatory bodies who have made a decision on granting this right

independently or upon recommendation of State bodies within the scope of their competence, the users of land lots or water bodies within the boundaries of which Plant Kingdom objects are located.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-2)

Restoration of a right to the special use of Plant Kingdom objects in case of its restriction or suspension in accordance with [Paragraphs 2 and 3 of Part 1](#) of this Article is possible only after compensation for the damage caused to Plant Kingdom objects and/or their habitats if such damage has taken place.

(Part 3 of Article 50 introduced by the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Users of Plant Kingdom objects in case of restriction or suspension of the use of Plant Kingdom objects in accordance with [Part 2 of Article 39](#) or [Part 3 of Article 44](#) of this Law shall be obliged to restrict or suspend the exercise of a right to the special use of Plant Kingdom objects without a decision on restriction or suspension of such a right made by local executive and regulatory bodies.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

A right to the special use of Plant Kingdom objects shall be restored after termination of restriction on or suspension of the use of Plant Kingdom objects carried out in accordance with [Part 2 of Article 39](#) or [Part 3 of Article 44](#) of this Law without a decision on restoration of such a right made by local executive and regulatory bodies.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

In cases where the user of Plant Kingdom objects does not agree with restriction on or suspension of his/her right to the special use of Plant Kingdom objects, he/she may appeal against the restriction or suspension in court.

Restriction on or suspension of the right to the special use of Plant Kingdom objects shall not release their users from administrative and other liability for a violation of environmental, sanitary, fire safety and other legislative requirements of the Republic of Belarus.

Article 51. Suspension of a Right to the Special Use of Plant Kingdom Objects

A right to the special use of Plant Kingdom objects shall be suspended in cases of:

expiry of a period for the special use of Plant Kingdom objects;

waiver of a right to the special use of Plant Kingdom objects;

failure to use Plant Kingdom objects within two years;

imposed bans on the handling of Plant Kingdom objects in accordance with the legislation of the Republic of Belarus;

systematic (more than twice a year) or flagrant violation of terms specified in a decision of local executive and regulatory bodies on granting of a right to the special use of Plant Kingdom objects;

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

occurrence of an immediate threat to the life or health of citizens living in the zone of works

related to the use of Plant Kingdom objects;

systematic (more than twice a year) or flagrant violation by the users of Plant Kingdom objects of environmental, sanitary, fire safety and other legislative requirements of the Republic of Belarus;

systematic (exceeding six months within a year) failure by the user of Plant Kingdom objects to make payments in the field of their handling, provided that payments are stipulated by the legislation of the Republic of Belarus;

damage to or destruction of Plant Kingdom objects and/or their degraded habitat as a result of emergency situations and those of an emergency nature in other circumstances;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

termination of rights to a land lot or water body within the boundaries of which these Plant Kingdom objects grow, including in the event of a seizure for state needs of a land lot or water body in accordance with the established procedure;
(as worded in the Laws of the Republic of Belarus of December 28, 2009 [No. 96-3](#); of July 18, 2016 [No. 402-3](#))

liquidation of a legal entity or termination of an individual entrepreneur a Plant Kingdom object has been provided to for its special use;

The Paragraph excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3;

in other cases provided for by the legislative acts of the Republic of Belarus.

Termination of a right to the special use of Plant Kingdom objects does not release their users from administrative and other liability for a violation of environmental, sanitary, fire and other legislative requirements of the Republic of Belarus.

Article 52. Procedure for the Suspension of the Right to the Special Use of Plant Kingdom Objects.

The right to the special use of Plant Kingdom objects shall be suspended in cases specified in [Article 51](#) of this Law by a decision of local executive and regulatory bodies that have made a decision on granting of such a right independently or upon recommendation of State bodies within the scope of their competence, the users of land lots or water objects unless otherwise provided for in this Article.

The users of Plant Kingdom objects shall be obliged to cease the exercise of the right to the special use of Plant Kingdom objects without a decision made by local executive and regulatory bodies on the suspension of such a right in cases of its period expiry.
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

The right to the special use of Plant Kingdom objects shall be suspended as a result of the user's renunciation of it on the basis of the user's request submitted to the local executive and regulatory body.

