

**Non-binding translation*

The Law of the Republic of Belarus

“On the Plant Kingdom”

of June 14, 2003 No. 205-3

LAW OF THE REPUBLIC OF BELARUS

of June 14, 2003 No. 205-3

ON THE 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; of January 4, 2022 No. 145-3)

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 their definitions shall apply 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 for the purposes of creation of favorable conditions for the recreation of a population; the formation of a full-fledged, aesthetically expressive living environment;

“Botanical Garden” means a developed green area, where woody, shrub, flowering, and

other plants grow that are used for scientific and research, educational and experimental, cultural and educational and recreational purposes;

“Boulevard” means a publicly accessible developed green area with one or more rows of plantings located between the lanes of vehicles of the street of the settlement;
(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 geographic distribution of Plant Kingdom objects, their quantitative and qualitative characteristics, economic evaluation and utilization of Plant Kingdom objects, as well as other data on Plant Kingdom objects required to ensure their safeguarding and sustainable use;

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

“Trees, shrubs of improper quality” means trees and shrubs in which the number of shrunken branches is more than 50 percent and/or the bark is destroyed or fallen off on most of the trunk;
(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, 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 range;

“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 for the creation of Plant Kingdom

objects instead of the removed ones;

“A person in the field of greening” means a legal person, an individual entrepreneur exercising activities on 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 subdivision in its composition carrying out of such activity; (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 a particular 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 and its territorial bodies, local executive and regulatory bodies; the State Institution “Administration of the Chinese-Belarusian Industrial Park “Great Stone” (hereinafter referred to as “the Administration of the Park”) (in cases, where obtaining of such permits is stipulated by this Law); decisions of State bodies that have set restrictions or prohibitions with regard to Plant Kingdom objects on changing or lifting the restrictions or prohibitions set, design documentation approved in accordance with the established legislative procedure stipulating the removal, transplantation of Plant Kingdom objects; conclusions on recognizing a tree as dangerous, or the withdrawal, removal, transplantation of wrong Plant Kingdom objects and not in the volumes provided for withdrawal, removal, transplantation, in accordance with specified permits, decisions, design documentation, conclusions, or removal of Plant Kingdom objects before the conclusion of a civil law contract for carrying out of 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, 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 for submitting to local executive and regulatory body, the Administration of the Park of notifications of the planned, carried out removal, transplantation of Plant Kingdom objects;

(as worded in the Laws of the Republic of Belarus of December 18, 2018 No. 153-3; of January 4, 2022 No. 145-3)

“Standards in the field of handling of Plant Kingdom objects” means standards established in accordance with the indicators of the state and number of Plant Kingdom objects, 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 of March 3, 1973 (CITES);

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

“Handling of Plant Kingdom objects” means the activity related to the safeguarding, protection, reproduction, maintenance, withdrawal, removal 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 combination;

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

“Green area” means the area where greening has been performed and/or where Plant Kingdom objects that perform sanitary and 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 the trees that pose with their likely fall a threat of harm to the life and health of citizens, property of citizens and legal persons (dead, affected by trunk rot, with any other significant damage to the trunk and/or root system, hanging on buildings, structures, other trees, and also leaning towards buildings, structures where the radius of a 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 number, resource potential and productivity, prevention of their damage, destruction or any other harmful effect on them;

“Park” means a publicly accessible developed green area of more than 5 hectares in the settlement;

“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 another activity;

“Users of land lots or water objects” means persons who, in accordance with the procedure established by legislation, have been granted on the basis of the rights of private ownership, lifetime inheritable possession, permanent or temporary use, lease, or on other grounds established by legislation a land lot or a water body or a part thereof (hereinafter referred to as “the water body”), within the boundaries of which Plant Kingdom objects grow;

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

“Roadside 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 auto

road, and in settlements – to both sides of the public highway to the border of the existing building (roadside plantings of motor highways);

“Anti-erosion plantings” means plantings growing in gullies, bars, on slopes with the steepness of 25 degrees or more and within the borders of the strips of 100 meters wide adjacent to them along the perimeter, as well as field-protecting plantings developed for the purposes of protecting of agricultural soils from water, wind erosion and any other harmful effect 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 the 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 with 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 implementation of economic and another activity and are of 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 developed green area of 0.1 to 5 hectares in the settlement;

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

“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 the vital activity of those plants, 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. Legal Regulation of Relations in the Field of Handling of Plant Kingdom Objects.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Relations in the field of handling of Plant Kingdom objects shall be regulated by legislation on the safeguarding and use of the Plant Kingdom, as well as International Treaties of the Republic of Belarus.

(Part 1 of Article 2 introduced by the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Legislation on the safeguarding and use of the Plant Kingdom shall be based on the Constitution of the Republic of Belarus and include this Law and other normative legal acts constituting the norms regulating the relations in the field of handling of Plant Kingdom objects.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Relations in the field of handling of Plant Kingdom objects constituting the Forest Fund shall be regulated by legislation on the use, safeguarding, protection and reproduction of forests, except for relations specified in Articles 18, 19, 24, 26 - 28, 33-1 (in part of city forests) and 38 (in part of city forests) of this Law that shall be regulated by legislation on the safeguarding and use of the Plant Kingdom.

(as worded in the Laws of the Republic of Belarus of December 18, 2018 No. 153-3; of January 4, 2022 No. 145-3)

Relations in the field of handling of plants related to Living Modified Organisms shall be regulated by legislation in the field of safety in genetic engineering activity.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Relations in the field of quarantine and protection of plants shall be regulated by legislation on the safeguarding and use of the Plant Kingdom in part that is not regulated by legislation in the field of quarantine and protection of plants.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Relations in the field of greening shall be regulated by legislation on the safeguarding and use of the Plant Kingdom in part that is not regulated by legislation in the field of architectural, urban planning and construction activities, on public utilities.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Relations in the field of handling of Plant Kingdom objects as a component of the habitat of Animal Kingdom objects shall be regulated by legislation on the safeguarding and use of the Plant Kingdom, unless otherwise established by legislation on the safeguarding and use of the Animal Kingdom.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Relations in the field of the safeguarding and use of lands (including soils), waters, bowels, atmospheric air as the habitat of Plant Kingdom objects shall be correspondingly regulated by legislation on the safeguarding and use of lands, on the safeguarding and use of waters, on the safeguarding and use of bowels, on the safeguarding of atmospheric air, unless otherwise established by this Law.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Relations in the field of handling of withdrawn or removed plants and/or their parts, including plant products, shall be regulated by civil legislation.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Relations associated with the import and/or export of plants, their parts and/or derivatives shall be regulated by legislation on foreign economic relations, customs regulation, International Treaties of the Republic of Belarus, acts constituting the Law of the European Economic Union.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Relations in the field of handling of Plant Kingdom objects growing in burial places shall be regulated by burial and funeral legislation.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 regulated by legislative acts regulating the activity of horticultural partnerships and dacha cooperatives, except for the relations specified in Articles 18, 19, 24, 26-28 and 37-4 of this Law that shall be regulated by legislation on the safeguarding and use of the Plant Kingdom.
(Part 12 of Article 2 introduced by the Law of the Republic of Belarus of December 18, 2018 No. 153-3; as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

If the International Treaty of the Republic of Belarus establishes other rules than those contained in this Law, then the rules of the International Treaty shall apply.
(Part 13 of Article 2 introduced by the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 3. Excluded.

(Article 3 excluded since August 1, 2022. — The Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 4. Subjects of Relations 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)

Subjects of relations 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 the 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, referred to as "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, referred to as "citizens").