In cases where the user of Plant Kingdom objects disagrees with the suspension of the right to the special use of Plant Kingdom objects, he/she may appeal against it in court.

Article 53. Rights of the Users of Plant Kingdom Objects

When administering the common use of Plant Kingdom objects, their users may carry out any activities that are not in contradiction to the legislative requirements of the Republic of Belarus.

When administering the special use of Plant Kingdom objects, their users shall have the right to:

obtain from local executive and regulatory bodies, specially authorized Republican bodies of the State Administration in accordance with the procedure established by the legislation of the Republic of Belarus environmental information related to the handling of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

administer the special use of Plant Kingdom objects to the extent permitted by the legislation of the Republic of Belarus;

access to a land lot or water body, within the boundaries of which Plant Kingdom objects provided for their use grow;
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

independently choose techniques and methods of using Plant Kingdom objects in compliance with the legislative requirements of the Republic of Belarus;

independently manage plant products gathered (procured) by them in accordance with the legislation of the Republic of Belarus unless otherwise provided for by the legislative acts of the Republic of Belarus or a civil law contract.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

When administering the special use of Plant Kingdom objects, their users may exercise other rights provided for by the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom.
(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 54. Obligations of the Users of Plant Kingdom Objects

When administering the use of Plant Kingdom objects, their users must:

use Plant Kingdom objects in accordance with the purposes they are provided for;

comply with the established standards in the field of handling of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

comply with the terms specified in a decision of local executive and regulatory bodies on granting a right to the special use of Plant Kingdom objects;
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

administer the use of Plant Kingdom objects and other activities in ways that prevent the occurrence of land degradation, damage to or destruction of Plant Kingdom objects and exclude or limit a harmful effect on Plant Kingdom objects and other natural objects;

make timely payments in the field of handling of Plant Kingdom objects if such payments are stipulated by the legislation of the Republic of Belarus;

comply with the requirements (instructions) of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, its territorial bodies, other specially authorized Republican bodies of the State Administration or their territorial bodies, local executive and regulatory bodies;

(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

not violate the rights of other users of Plant Kingdom objects;

keep records of plant products procured (purchased) during the special use of Plant Kingdom objects and their handling and submit information to the State Plant Kingdom Cadastre;

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

The Paragraph excluded. – The [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3;

fulfill other obligations stipulated by the legislative acts of the Republic of Belarus.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Article 55. Protection and Guarantees of the Rights of the Users of Plant Kingdom Objects

Violated rights of the users of Plant Kingdom objects shall be subject to restoration.

Losses caused to the users of Plant Kingdom objects in connection with the violation or restriction of their rights shall be subject to compensation according to the procedure established by the legislation of the Republic of Belarus.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

In case of the removal for state needs of a land lot or water body within the boundaries of which Plant Kingdom objects provided for the special use grow, their user shall be compensated for the losses related to the removal in accordance with the procedure established by the legislation of the Republic of Belarus.

(as worded in the Laws of the Republic of Belarus of December 28, 2009 [No. 96-3](#); of July 18, 2016 No. 402-3)

Upon termination of the right to the special use of Plant Kingdom objects in case of the removal for state needs of land lots or water bodies within the borders of which these Plant Kingdom objects grow, the use of Plant Kingdom objects may be granted on other land lots or water bodies.

(as worded in the Laws of the Republic of Belarus of December 28, 2009 [No. 96-3](#); of July 18, 2016 [No. 402-3](#))

Part 5 of Article 55 excluded since December 31, 2016. – The [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3.

CHAPTER 10 SPECIFICS OF HANDLING OF PLANT KINGDOM OBJECTS

Article 56. Specifics of Handling of Plant Kingdom Objects Located on the Lands of Certain Categories

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

In accordance with this Law and other legislative acts of the Republic of Belarus, the Republican bodies of the State administration and/or local executive and regulatory bodies may within the scope of their competence adopt rules establishing the specifics of handling of Plant Kingdom objects growing on the lands of certain categories.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); of July 18, 2016 [No. 402-3](#))

Specifics of handling of Plant Kingdom objects may be established:

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

on the lands destined for agriculture – by the Ministry of Agriculture and Food of the Republic of Belarus in coordination with the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus;

on reserve lands – by local executive and regulatory bodies in coordination with the territorial bodies of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus;

on the lands of localities – by local executive and regulatory bodies in coordination with the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, the Ministry of Housing and Communal Services of the Republic of Belarus and the Ministry of Architecture and Construction of the Republic of Belarus;

on the lands destined for industry, transport, communications, energy, defense and other purposes – by the interested Republican bodies of the State Administration in coordination with the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

The organization of the handling of Plant Kingdom objects growing on common lands shall be carried out by local executive and regulatory bodies. Local executive and regulatory bodies may within the scope of their competence ban haying and grazing on the lands of localities, other types of use of Plant Kingdom objects if they can harm the environment, life and health of citizens.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Parts 4-5 of Article 56 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3.

The use of Plant Kingdom objects growing on the lands provided for defense needs may be limited, suspended or prohibited if it is incompatible with the intended purpose and special regime established for these lands.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

The use of Plant Kingdom objects growing on the lands of the water fund, the lands destined for environmental, therapeutic, recreational and historical-cultural purposes may be limited, suspended or prohibited if it is incompatible with the intended purpose of these lands and leads to a violation of the procedure for their use.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Part 8 of Article 56 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3.

Handling of Plant Kingdom objects growing on specially protected natural territories shall be carried out in accordance with the regime for the protection and use of these territories. Specifics of handling of these Plant Kingdom objects shall be established in accordance with the legislation of the Republic of Belarus on specially protected natural territories and on the safeguarding and use of Plant Kingdom.

(as worded in the Laws of the Republic of Belarus of July 2, 2009 [No. 32-3](#); of July 18, 2016 [No. 402-3](#))

Part 10 of Article 56 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3.

Article 57. Specifics of Handling of Plant Kingdom Objects Growing in the Border Zone and Border Strip

(as worded in the [Law](#) of the Republic of Belarus July 18, 2016 No. 402-3)

The use of Plant Kingdom objects growing in the border zone and border strip may be limited, suspended or prohibited in accordance with the legislation of the Republic of Belarus on the State Border if such use is incompatible with the special regime established for these territories.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 [No. 260-3](#); of July 18, 2016 [No. 402-3](#))

Specifics of handling of Plant Kingdom objects growing in the border zone and border strip may be established by the State Border Committee of the Republic of Belarus in coordination with the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

(as worded in the Laws of the Republic of Belarus of July 2, 2009 [No. 32-3](#); of July 18, 2016 [No. 402-3](#))

Article 58. Handling of Plant Kingdom Objects Growing on the Territories Subjected to Radioactive Contamination

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Handling of Plant Kingdom objects growing on the territories subjected to radioactive contamination as a result of the Chernobyl Electric Power Station Disaster shall be carried out in accordance with the legislation of the Republic of Belarus on the legal regime for the territories subjected to radioactive contamination as a result of the Chernobyl Disaster, this Law and other legislative acts of the Republic of Belarus.

CHAPTER 11

ECONOMIC MECHANISM FOR HANDLING OF PLANT KINGDOM OBJECTS

Article 59. Scope of the Economic Mechanism for Handling of Plant Kingdom Objects

The economic mechanism for handling of Plant Kingdom objects is an integral part of the economic mechanism for environmental protection and nature management and shall be determined by this Law, the legislative acts of the Republic of Belarus on environmental protection and other legislative acts of the Republic of Belarus.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

The economic mechanism for the handling of Plant Kingdom objects shall include:

financing of state programs, plans and measures for the sustainable handling of Plant Kingdom objects;

making compensatory payments covering the cost of Plant Kingdom objects subject to the removal;

(The Paragraph introduced by the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

payments in the field of handling of Plant Kingdom objects;

economic stimulation of the sustainable handling of Plant Kingdom objects;

other economic measures aimed at the sustainable handling of Plant Kingdom objects.

Article 60. Payments in the Field of Handling of Plant Kingdom Objects

(as worded in the [Law](#) of the Republic of Belarus of June 13, 2007 No. 238-3)

The general use of Plant Kingdom objects is free. The special use of Plant Kingdom objects shall be based on payments unless otherwise provided for by the legislative acts of the Republic of Belarus.