Article 5. Objects of Relations 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)

Objects of relations in the field of handling of Plant Kingdom objects shall be 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 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 have been 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 legislation, of land lots within the boundaries of which Plant Kingdom objects grow for collective gardening and dacha construction 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 ownership of foreign states, international organizations, state bodies must make a decision about the future of these Plant Kingdom objects.
(as worded in the Laws of the Republic of Belarus of December 18, 2018 No. 153-3; of January 4, 2022 No. 145-3)

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 to Plant Kingdom objects in nationwide interests through specially authorized state bodies, organizations.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 legislation, shall be regarded as their property, unless otherwise provided for by legislative acts or a civil law contract.
(as worded in the Law of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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 legislation shall be administered by the users of land lots or water bodies freely, unless it is in contrary to common good and safety, it causes damage to the environment, historical and cultural assets, and infringes upon the rights and legally protected interests of citizens, legal persons and the State.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 legislation on the safeguarding and use of lands, on the safeguarding and use of waters and shall terminate from the moment of the termination of the right to a land lot or water body, as well as death, destruction or another loss of a Plant Kingdom object.
(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

State bodies when providing a land lot or water body within the boundaries of which Plant Kingdom objects grow to a legal person or a citizen may establish restrictions and prohibitions in relation to Plant Kingdom objects in cases provided for by this Law and other Laws.
(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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 shall be 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;

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

responsibility for a violation of legislation on the safeguarding and use of the Plant Kingdom;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 the Field of 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, in accordance with the procedure established by legislation, the use of Plant Kingdom objects, while exercising the rights and fulfilling the obligations of the users of Plant Kingdom objects, unless otherwise established by legislation or follows from the essence of the legal relationship;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

exercise the removal, transplantation or withdrawal of Plant Kingdom objects, in accordance with this Law and other legislative acts;
(as worded in the Law of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022

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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 exercise 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;

attract, in cases and in accordance with the procedure established by legislation, specialized services, the users of Plant Kingdom objects, as well as other legal persons and citizens with their consent for extinguishing of fires, elimination of other emergencies and their consequences, controlling of pests and diseases of Plant Kingdom objects;
(as worded in the Law of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

claim damages caused as a result of illegal withdrawal, removal, transplantation of Plant Kingdom objects, the 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; of 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 contradicts legislative requirements.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

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

comply with the requirements of legislation on environmental protection and the safeguarding and use of the Plant Kingdom;
(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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; of 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)

exercise the safeguarding of Plant Kingdom objects from fires, pollution and any other harmful effect, as well as provide for the 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, provided that their withdrawal, removal or transplantation is not allowed in accordance with this Law and other legislative acts and carry out their maintenance and reproduction;

(as worded in the Law of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

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

maintain 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 in accordance with the procedure established by legislation, works regulating the distribution and number 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; of January 4, 2022 No. 145-3)

suspend the use of Plant Kingdom objects in case of a violation of their reproductive function and bring forward, in accordance with the procedure established by legislation, proposals for limiting or suspending rights to the special use of Plant Kingdom objects;

implement compensatory measures, in cases and in accordance with the procedure established by this Law or other legislative acts.

(the Paragraph introduced by the Law of the Republic of Belarus of December 18, 2018 No. 153-3; as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

The users of land lots or water bodies must also fulfill other responsibilities in the field of handling of Plant Kingdom objects stipulated by legislative acts.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

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

Article 10. Excluded.

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

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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 legislation, local Councils of Deputies, executive and regulatory bodies, the Administration of the Park.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Specially authorized Republican bodies of the State administration in the field of handling of Plant Kingdom objects (hereinafter referred to as “the specially authorized Republican bodies of the State administration”) shall be the Ministry of Natural Resources and Environmental Protection, the Ministry of Forestry, the Ministry of Housing and Communal Services and other Republican bodies of the State administration determined by the President of the Republic of Belarus and the Council of Ministers of the Republic of Belarus.

(as worded in the Laws of the Republic of Belarus of October 29, 2004 No. 319-3; of January 4, 2022 No. 145-3)

The competence of specially authorized Republican bodies of the State administration shall be established in accordance with this Law and other legislative acts.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Specially authorized Republican bodies of the State administration shall exercise powers vested in them directly and through their territorial bodies.

Article 11-1. Competence 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;

define the powers of the State Inspectorate for the Safeguarding of the Animal and Plant Kingdom under the President of the Republic of Belarus for exercising control in the field of the safeguarding and use of the 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)

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

exercise other powers vested in him by the Constitution of the Republic of Belarus and legislative acts.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 12. Competence 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 implementation 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 the right to the special use of Plant Kingdom objects and informing local executive and regulatory bodies about planned activities on 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, unless otherwise provided for by legislative acts;
(as worded in the Law of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

establish a procedure for establishing of conditions for implementing of 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 the 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 established 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 to the users of land lots and/or water bodies under protection; 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 obligation, 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 number of which shall be subject to regulation, as well as a procedure for carrying out of activities regulating their distribution and number;

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

establish fees for determining the amount of compensation for damages caused to Plant Kingdom objects and/or their habitat;

(the Paragraph introduced by the Law of the Republic of Belarus of January 4, 2022, No. 145-3)

exercise other powers in accordance with this Law and other legislative acts.

(as worded in the Law of the Republic of Belarus of November 10, 2008 No. 444-3; January 4, 2022 No. 145-3)

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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

pursue the single state policy;

organize the development and implementation of state programmes, plans and measures for the sustainable handling of Plant Kingdom objects;

regulate the handling of Plant Kingdom objects, except for the cases 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;

The 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 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; of May 17, 2011 No. 260-3; of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

The 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

establish in cases stipulated by this Law and other legislative acts restrictions and bans in relation to Plant Kingdom objects;
(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

The Paragraph excluded. — The Law of the Republic of Belarus of January 22, 2013 No. 18-3;

The Paragraph excluded. — The Law of the Republic of Belarus of November 10, 2008 No. 444-3;

coordinate rules for design and landscaping, rules for the maintenance of landscaped areas;
(as worded in the Law of the Republic of Belarus of July 18, 2016 No. 402-3)

make, in accordance with this Law and other legislative acts, decisions on the restriction or suspension of certain types of use of Plant Kingdom objects;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

establish a procedure for using of 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; of July 18, 2016 No. 402-3)

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

The Paragraph excluded. – The Law of the Republic of Belarus of November 10, 2008 No. 444-3;

exercise control in the field of the safeguarding and use of the Plant Kingdom in accordance with legislation on control (supervising) activity and environmental protection;
(as worded in the Laws of the Republic of Belarus of December 18, 2018 No. 153-3; of January 4, 2022 No. 145-3)

establish a procedure for maintaining of record of Plant Kingdom objects and their handling;

Consultant Plus: comment.

The State Plant Kingdom Cadastre is placed on the 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)

request 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)

distribute and provide, in accordance with the legislative acts, 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; of January 4, 2022 No. 145-3)

The Paragraph excluded. – The Law of the Republic of Belarus of December 18, 2018 No. 153-3;

raise claims to legal persons or citizens who have caused harm to Plant Kingdom objects, their habitat, and claims to the court to compensate for the harm caused to Plant Kingdom objects, their habitat; file claims in 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.
(as worded in the Laws of the Republic of Belarus of November 10, 2008 No. 444-3; of January 4, 2022 No. 145-3)

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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 legislation on the safeguarding and use of the Plant Kingdom;
(as worded in the Law of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

The Paragraph excluded. – The Law of the Republic of Belarus of January 22, 2013 No. 18-3;

exercise other powers in accordance with legislation.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

organize the development and implementation 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 coordinated with the National Academy of Sciences of Belarus make decisions on the transfer of the identified habitats of wild plants belonging to the species included in the Red Book of the Republic of Belarus to the users of land lots and/or water objects under protection;

(the Paragraph introduced by the Law of the Republic of Belarus of January 22, 2013 No. 18-3; as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

handle 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 legislation, decisions on granting, restricting, suspending or terminating the right to the special use of Plant Kingdom objects;

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

make, in accordance with this Law and other legislative acts, decisions on restricting and 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 Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

establish in cases stipulated by this Law and other legislative acts 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; of January 4, 2022 No. 145-3)

organize, in accordance with legislation, of activities related to the safeguarding, 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 January 4, 2022 No. 145-3)

oblige legal persons and individual entrepreneurs, exercising the special use of Plant Kingdom objects for cultural and therapeutic, touristic, other recreational and/or sporting purposes, to implement measures for the development of 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, as well as disseminate and provide, in accordance with legislative acts, 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; of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

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; of July 18, 2016 No. 402-3)

establish, in coordination with the territorial bodies of the Ministry of Natural Resources and Environmental Protection and the Ministry of Forestry, the time period for gathering, procurement (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; of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

The Paragraph excluded. – The Law of the Republic of Belarus of May 17, 2011 No. 260-3;

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

(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 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 for the purposes of the identification of plant habitats the distribution and number of which shall be 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, except for the case stipulated by Part 3 of this Law;

(the Paragraph introduced by 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 January 4, 2022 No. 145-3)

exercise other powers, in accordance with this Law and other legislative acts.