Payments for the special use of Plant Kingdom objects shall be made in accordance with the procedure specified by the legislative acts of the Republic of Belarus.

(Part 2 of Article 60 as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Making payments in the field of handling of Plant Kingdom objects shall not release the users of Plant Kingdom objects from carrying out measures for the safeguarding of Plant Kingdom objects, their habitat and from compensation for the harm caused to Plant Kingdom objects and their habitat.

Article 60-1. Excluded

(Article 60-1 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Article 61. Economic Stimulation of the Sustainable Handling of Plant Kingdom Objects

Economic stimulation of the sustainable handling of Plant Kingdom objects may be carried out by:

(as worded in the [Law](#) of the Republic of Belarus of June 13, 2007 No. 238-3)

setting privileges to certain categories of legal persons and individuals by the President of the Republic of Belarus and/or laws unless otherwise provided for by the President of the Republic of Belarus, in ensuring the sustainable handling of Plant Kingdom objects;

(as worded in the Laws of the Republic of Belarus of June 13, 2007 [No. 238-3](#); of May 17, 2011 [No. 260-3](#))

material incentives for citizens, including officials and other employees of legal persons

effectively safeguarding Plant Kingdom objects, in accordance with the procedure established by the legislation of the Republic of Belarus.

The legislation of the Republic of Belarus may provide for other types of economic stimulation of the sustainable handling of Plant Kingdom objects.

CHAPTER 12
NORMING IN THE FIELD OF HANDLING OF PLANT KINGDOM OBJECTS
(as worded in the Laws of the Republic of Belarus of July 20, 2006 [No. 162-3](#);
of December 18, 2018 [No. 153-3](#))

Article 62. Norming in the Field of Handling of Plant Kingdom Objects

Norming in the field of handling of Plant Kingdom objects includes establishing of norms in the field of handling of Plant Kingdom objects.
(as worded in the [Law](#) of the Republic of Belarus of January 22, 2013 No. 18-3)

Norming in the field of handling of Plant Kingdom objects shall be exercised in accordance with this Law and other legislative acts of the Republic of Belarus.
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Article 63. Excluded

(Article 63 excluded. – The [Law](#) of the Republic of Belarus of January 22, 2013 No.18-3)

Article 64. Requirements for the Safeguarding of Plant Kingdom Objects Subject to a Record during the Development and Approval of Technical Normative Legal Acts of the Republic of Belarus

Requirements for the safeguarding of Plant Kingdom objects provided for by this Law and other legislative acts of the Republic of Belarus on environmental protection must be considered during the development and approval of Technical Normative Legal Acts.
(as worded in the [Law](#) of the Republic of Belarus of July 20, 2006 No. 162-3)

Technical Normative Legal Acts of the Republic of Belarus that include technical standards for products and technological processes, which exert or may exert a deleterious effect on Plant Kingdom objects and/or their habitats, must contain requirements for the safeguarding of Plant Kingdom objects and their habitat reducing or eliminating such an effect.

CHAPTER 13
RECORD, STATE CADASTRE AND MONITORING OF PLANT KINGDOM.
CONTROL IN THE FIELD OF SAFEGUARDING AND USE OF PLANT KINGDOM
OBJECTS
(as worded in the Laws of the Republic of Belarus of July 2, 2009 [No. 32-3](#); of May 17, 2011
[No. 260-3](#); of July 18, 2016 [No. 402-3](#))

Article 65. Record of Plant Kingdom Objects and their Handling

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

When keeping a record of Plant Kingdom objects and their handling, the objects of a record shall be as follows:

green areas of common use in localities, as well as plantings growing on these territories;

green areas of restricted use within the boundaries of the land lots of legal persons and individual entrepreneurs (provided for the placement of industrial, warehouse and other similar facilities, the facilities of educational and cultural institutions; sports, medical, sanatorium-resort, health facilities etc.), as well plantings growing on these territories;

anti-erosion and roadside plantings;

plantings growing on reserve lands;

individual valuable trees (trees: beech, elm (elm, birchbark), common oak, Douglas fir (*Pseudotsuga*), cedar, Norway maple, *Tilia*, European ash with a trunk diameter of 12 centimeters or more at a height of 1.3 meters, curly birch), growing outside the area of plantings listed in [Paragraphs 2-5](#) of this Part;

(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

plant products procured (purchased) in accordance with the procedure for administering the special use of Plant Kingdom objects.

A record of Plant Kingdom objects and their handling shall be maintained by legal persons and individual entrepreneurs:

users of land lots within the boundaries of which Plant Kingdom objects grow, either independently or with the involvement of other persons on the basis of a civil law contract – with regard to Plant Kingdom objects listed in [Paragraphs 2-6](#) of [Part 1](#) of this Article;

carrying out the special use of Plant Kingdom objects – with regard to procured (purchased) plant products.

The [procedure](#) for maintaining a record of Plant Kingdom objects and their handling shall be established by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

Consultant Plus: comment.

The State Plant Kingdom Cadastre is available on the official website: <http://plantcadastre.by/>.

Article 66. State Plant Kingdom Cadastre

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

The State Plant Kingdom Cadastre shall be maintained by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

Scientific support for the maintenance of the State Plant Kingdom Cadastre, including the conduct of a cadastral area survey (collection of information on the presence, distribution, species

composition, state and use of Plant Kingdom objects), analysis and assessment of information obtained as a result of the cadastral area's survey, Plant Kingdom monitoring, other information on Plant Kingdom objects shall be carried out by the National Academy of Sciences of Belarus in accordance with the procedure and under the terms established by it in coordination with the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

A Register of Green Areas shall be maintained as part of the State Plant Kingdom Cadastre.

The National Academy of Sciences of Belarus, the users of Plant Kingdom objects, as well as legal persons and individual entrepreneurs who are the users of land lots or water bodies within the boundaries of which Plant Kingdom objects subject to a record grow shall provide information on Plant Kingdom objects and their handling for including them in the State Plant Kingdom Cadastre according to the [forms](#) and within the time period established by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus.

Submission of inaccurate information to the State Plant Kingdom Cadastre or failure to submit it in due time shall entail liability in accordance with the legislative acts of the Republic of Belarus.

Financing the maintenance of the State Plant Kingdom Cadastre, scientific support for the maintenance of the State Plant Kingdom Cadastre shall be carried out in accordance with fiscal and other legislation of the Republic of Belarus.

The data of the State Plant Kingdom Cadastre shall be provided and distributed in accordance with the procedure established by the legislation of the Republic of Belarus on environmental protection.

In the event that the recipient of the data from the State Plant Kingdom Cadastre uses them to create derived information for its commercial distribution, the State Plant Kingdom Cadastre shall be indicated as a course of information.

Article 67. Plant Kingdom Monitoring

Plant Kingdom monitoring is a system of observations over the state of Plant Kingdom objects and their habitat, assessment and projection of their changes.
(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Plant Kingdom monitoring is a kind of environmental monitoring and shall be carried out by the National Academy of Sciences of Belarus within the framework of the National System of Environmental Monitoring in the Republic of Belarus.
(Part 2 of Article 67 as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

The [procedure](#) for Plant Kingdom monitoring and using its data shall be established by the Council of Ministers of the Republic of Belarus.
(Part 3 of Article 67 as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Article 67-1. Control in the Field of Handling of Plant Kingdom Objects

(as worded in the [Law](#) of the Republic of Belarus of December 18, 2018 No. 153-3)

Control in the field of safeguarding and use of Plant Kingdom shall be exercised in accordance with the legislation of the Republic of Belarus on control (supervisory) activities and

environmental protection.

CHAPTER 14 EXCLUDED

(Chapter 14 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Article 68. Excluded.

(Article 68 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Article 69. Excluded.

(Article 69 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Article 70. Excluded.

(Article 70 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Article 71. Excluded.

(Article 71 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Article 72. Excluded.