(as worded in the Laws of the Republic of Belarus of November 10, 2008 No. 444-3; of January 4, 2022 No. 145-3)

In the territory of the Chinese-Belarusian Industrial Park “Great Stone” (except for the territories of settlements, including the city of Minsk and lands within the boundaries of the prospective development of the city of Minsk, in accordance with its general plan, horticultural partnerships and dacha cooperatives), the Administration of the Park in the field of the handling of Plant Kingdom objects shall exercise the powers as follows:

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

obtain prior notification of the planned removal, transplantation of Plant Kingdom objects.

(Part 3 of Article 14 introduced by the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 14-1. Participation of Citizens, Non-governmental Organisations and the Bodies of Territorial Public Self-government in Resolving the Issues Related to the Safeguarding and Use of the 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 the issues related to the safeguarding and use of the Plant Kingdom through referenda, meetings and other forms of direct participation in

state and public affairs, in accordance with legislation. Authorized state bodies shall facilitate, in accordance with legislation, the participation of citizens in resolving the issues related to the safeguarding and use of the Plant Kingdom.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Citizens, non-governmental organisations 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 legislation on environmental protection.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Non-governmental organisations and the bodies of territorial public self-government shall carry out activities on the propaganda and fostering in citizens of a caring attitude to Plant Kingdom objects, not allowing to cause harm to Plant Kingdom objects and/or deteriorate their habitat, as well as on preventing the penetration of invasive plants into the natural ecological systems.

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

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

assist the Ministry of Natural Resources and Environmental Protection, 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.

(as worded in the Law of the Republic of Belarus of January 1, 2022 No. 145-3)

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 the 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 the handling of Plant Kingdom objects shall:

take part in the development and implementation of science and technology policy;

exercise the coordination of scientific activity;

ensure the implementation of state scientific-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 in maintaining of 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)

The Paragraph excluded. – The Law of the Republic of Belarus of January 22, 2013 No. 18-3;

undertake activities on detecting of rare and endangered plant species in the territory of the Republic; prepare scientific substantiation and other materials required for including these species into 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 activities 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;
(the 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;
The Paragraph excluded. – The Law of the Republic of Belarus of January 22, 2013 No. 18-3;

introduce, in accordance with the procedure established by legislation, proposals for financing of scientific and innovative activity;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

exercise other powers, in accordance with this Law and other legislative acts.
(as worded in the Law of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

CHAPTER 3 EXCLUDED

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

Article 16. Excluded.

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

Article 17. Excluded.

(Article 17 excluded since December 31, 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-state legal persons, the property of foreign states, international organizations.

(the 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 safeguarding. All Plant Kingdom objects in relation to which restrictions and bans have been imposed, in accordance with this Law and other legislative acts, shall also be subject to safeguarding.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

The safeguarding of Plant Kingdom objects shall be exercised 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 carrying out of activity, which causes or may cause harmful effects on Plant Kingdom objects.

The safeguarding of Plant Kingdom objects shall be provided through:

setting of standards 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 water and forest use;
(the Paragraph introduced by the Law of the Republic of Belarus of May 17, 2011 No. 260-3)

prevention and suppression of involuntary use and other violations of the established procedure for using Plant Kingdom objects;

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

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

Consultant Plus: comment.

Information on specially protected natural areas shall be placed on the website of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus at <http://www.minpriroda.gov.by/ru/>.

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

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

creating of special-purpose facilities (botanical gardens and arboretums, greenhouses, tree

and shrub vegetation and other plant nurseries etc.) for wild plant breeding, the conservation of their gene pool and restoration in habitats;
(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 22, 2013 No. 18-3; of December 18, 2018 No. 153-3)

implementing by legal persons, individual entrepreneurs in the course of economic and another activity of which a harmful effect on Plant Kingdom objects and/or their habitat is caused or may be caused of measures ensuring the prevention or compensation of 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 number of invasive plants;
(the Paragraph introduced by the Law of the Republic of Belarus of July 18, 2016 No. 402-3)

providing of protection for 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 transferring them to the users of land lots and/or water bodies under protection 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 at ensuring of the sustainable handling of Plant Kingdom objects;

conducting of state ecological examination by the objects of state ecological examination and other activities with a view of preventing of unreasoned 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 of an environmental monitoring system of the Plant Kingdom, maintaining of record of Plant Kingdom objects and the State Plant Kingdom Cadastre; exercising control in the field of the safeguarding and use of the Plant Kingdom;
(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of July 18, 2016 No. 402-3)

access, in accordance with legislative acts, to 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; of January 4, 2022 No. 145-3)

propaganda of 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 legislation on the safeguarding and use of Plant Kingdom;
(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

implementing other measures for the safeguarding of Plant Kingdom objects and their habitat, in accordance with legislation.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Measures for the safeguarding of Plant Kingdom objects shall not cause any damage to other natural objects, historical and cultural assets, the life and health of citizens, their property and the property of legal persons, except for the cases stipulated by legislative acts.
(as worded in the Law of the Republic of Belarus of January 22, No. 145-3)

Article 19. 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)

Specially authorized Republican bodies of the State administration or their territorial bodies, local executive and administrative bodies may impose in the case, where it is required for ensuring of the state security, the protection of the environment, historical and cultural assets, rights and legitimate interests of citizens and legal persons, as well as in other cases provided for by this Law and other legislative acts, 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; of January 4, 2022 No. 145-3)

In line with Part 1 of this Article, restrictions or bans may be imposed in relation to:

any plant for the purposes of its protection as a natural monument, the promotion of the conservation of a rare or typical natural landscape and its attractiveness, the safeguarding of 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; the 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 their protection and their habitat 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 the 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 shall be 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 established by legislation in the field of the organization of activities aimed to provide fire protection, on the safeguarding and use of the Plant Kingdom, on the use, safeguarding, protection and reproduction of forests.
(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

Users of Plant Kingdom objects, land lots or water bodies shall be obliged to comply with fire safety regulations and in the case 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 setting of fires in prohibited areas shall be established by Article 16.41 of the Code of the Administrative Offenses of the Republic of Belarus.

Setting of fires, burning down of plant residues in the areas of common use in settlements, except for specially developed areas for this determined by decisions of local executive and regulatory bodies shall not be allowed, but shall be allowed on other territories with the compliance of requirements in the field of environmental protection and fire safety regulations.
(Part 4 of Article 20 as worded in the Law of the Republic of Belarus of July 18, 2016 No. 402-3)

Consultant Plus: comment

Administrative liability for illegal burning down of dry vegetation, standing grass, as well as stubbles and afterharvest residues in fields, or failure to take measures to liquidate burns shall be established by Article 16.40 of the Code of the Administrative Offenses of the Republic of Belarus.

Burning down of dry vegetation (dry plants) and its standing residues shall be prohibited, unless otherwise provided for by legislation on environmental protection, on the safeguarding and use of the Animal Kingdom and in the field of organizing of fire prevention activities.
(as worded in the Laws of the Republic of Belarus of November 10, 2008 No. 444-3; July 18, 2016 No. 402-3; of June 4, 2022 No. 145-3)

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

(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 agents allowed for use in the territory of the Republic of Belarus, requirements for legislation on environmental protection and agriculture must be complied with.

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of June 4, 2022 No. 145-3)

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

(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 standards in the field of handling of Plant Kingdom objects and other requirements for legislation on the safeguarding and use of the Plant Kingdom and environmental protection.

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

When placing, constructing, accepting for operation of construction facilities, as well as exploiting, conserving, demolishing of other objects, carrying out the use of bowels, determining places for cattle grazing and driving, organizing mass recreation places for citizens, developing of touristic routes and carrying out of other types of activities that produce an affect on the habitat of Plant Kingdom objects, measures for its conservation must be carried out, in accordance with legislation.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

Consultant Plus: comment.

Information on specially protected natural areas shall be placed on the official website of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus at <http://www.minpriroda.gov.by/ru/>.

Consultant Plus: comment.

Criminal liability for a violation of the regime for the safeguarding and use of specially protected natural areas shall be established by Article 264 of the Penal Code of the Republic of Belarus.

Administrative liability for a violation of the regime for the safeguarding and use of specially protected natural areas and individual natural areas subject to special protection shall be established by Article 16.9 of the Code of the Administrative Affairs of the Republic of Belarus.