(Article 72 excluded. – The [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

CHAPTER 15

LIABILITY FOR A VIOLATION OF LEGISLATION OF THE REPUBLIC OF BELARUS ON THE SAFEGUARDING AND USE OF PLANT KINGDOM

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 73. Excluded

(Article 73 excluded. – The [Law](#) of the Republic of Belarus of November 10, 2008 No. 444-3)

Article 74. Liability for a Violation of the Legislation of the Republic of Belarus on the Safeguarding and Use of Plant Kingdom

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Violation of the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom shall entail liability in accordance with the legislative acts of the Republic of Belarus.

(as worded in the Laws of the Republic of Belarus of November 10, 2008 [No. 444-3](#); of July 18, 2016 [No. 402-3](#))

Bringing legal persons and citizens to liability for a violation of the legislation of the Republic of Belarus on the safeguarding and use of Plant Kingdom shall not release them from obligations to carry out measures for the safeguarding and reproduction of Plant Kingdom objects and their habitat restoration.

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Article 75. Handling of Illegally Withdrawn, Removed, Transplanted Wild Plants and/or their Parts

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

Wild plants and/or their parts owned by the Republic of Belarus, but illegally withdrawn, removed, transplanted by legal persons and citizens, shall be confiscated from them and returned to the State revenue in accordance with the procedure established by the acts of the President of the Republic of Belarus and other legislative acts of the Republic of Belarus.

(as worded in the [Law](#) of the Republic of Belarus of May 17, 2011 No. 260-3)

If it is impossible to withdraw wild plants and/or their parts listed in [Part 1](#) of this Article or is impossible to realize or is economically unfeasible to realize such wild plants and/or their parts, their cost shall be recovered in the amount and in accordance with the procedure established by the legislation of the Republic of Belarus.

(as worded in the Laws of the Republic of Belarus of June 13, 2007 [No. 238-3](#); of May 17, 2011 [No. 260-3](#))

Article 76. Compensation for the Harm Caused to Plant Kingdom Objects and/or their Habitat

(as worded in the [Law](#) of the Republic of Belarus of July 18, 2016 No. 402-3)

Damage caused to Plant Kingdom objects and/or their habitat shall be subject to compensation into the revenue of the Republican budget in the full amount on a voluntary basis or by a court decision by a person caused it in accordance with the procedure established by the legislation of the Republic of Belarus on environmental protection according to fees defining the extent of damage caused to Plant Kingdom objects and/or their habitat established by the President of the Republic of Belarus.

In the event that it is impossible to define the extent of damage caused to Plant Kingdom objects and/or their habitat, in accordance with the fees for defining the extent of damage subject to compensation caused to Plant Kingdom objects and/or their habitat or if there are no such fees, the extent of damage caused to Plant Kingdom objects and/or their habitat shall be defined on the basis of factual expenses on the restoration of the disturbed condition of Plant Kingdom objects and/or their habitat, considering the losses incurred, including lost profits.

Article 77. Settlement of Disputes Related to the Handling of Plant Kingdom Objects

Disputes related to the handling of Plant Kingdom objects shall be settled in accordance with the legislation of the Republic of Belarus by specially authorized Republican bodies of the State Administration, local executive and regulatory bodies within the scope of their competence and/or in court in accordance with the procedure established by the legislation of the Republic of Belarus.

CHAPTER 16 FINAL PROVISIONS

Article 78. Entry this Law into Force

This Law shall enter into force on January 1, 2004.

Before bringing the legislation of the Republic of Belarus into line with this Law, it shall be applied in its part, which does not contradict this Law, unless otherwise provided for by the [Constitution](#) of the Republic of Belarus.

Article 79. Bringing Legislative Acts of the Republic of Belarus into Line with this Law

The Council of Ministers of the Republic of Belarus within a year from the date of entry into force of this Law shall:

prepare and submit proposals for bringing legislative acts of the Republic of Belarus into conformity with this Law to the House of Representatives of the National Assembly of the Republic of Belarus in accordance with the established procedure;

bring standard legal acts of the Government of the Republic of Belarus into conformity with this Law;

ensure the review and cancellation of their normative legal acts contradicting this Law by the Republican bodies of the State Administration subordinate to the Government of the Republic of Belarus;

take other measures required for the implementation of the provisions of this law.

President of the Republic of Belarus

Lukashenko

**Non-binding translation*