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

The activity of legal persons and citizens that affects or may affect Plant Kingdom objects growing in specially protected natural areas shall be allowed, unless it contravenes 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; of 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 exercised in accordance with legislation on specially protected natural areas and the safeguarding and use of the 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; of January 4, 2022 No. 145-3)

Article 24. Safeguarding of Wild Plants Belonging to Rare and Endangered Wild Plant Species in the Territory of the Republic of Belarus, as well as Wild Plant 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 in the territory of the Republic of Belarus shall be included in the Red Book of the Republic of Belarus.

For the purposes of 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 shall organize work on detecting the habitats of such plants and their inventory.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Local executive and regulatory bodies shall make, upon recommendation of the corresponding territorial body of the Ministry of Natural Resources and Environmental Protection 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 to the users of land lots and/or water bodies under the protection.

(as worded in the Laws of the Republic of Belarus of January 22, 2013 No. 18-3; of January 4, 2022 No. 145-3)

The users of land lots and/or water bodies to whom the habitats of wild plants belonging to the species included in the Red Book of the Republic of Belarus are transferred under protection shall be issued with a Wild Plant Habitat Certificate belonging to the species included in the Red Book of the Republic of Belarus and a conservation obligation stipulating a special regime for the safeguarding and use of this habitat.

A procedure for the transfer of the habitats of wild plants belonging to the species included in the Red Book of the Republic of Belarus to the users of land lots and/or water bodies under protection, the form of a Wild Plant Habitat Certificate for the species included in the Red Book of the Republic of Belarus and a conservation obligation, as well as a procedure and terms of their issuance 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 exercised in accordance with the procedure and under the terms established by legislation on environmental protection.
(as worded in the Laws of the Republic of Belarus of January 22, 2013 No. 18-3; of January 4, 2022 No. 145-3)

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, a reduction in their number 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 purposes of 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 may impose restrictions, bans or other measures in relation to 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; in relation to the conservation, safeguarding and restoration of their habitat, as well as in relation to carrying out of economic and another activity during which they are used as the raw material, for other consumption and realization purposes.
(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

The Ministry of Natural Resources and Environmental Protection 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, plans of action 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. Organization of the implementation of these measures and control over their implementation shall be exercised by the Ministry of Natural Resources and Environmental Protection.
(as worded in the Laws of the Republic of Belarus of January 22, 2013 No. 18-3; of January 4, 2022 No. 145-3)

This Article shall not apply to cultivated (grown, handled) plants belonging to rare or endangered species.
(as worded in the Laws 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 damages or destruction of Plant Kingdom objects by pests and diseases in accordance with legislation in the field of plant quarantine and protection and on the safeguarding and use of the Plant Kingdom.

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

Quarantine and protection of Plant Kingdom objects, taking into account of their biological and other features, 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)

The users of land lots or water bodies for the purposes of quarantine and protection of Plant Kingdom objects 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 techniques and in compliance with technologies that ensure the improvement of the 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 specially authorized Republican bodies of the State administration and their territorial bodies in exercising measures for protecting of 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 the large-scale damage or destruction of Plant Kingdom objects as a result of the actions of pests or diseases.

The users of land lots or water bodies must also undertake other obligations stipulated by legislative acts in the field of plant quarantine and 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; of June 4, 2022 No.145-3)

CHAPTER 5

REGULATION OF THE DISTRIBUTION AND NUMBER OF PLANTS <*>

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

<*> Rules established by this Chapter shall apply to plants growing on the lands of all categories, 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 Distribution and Number of Plants of Individual Species

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

For the purposes of protecting of life and health of citizens, safeguarding and protecting of

Animal Kingdom objects and their habitat, Plant Kingdom objects and their habitat, protecting of water bodies, protecting of the environment in general, as well as preventing of harm to separate sectors of economy, measures regulating the dissemination and number of plants of certain categories (poisonous, containing narcotic substances, invasive etc.) shall be implemented. (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 dissemination and number 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 dissemination and number of which are subject to regulation, as well as a procedure for implementing of measures regulating their dissemination and number, 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)

The Ministry of Natural Resources and Environmental Protection by coordination with the National Academy of Sciences of Belarus may, based on the results of scientific research in the field of introduction and acclimatization of plants, 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; of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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

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 carrying out of scientific research. Scientific research must be carried out in compliance with requirements for legislation on the safeguarding and use of the Plant Kingdom, in the field of safety in genetic engineering activity imposed for carrying out of 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; of January 4, 2022 No. 145-3)

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.

(as worded in the Law of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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.

For the purposes of the protection of life and health of citizens, the safeguarding and protection of Animal Kingdom objects and their habitat, Plant Kingdom objects and their habitat, the protection of water bodies, as well as the environment in general, the Ministry of Natural

Resources and Environmental Protection may impose restrictions or bans in relation to the hybridization and breeding of plants in the habitat of Plant Kingdom objects.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 legislation in the area of architectural, urban planning and construction activity; on public utilities, on the safeguarding and use of the Plant Kingdom.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Greening shall be carried out in specially designated areas within the time limits and involving Plant Kingdom objects with quantitative and qualitative characteristics determined by approved, in accordance with the established procedure, urban planning and project documentation, programs/plans for the development of territories elaborated in compliance with design and landscaping rules, standards in this field and if such documentation is not available, programs/plans — based on design and landscaping rules, standards in this field.

Design and landscaping rules shall be established by the Ministry of Architecture and Construction in coordination with the Ministry of Housing and Communal Services and the Ministry of Natural Resources and Environmental Protection.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Standards in the field of greening shall be established by the Ministry of Natural Resources and Environmental Protection.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Measures to ensure compliance with (meeting of) standards in the field of greening in settlements, 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 the purposes of greening shall be established by the Ministry of Natural Resources and Environmental Protection 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, 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 at the expense of a person carried out their planting.
(as worded in the Laws of the Republic of Belarus of December 18, 2018 No. 153-3; of January 4, 2022 No. 145-3)

Planting of trees, shrubs on the lands of common use and the adjacent territory of apartment buildings by citizens shall be organized by persons in the field 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 of landscaped areas shall be established by the Ministry of Housing and Communal Services in coordination with the Ministry of Natural Resources and Environmental Protection.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 33-1. Landscaped Areas

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

Landscaped areas shall be divided into:

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

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

Maintenance of landscaped areas located on the lands of common use of settlements shall be carried out by organizations authorized by local executive and regulatory 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 into the scheme of landscaped areas of common use of the city, a district in the city (in cases, where the city is divided into districts). The scheme of landscaped areas of common use of

the city, a district in the city (in cases, where the city is divided into districts) shall be developed in accordance with the procedure established by legislation on architectural, urban planning and construction activity; shall be coordinated with the territorial body of the Ministry of Natural Resources and Environmental Protection and approved by a decision of the corresponding local executive and regulatory body.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

A scheme for landscaped areas of common use must contain 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 indicators of the provision of the population of the city, a district in the city (where the city is divided into districts) with green areas of common use, as well as about the indicators of the area of green areas of common use of the city, a district in the city (where the city is divided into districts), which are planned to be met for a certain period, taking into account the urban development of the city, a district in the city (where the city is divided into districts).

A project scheme for the landscaped areas of common use shall be subject to public discussion in accordance with legislation on architectural, urban planning and construction activity. (as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Amendments and/or additions to the scheme for the landscaped areas of common use shall be introduced in accordance with the procedure established by Parts 3-5 of this Article.

The local executive and regulatory body shall provide for the update of the scheme for landscaped areas of common use approved by it at least once every five years. At that, such a scheme shall include the developed landscaped areas of common use subject to the inclusion in it pursuant to Part 3 of this Article.

A scheme for the landscaped areas of common use approved by a decision of the local executive and regulatory body in accordance with 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 the landscaped areas of common use and its location over the global computer network Internet. When introducing amendments and/or additions to the scheme for the 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 amendments and/or additions to this scheme shall be published.

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

A reduction in the area and/or a deterioration in the balance of the landscaped areas of

common use, placement of construction projects stipulating such a reduction and/or a deterioration shall not be allowed, provided that within the borders of the city, a district in the city (if a city is divided into districts) standards in the field of landscaping are not complied with and/or the placement of such construction objects does not lead to compliance with such standards and also if it is contrary to the provisions of a scheme for the landscaped areas of common use.

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

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

Schemes for the landscaped areas of common use shall be taken into consideration during the development and implementation of concepts, projections, programs, action plans, sectoral development schemes the realization of which may affect landscaped areas; during 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, the rationale for investments in construction, draft sectorial schemes for the location and development of production and the objects of transport and engineering infrastructure, the projects of water protection zones and shorefronts, forest management projects, recreation area planning projects, during the maintenance of 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, development of territories, creation of the elements of development and placement of small architectural forms;

carrying out of hydrotechnical 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.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Roadside plantings shall be created during the construction, reconstruction, overhaul works and maintenance of public railways, public roads, and the 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 in coordination with the Ministry of Natural Resources and Environmental Protection.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Roadside plantings of railways shall be created along public railways on the railway rights-of-way the width of which shall be established by legislation on railway transport.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 legislation on motor roads and road activities.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 in coordination with the National Academy of Sciences of Belarus shall be used.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 34. Reproduction of Plant Kingdom Objects

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

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

planting and creating of plantings;

restricting, suspending or prohibiting, in accordance with this Law and other legislative acts, of activities that produce a harmful effect on Plant Kingdom objects and their habitat.
(as worded by the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3).

The scope of works on the reproduction of Plant Kingdom objects, methods for carrying 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 in accordance with the established procedure and in the absence thereof – by instructions of the territorial bodies of the Ministry of Natural Resources and Environmental Protection, 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; of May 17,

2011 No. 260-3; of July 18, 2016 No. 402-3; of December 18, 2018 No. 153-3; of January 4, 2022 No. 145-3)

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, belonging to the species included in the Red Book of the Republic of Belarus, grow or protected, in accordance with the International Treaties of the Republic of Belarus, 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 legislation on declaring of these territories as specially protected natural areas, on reserving them to declare as specially protected natural areas, on 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 the establishment of another special regime for their protection and use.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Territorial development and the development of settlements 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 the Plant Kingdom Imposed during the Development of Design Documentation for the Erection, Reconstruction, Restoration, Major Repairs, Development of the Construction Site, Demolition, during the Acceptance of Construction Sites into Operation.

During the development of project documentation on the erection, reconstruction, restoration, major repairs, the development of a construction site, demolition, during the acceptance of construction sites into operation, the following shall be stipulated:

compensatory measures, unless otherwise provided for by the President of the Republic of Belarus or legislative acts;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

measures ensuring 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 Activity not Related to the Use of Plant Kingdom Objects and Producing Harmful Effects on them.

Activity not related to the use of Plant Kingdom objects and producing a harmful effect on them must be carried out using methods that contribute to the conservation of biological and landscape diversity, as well as causing no deterioration in the state and conditions for the reproduction of Plant Kingdom objects.

In cases and in accordance with the procedure established by legislative acts, activity 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.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 legislation;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

a permit of the local executive and regulatory body, the Administration of the Park;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

a decision of the state body on changing or lifting restrictions or prohibitions established in accordance with this Law and other legislative acts;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

measures for overcoming the consequences of the Disaster at the Chernobyl Nuclear Power Plant approved in accordance with the established procedure;

conclusions recognizing that a tree is dangerous;

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

prior notification of the local executive and regulatory body, the Administration of the Park of the planned removal, transplantation of Plant Kingdom objects;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

other grounds provided for by this Law and other legislative acts.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Without 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 design documentation approved in accordance with the established procedure;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 settlements) by the users of land lots within the boundaries of the land lots provided to them, as well as 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 lands of common use of settlements) by the users of land lots within the boundaries of the land lots provided to them, as well as other persons on the basis of a civil law contract with the users of land lots;

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

removal of plants (except for trees, shrubs) belonging to the species the spread and number 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 settlements, issuance of a conclusion confirming the improper quality of trees, shrubs, and a conclusion recognizing that a tree is 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 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 in 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 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 shall be prohibited, except for the case, where carrying out of 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 required. 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 the 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 of compensatory plantings in the immediate period favourable for the planting of trees and shrubs.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Transplantation of Plant Kingdom objects growing on the lands that are not of common use of settlements shall be carried out by a person in the field of greening (except for the cases stipulated by Part 14 of Article 37-3 and Part 1 of Article 37-8 where the transplantation of Plant Kingdom objects may also be 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 in a person interested in the transplantation of Plant Kingdom objects of the following:

design documentation stipulating the transplantation of Plant Kingdom objects approved in accordance with the procedure established by legislation;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

a permit issued by the local executive and regulatory body, the Administration of the Park for the transplantation of Plant Kingdom objects in cases provided for in Article 37-3 of this Law;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

a decision of the state body about changing or lifting restrictions or bans established in accordance with this Law and other legislative acts.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Persons interested in carrying out of the transplantation of Plant Kingdom objects growing on the lands of common use of settlements (except for persons in the field of greening 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 greening.

During the 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 documentation provided for in Articles 37-2—37-8 of this Law, and in the case, where this Law provides for the implementation of compensatory plantings – also a copy of a civil law contract for the implementation of compensatory plantings (except for cases, where a person interested in the removal of Plant Kingdom objects is a person in the field of greening carrying out compensatory

plantings independently, who must have a letter of guarantee on carrying out of compensatory plantings) or a payment document for the realization of compensatory payments of the cost of Plant Kingdom objects to be removed (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 direct to the local executive and regulatory body, the Administration of the Park, 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, a notice of the planned or carried out removal, transplantation of Plant Kingdom objects. Failure to comply with the 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 item, and in the case, where a notice is directed without using postal services – the date of its registration in the incoming correspondence log of the local executive and regulatory body.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

When removing Plant Kingdom objects in cases provided for in Articles 37-2 — 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, the Administration of the Park may be entrusted with responsibilities for ensuring the gathering and procurement of plant products.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 such works be marked along the perimeter with ribbons or otherwise with an indication of the name (family name, name, patronymic (if any) and the contact details of a person, carrying out of such the removal, transplantation.

Article 37-2. Removal, Transplantation of Plant Kingdom Objects on the Basis of Design Documentation Approved in Accordance with the Procedure Established by Legislation

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

(as worded in the Law of the Republic of Belarus of January 1, 2022 no.145-3)

During the 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 legislation, or the extraction from it, certified in accordance with the established procedure, in part providing for the removal, transplantation of Plant Kingdom objects.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 37-3. Removal, Transplantation of Plant Kingdom Objects on the Basis of a Permit of the Local Executive and Regulatory Body, the Administration of the Park
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Upon the authorization of the local executive and regulatory body, the Administration of the Park, the removal, transplantation shall be carried out:
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

of 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);

of trees, shrubs for carrying out of topographic works, geological study of bowls;

of trees, shrubs growing in antierosion plantings;

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

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 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);

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

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

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

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

of Plant Kingdom objects in other cases established by legislative acts.
(as worded in the Law of the Republic of Belarus of January 4 2022 No.145-3)

Removal, transplantation of trees, shrubs that impede the exploitation of buildings, facilities and other objects shall be allowed in the case, where the removal of obstacles to the exploitation of buildings, facilities and other objects is not possible by pruning of these trees, shrubs.

The procedure for issuing 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 legislative acts.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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, the Administration of the Park independently.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

A conclusion confirming the circumstances that impede the exploitation of buildings, facilities and other objects shall be issued by an organization authorized by the local executive and regulatory body in the field of architectural, urban planning and construction activity or a structural subdivision 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 an organization of state road facilities, which is an entity in the field of landscaping, in the cases where:

trees and shrubs growing in the roadside plantings of motor roads prevent the visibility of signs and other objects, in accordance with legislation on motor roads and road activities;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No.145-3)

in accordance with the procedure and conditions for the creation and maintenance of the roadside plantings of roads established pursuant to 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 provided.

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 the roadside plantings of railways, impede the visibility of signs, facilities and other objects in accordance with legislation regulating relations in the field of railway transport;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

in accordance with the procedure and conditions for the creation and maintenance of the 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 of 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 carrying out of 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.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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, the Administration of the Park 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 inexpedient, and if there are no restrictions and bans imposed in accordance with this Law and other legislative acts in relation to Plant Kingdom objects.
(as worded in the Law of the Republic of Belarus of January 1, 2022 No. 145-3)

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, the Administration of the Park shall, by their own decision, set up a Commission 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”) acting on an ongoing basis; shall determine its personal composition, appoint the Chairperson of the Commission from among the Vice-Chairs of the local executive and regulatory body, Deputy Heads of the Administration of the Park and shall approve its operating procedures.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

The Commission shall consist of the authorized officials of structural subdivisions in the areas of land management, architectural, urban planning and construction activities, agriculture and food of the local executive and regulatory body, the Administration of the Park; rural, village executive committee, a legal person involved in forest management, the territorial body of the Ministry of Natural Resources and Environmental Protection. By decision of the local executive and regulatory body, the Administration of the Park, representatives of other organizations concerned may be included in the composition of the Commission. In the case, where 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 inexpedient, the further fate of these lands shall be determined in accordance with legislation on the safeguarding and use of lands.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

When making a decision about the issuance of 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, the Administration of the Park shall establish the terms of clearing of a land lot after the removal, transplantation of trees, shrubs.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Upon availability of 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 of compensatory plantings or concluding of a civil law contract for making of compensatory planting in cases provided for in Part 5 of Article 37-1 of this Law, or after making of compensatory payments covering the cost of Plant Kingdom objects subject to removal, provided that the implementation of compensatory measures is stipulated by this Law or

other legislative acts, may confer a right to legal persons and citizens to the removal, transplantation of trees, shrubs on the basis of a civil law contract. The specified contract must incorporate 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.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

A decision about issuance of 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 improper quality shall be made by the local executive and regulatory body, the Administration of the Park upon availability of a conclusion confirming that trees, shrubs are of improper quality, which is requested by the local executive and regulatory body, the Administration of the Park independently.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

Legal persons and citizens interested in the removal 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 shall consider the issuance of a permit for the removal of Plant Kingdom objects in accordance with Part 3 of this Article.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No.145-3)

When carrying out of 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 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 the right to the removal, transplantation of trees, shrubs by the user of a land lot – also a civil law contract on the basis of which this right has been 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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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, the removal, transplantation of Plant Kingdom objects shall be carried out, including those 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 (a flat 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 have been imposed earlier, in accordance with this Law and other legislative acts.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

During the execution of 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 in relation to

Plant Kingdom objects, in accordance with this Law and other legislative acts, on changing or removing of imposed restrictions or bans or its copy certified in accordance with the established procedure.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 37-5. Removal of Plant Kingdom Objects Based on the Activities for Overcoming the Consequences of the Disaster at the Chernobyl Nuclear Power Plant Approved in Accordance with the Established Procedure

Based on the measures set in accordance with the procedure established for overcoming the consequences of the Disaster at the Chernobyl Nuclear Power Plant, the removal of Plant Kingdom objects shall be carried out during works on the improvement of the sanitary conditions of territories exposed to radioactive contamination as a result of the Disaster at the Chernobyl Nuclear Power Plant, provided that such activities stipulate the removal of Plant Kingdom objects.

Persons who have carried out works on the removal of Plant Kingdom objects shall be obligated to submit, no later than five days from the date of the completion of works on the improvement of the sanitary condition of territories exposed to radioactive contamination as a result of the Disaster at the Chernobyl Nuclear Power Plant, a notice containing information about removed Plant Kingdom objects (indicating their species, location and habitat area) to the local executive and regulatory body, about the activities approved in accordance with the procedure established for overcoming the consequences of the Disaster at the Chernobyl Nuclear Power Plant stipulating the need for the removal of Plant Kingdom objects.

During the execution of 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 activities set in accordance with the procedure established for overcoming the consequences of the Disaster at the Chernobyl Nuclear Power Plant stipulating the need for the removal of Plant Kingdom objects during the execution of works on the improvement of the sanitary condition of territories exposed to radioactive contamination as a result of the Disaster at the Chernobyl Nuclear Power Plant.

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

Based on a conclusion recognizing that a tree is dangerous, the removal of dangerous trees shall be carried out. A conclusion recognizing that a tree is 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 for a conclusion recognizing that a tree is dangerous.

Representatives of an authorized person shall, no later than the working day following the day of an application for a conclusion recognizing that a tree is dangerous, in the presence of the user of a land lot or a person authorized by him/her inspect a tree, take its photo (the general view of a dangerous tree and the signs of its danger should be demonstrated in photographic materials) and if there are grounds for recognizing it as dangerous, a corresponding conclusion (indicating the location of a dangerous tree and the signs of its danger) shall be drawn up and signed on the spot in accordance with the procedure established by the Ministry of Natural Resources and Environmental Protection, a schematic map of the location of a dangerous tree enclosed to it and also mark a

dangerous tree by applying an orange paint strip around the circumference of its trunk, and when indicating in the conclusion recognizing that a tree is dangerous and on the schematic map of several dangerous trees – also by applying the tree number, in accordance with the conclusion and the schematic map.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

A conclusion recognizing that a tree is dangerous and a schematic map of the dangerous tree location shall be drawn up in two copies; one of them shall be provided 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 both in hard copy and in electronic format.

Copies of a conclusion recognizing that a tree is dangerous and a 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 the documents.

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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

During the execution of 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 that a tree is dangerous and a schematic map of the location of a dangerous tree.

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

On the basis of the Tree and Shrub Habitat Act belonging to the species the distribution and number of which are subject to regulation, the removal of trees and shrubs belonging to the species the distribution and number of which are subject to regulation shall be carried out in accordance with Article 26 of this Law.

The Tree and Shrub Habitat Act belonging to the species the distribution and number 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 arbitrary form (indicating the Act's execution date, species, a habitat and an area where trees, shrubs grow 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 a person authorized by him/her and a representative of the territorial body of the Ministry of Natural Resources and Environmental Protection. A copy of the Tree and Shrub Habitat Act belonging to the 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.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

During the execution of works on the removal of trees, shrubs belonging to the species the distribution and number 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 belonging to the species the distribution and number of which are subject to regulation.

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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

flower beds, lawns, other grass cover, trees, shrubs of improper quality; on landscaped territories located on the lands of common use in settlements; fallen trees on specified territories, when these territories are maintained by an authorized person;

trees, shrubs that grow within the borders of 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 landscaped areas located on the lands of common use in settlements, must not earlier than fifteen days and not later than five days before the start on these territories of the planned removal, transplantation of flower beds, lawns, other grass cover, trees, shrubs of improper quality, and fallen trees direct to the local executive and regulatory body, the Administration of the Park prior notification of the planned removal, transplantation of Plant Kingdom objects, which must specify the following:

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

for trees, shrubs of improper quality – their species, number, habitat, trunk diameter at a height of 1.3 meters (for trees), signs that determined their improper quality, a period of works on their removal;

for fallen trees – their species, number, habitat, 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 that determined the improper quality of trees, shrubs. The trees of improper quality planned for removal shall be marked by

applying an orange paint strip around the circumference of a trunk, and if the planned removal, transplantation of Plant Kingdom objects are indicated in prior notification and a few of such trees on a schematic map – also by applying of a tree number in accordance with prior notification and a schematic map.

Legal persons, individual entrepreneurs, who are the users of land lots within the boundaries of which Plant Kingdom objects grow and 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, the Administration of the Park of the planned removal, transplantation of Plant Kingdom objects (indicating their species, habitat and area of growth, and in the 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 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 a signature of the Head). (as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

After directing prior notification to the local executive and regulatory body, the Administration of the Park 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. (as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

During the execution of works on the removal, transplantation of Plant Kingdom objects, the manager (executor) of works must have at the place of the 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 a signature of the Head) and a legal person or a citizen who were 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 the right was granted.

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

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

Persons who carried out works on the removal of Plant Kingdom objects shall be obliged, no later than five days from the day of the removal of Plant Kingdom objects, to submit to the local executive and regulatory body notification that contains information about the removed Plant Kingdom objects (indicating their species, habitat and area of growth), as well as a description of the emergency situation, the date and time of informing of the emergency management authority of

a corresponding level about its occurrence, in accordance with the procedure established by legislation on the protection of the population and territories from emergency situations.
(as worded in the [Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 of the crown, giving the desired shape to it etc.), the pruning of trees, shrubs may be carried out, in accordance with the rules for the maintenance of landscaped areas. At that, obtaining of a permit from the local executive and regulatory body shall not be required.

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

Works on the pruning of trees, shrubs 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 the pruning of trees, shrubs 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, facilities and other objects, as well as by other persons on the basis of a civil-law contract.

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

The territory on which the 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 with an indication of the name (family name, first name, middle name (if any) and contact details of a person carrying out the pruning of trees, shrubs.

Article 38. General Requirements for the Implementation of Compensatory Measures

During the removal of Plant Kingdom objects, compensatory measures shall be implemented, except for the cases stipulated by Part 2 of this Article.

Compensatory measures shall not be implemented in the cases as follows:

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

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 forest management);

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 (beech, elm (*Úlmus*, 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 settlements (except for parks, squares, and 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 specified 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 the storage of 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 Disaster at the Chernobyl Nuclear Power Plant;

removal of trees on the basis of a conclusion recognizing 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, the Administration of the Park;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

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

removal of Plant Kingdom objects during the emergency situation 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;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

if the President of the Republic of Belarus or legislative acts provide for the exemption from compensatory measures.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

A procedure for determining the terms of implementing of 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 implement 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, about changing or lifting established restrictions or prohibitions, and an order of the territorial body of the Ministry of Natural Resources and Environmental Protection, failure to make compensatory payments of the cost of Plant Kingdom objects subject to removal before 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.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 38-1. Cases and a Procedure for Carrying out of Compensatory Plantings

Compensatory plantings shall be carried out, except for the cases stipulated by Part 2 of Article 38 of this Law, during the removal of trees, shrubs growing in settlements, in anti-erosion and roadside plantings, upon availability of places suitable for carrying out of such plantings, in accordance with Parts two and three of this Article, design and landscaping rules, standards in this field. When carrying out of compensatory plantings, compensation payments of the cost of Plant Kingdom objects subject to removal shall not be made.

When trees and shrubs are removed in settlements, compensatory plantings shall be carried out in the same settlements on public lands, territories of educational, healthcare, cultural institutions, including in line with action plans established by approved decisions of local executive and regulatory bodies for the development (maintenance) of the territory, a list of places specially designed for the planting of trees and shrubs. In the case of the removal of trees, shrubs growing in the adjoining territories of multi-apartment residential buildings, compensatory plantings shall be carried out on the same territories, and in the absence of places for carrying out of compensatory plantings — on other territories specified in the first sentence of this Part.

When removing of trees, shrubs growing in anti-erosion and roadside plantings, compensatory plantings shall be carried out in the same plantings or similar plantings in other places specified by project documentation.

When removing of Plant Kingdom objects in the case, where construction works are underway, compensatory plantings shall be carried out before the approval of the Act of Acceptance of the construction object into operation. In the case, where construction works are completed during the period unfavorable for the planting of trees and shrubs, the period for carrying out of compensatory plantings may be extended by order of the territorial body of the Ministry of Natural Resources and Environmental Protection, but no later than the nearest period from the date of the approval of the Act of Acceptance of the construction object into operation favourable for the planting of trees, shrubs expires.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Compensatory plantings shall be carried out in accordance with this Law, design and landscaping rules, the standards in this field by persons in the field of greening on the basis of a

civil-law contract (except for the cases of the removal of Plant Kingdom objects in the interests of persons in the field of greening who carry out compensatory plantings by themselves) out of the funds of persons interested in the removal of Plant Kingdom objects.

Article 38-2. Cases and a Procedure for Making of Compensatory Payments of the Cost of Plant Kingdom Objects Subject to Removal

Compensatory payments of the cost of Plant Kingdom objects subject to removal shall be carried out, except for the cases provided for by Part 2 of Article 38 of this Law:

during the removal of Plant Kingdom objects growing outside the boundaries of settlements (except for the trees, shrubs growing in anti-erosion and roadside plantations);

in the absence in settlements, anti-erosion and roadside plantings of places suitable for carrying out of compensatory plantings in accordance with Parts 2 and 3 of Article 38-1 of this Law, design and landscaping rules, standards in this field.

When making compensatory payments of the cost of Plant Kingdom objects subject to removal, compensatory plantings shall not be carried out.

Compensatory payments of the cost of Plant Kingdom objects subject to removal shall be carried out before the removal of Plant Kingdom objects.

Compensatory payments of the cost of Plant Kingdom objects subject to removal shall be paid to the budget of the city of Minsk, the budget of the basic or primary levels at the place, where Plant Kingdom objects subject to removal grow.

The funds that go into the budget of the city of Minsk, the budgets of the basic and primary levels due to compensatory payments of the cost of Plant Kingdom objects subject to removal shall be used for landscaping, reproducing of Plant Kingdom objects, implementing of measures aimed at the safeguarding and protection of Plant Kingdom objects.

CHAPTER 9 USE OF PLANT KINGDOM OBJECTS

Article 39. Procedure for Using of Plant Kingdom Objects

The use of Plant Kingdom objects shall be exercised in accordance with the procedure for common and special use.

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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

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

(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

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 requirements for legislation on environmental protection and the safeguarding and use of the Plant Kingdom.

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

In accordance with legislation, the general authorization of the user of a land lot or a water body or local custom, citizens shall have the right to freely stay on lands or water objects within the boundaries of which Plant Kingdom objects grow and exercise all types of use of Plant Kingdom objects, in accordance with the procedure established by this Law and other legislative acts, not allowing at that the illegal withdrawal, removal, transplantation of Plant Kingdom objects, damage to or destruction of Plant Kingdom objects, contamination of their habitat or any other harmful effects on it complying with 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; of January 4, 2022 No. 145-3)

For the purposes of reproduction of Plant Kingdom objects, compliance with environmental, sanitary, fire-fighting and other legislative requirements, the stay of citizens on lands within the boundaries of which Plant Kingdom objects grow may be limited or suspended in accordance with established legislative procedure.

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

Common use of Plant Kingdom objects shall be exercised by the types of use provided for in Article 44 of this Law.

Article 41. Special Use of Plant Kingdom Objects and Granting of the 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, in accordance with the procedure for special use, be used by legal persons and individual entrepreneurs for the purposes of carrying out of economic activity on a paid basis, unless otherwise provided for by legislative acts.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Special use of Plant Kingdom objects shall be exercised by 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 withdrawal of land lots or water bodies within the boundaries of which these Plant Kingdom objects grow from users.

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

The right to the special use of Plant Kingdom objects shall arise with legal persons and individual entrepreneurs on the basis of a decision of local executive and regulatory bodies about

granting of such a right, except for the cases specified in Part 6 of this Article.

A decision about granting of the 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 a water body and the territorial bodies of the Ministry of Natural Resources and Environmental Protection. (as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

No decision of the local executive and regulatory body about granting of the right to the special use of Plant Kingdom objects shall be required during 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 the right to the procurement of secondary forest resources and the exercise of secondary forest use was granted on the grounds stipulated by legislation on the use, safeguarding, protection and reproduction of forests. (as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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 of the 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 legislative acts. (as worded in the Laws of the Republic of Belarus of December 18, 2018 No. 153-3; of January 4, 2022 No. 145-3)

For the purposes of the conservation of individual Plant Kingdom objects, biological and landscape diversity, safeguarding of individual natural objects, a decision of local executive and regulatory bodies about granting of the right to the special use of Plant Kingdom objects may contain binding limitations and other terms of the use of Plant Kingdom objects provided for by this Law and other legislative acts. (as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 of the Right to the Special Use of Plant Kingdom Objects

A decision of local executive and regulatory bodies about granting of the right to the special use of Plant Kingdom objects growing in specially protected natural areas must be coordinated with

the state bodies (other state organizations) to the administration of which these specially protected natural areas were transferred, as well as with state environmental institutions exercising administration of these specially protected natural areas (in cases of their establishment), and the territorial bodies of the Ministry of Natural Resources and Environmental Protection.
(as worded in the Laws of the Republic of Belarus of July 2, 2009 No. 32-3; of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

Specifics of granting of the right to the special use of Plant Kingdom objects growing on the lands of certain categories shall be established by this Law and other legislative acts on the safeguarding and use of the Plant Kingdom.
(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No.145-3)

Article 44. Types of Use of Plant Kingdom Objects

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

procurement of tree saps;

Consultant Plus: comment.

The rules for the procurement of tree saps, gathering, procurement (purchase) of wild plants and/or their parts shall be 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 fruits, buds, leaves, flowers, bark, roots, etc.) (hereinafter, unless otherwise specified, referred to as “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, touristic, other recreational and/or sporting purposes;

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

Legislative acts may establish other types of use of Plant Kingdom objects as well.
(as worded in the Law of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

The exercise of certain types of use of Plant Kingdom objects may be limited or suspended by the Ministry of Natural Resources and Environmental Protection, other specially authorized Republican bodies of the State administration, local executive and regulatory bodies within the scope of their competence in relation to individual Plant Kingdom objects for the conservation of

biological and landscape diversity, safeguarding of individual natural objects.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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)

Procurement of tree saps, gathering of wild plants and/or their parts for personal purposes may be carried out by citizens on the right of common use of Plant Kingdom objects in accordance with Article 40 of this Law.

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

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 legislation on the use, safeguarding, protection and reproduction of forests.

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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 and the Ministry of Forestry.

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

Gathering, procurement (purchase) of wild plants belonging to the species included in the Red Book of the Republic of Belarus, or are 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 drug-containing raw materials approved by the Council of Ministers of the Republic of Belarus shall not be allowed, 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)

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

in settlements;

in the habitats of wild animals and wild plants provided under protection in accordance with the established procedure, belonging to the species included 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 tangible historical and cultural assets;

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.

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.

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 for 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 in coordination with the Ministry of Forestry.

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

Citizens shall also have the 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 the removal or without the removal of wild plants and/or their parts and shall be allowed in cases, where it causes no harmful impacts on Plant Kingdom objects and their habitats.

The 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.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 Experimental and Educational Purposes

The use of Plant Kingdom objects for scientific-research and experimental and educational purposes may be carried out with the removal or without the removal of wild plants and/or their parts and shall be allowed unless it produces a harmful impact on Plant Kingdom objects and their habitat, it limits the rights of the users of Plant Kingdom objects, a land lot or a water body, except for the cases where their rights are limited in accordance with legislative acts.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

The use of Plant Kingdom objects for scientific-research and experimental and educational 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 their habitat for scientific-research and experimental and educational purposes shall be 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 legislative acts.
(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of December 18, 2018 No. 153-3; of January 4, 2022 No. 145-3)

The right to the use of Plant Kingdom objects for scientific-research and experimental and educational purposes shall be exercised in accordance with this Law and other legislative acts.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

In the case, where certain types of use of Plant Kingdom objects are incompatible with the objectives of scientific-research works and an experimental and educational process, such types of use of Plant Kingdom objects may be limited or suspended in accordance with legislation.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 49. Terms 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 was granted without setting a period of use.

The temporary use of Plant Kingdom objects may be short-term, provided that a right to it was granted for a period for up to one year, and long-term, provided that a right to it was granted for a period for up to five years. Specific terms the right to the use of Plant Kingdom objects was granted for shall be established in the decision of local executive and regulatory bodies on granting of the 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 term of temporary use may be extended, as required, for a period not exceeding the periods specified in Part 3 of this Article respectively. The term of the temporary use of Plant Kingdom objects shall be extended in accordance with the same procedure as for granting of the 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 the validity 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 the Right to the Special Use of Plant Kingdom Objects

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

violation of environmental, sanitary, fire safety and other legislative requirements by the users of Plant Kingdom objects;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

failure to comply by the users of Plant Kingdom objects with the terms specified in the decision of local executive and regulatory bodies on granting of the 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)

failure to make payments on the due date in the field of handling of Plant Kingdom objects, provided that their making is stipulated by legislation;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

force majeure;

other cases stipulated by legislative acts.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Restriction or suspension of the right to the special use of Plant Kingdom objects or its restoration shall be exercised, unless otherwise stipulated by this Article, on the basis of a decision of local executive and regulatory bodies that have made a decision on granting of this right, independently or on the submission of State bodies within the scope of their competence; of the users of land lots or water bodies within the boundaries of which Plant Kingdom objects grow.
(as worded in the Law of the Republic of Belarus of July 18, 2016 No. 402-2)

Restoration of the right to the special use of Plant Kingdom objects in the case of its restriction or suspension, in accordance with Paragraphs 2 and 3 of Part 1 of this Article, shall be possible only after compensation for the damage caused to Plant Kingdom objects and/or their habitats if such damage occurred.
(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 the case of restriction or suspension of the use of Plant Kingdom objects shall, in accordance with Part 2 of Article 39 or Part 3 of Article 44 of this Law, be obliged to restrict or suspend 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 restriction and suspension of such a right.
(as worded in the Law of the Republic of Belarus of May 17, 2011 No. 260-3)

The effect of the right to the special use of Plant Kingdom objects shall be restored from the

moment of the termination of restriction or suspension of the use of Plant Kingdom objects exercised in accordance with Part 2 of Article 39 or Part 3 of Article 44 of this Law without a decision on the 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 the case, where the user of Plant Kingdom objects does not agree with the restriction or suspension of his/her right to the special use of Plant Kingdom objects, they may appeal against such restriction or suspension to court.

Restriction or suspension of the right to the special use of Plant Kingdom objects shall not release their users from administrative and any other liability for a violation of environmental, sanitary, fire safety and other legislative requirements.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Article 51. 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 the cases of:

expiry of a term of the special use of Plant Kingdom objects;

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

failure to use Plant Kingdom objects during the period of two years;

bans on the handling of Plant Kingdom objects imposed in accordance with legislation;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

systematic (more than twice a year) or a flagrant violation of terms specified in a decision of local executive and regulatory bodies on granting of the 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 a flagrant violation by the users of Plant Kingdom objects of environmental, sanitary, fire safety and other legislative requirements;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No.145-3)

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 making them is stipulated by legislation;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

damage to or destruction of Plant Kingdom objects and/or the degradation of their habitat as a result of emergency situations and 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 a water body within the boundaries of which these Plant Kingdom objects grow, including the withdrawal, in accordance with the established procedure, of a land lot or a water body for state needs;

(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 person or the termination of individual entrepreneur's activity the Plant Kingdom object was provided to for 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 legislative acts.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 on the submission of State bodies within the scope of their competence, the users of land lots or water objects, unless otherwise stipulated by 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, where the term of its exercise expires.

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

Termination of the right to the special use of Plant Kingdom objects as a result of the rejection of the user to exercise it shall be executed on the basis of the user's application submitted to the local executive and administrative body.

In the case, 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 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 activity that is not in contradiction to legislative requirements.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No.145-3)

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

obtain from local executive and regulatory bodies, the specially authorized Republican bodies of the State administration, in accordance with the procedure established by legislation, environmental 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; of January 4, 2022 No. 145-3)

administer the special use of Plant Kingdom objects to the extent allowed by legislation;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

access to a land lot or a 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)

choose techniques and methods of use of Plant Kingdom objects independently in compliance with legislative requirements;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

manage plant products gathered (procured) by them independently in accordance with legislation, unless otherwise provided for by legislative acts or a civil law contract.
(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

When administering the special use of Plant Kingdom objects, their users may exercise other rights provided for by legislation on the safeguarding and use of the Plant Kingdom.
(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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 were 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 of the 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 by means that prevent the occurrence of land degradation, damage to or destruction of Plant Kingdom objects, excluding or limiting a harmful impact on Plant Kingdom objects and other natural objects;

make timely payments in the field of handling of Plant Kingdom objects, provided that making them is stipulated by legislation;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

comply with the requirements (instructions) of the Ministry of Natural Resources and Environmental Protection, 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 Laws of the Republic of Belarus of December 18, 2018 No. 153-3; of January 4, 2022 No. 145-3)

not allow a violation of the rights of other users of Plant Kingdom objects;

maintain record of plant products procured (purchased) in the exercise of 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 in accordance with the procedure established by legislation.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No.145-3)

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

(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 the case of the removal for state needs of land lots or water bodies within the boundaries of which these Plant Kingdom objects grow, the exercise of the use of Plant Kingdom objects may be provided 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 Growing on the Lands of Certain Categories

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

The Republican bodies of the State administration and/or local executive and regulatory bodies, within the scope of their competence and in accordance with this Law and other legislative acts, may 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; of January 4, 2022 No. 145-3)

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 agricultural lands – by the Ministry of Agriculture and Food in coordination with the Ministry of Natural Resources and Environmental Protection;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

on reserve lands – by local executive and regulatory bodies in coordination with the territorial bodies of the Ministry of Natural Resources and Environmental Protection;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

on the lands of settlements – by local executive and regulatory bodies in coordination with the Ministry of Natural Resources and Environmental Protection, the Ministry of Housing and Communal Services and the Ministry of Architecture and Construction;
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

on the lands of industry, transport, communications, energy, defense and any other designation – by the Republican bodies of the State administration concerned in coordination with the Ministry of Natural Resources and Environmental Protection.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Organization of 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, the exercise of other types of use of Plant Kingdom objects on the lands of settlements if they may cause harm to 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 and 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 in specially protected natural areas shall be carried out in accordance with the regime for the safeguarding and use of these areas. Specifics of handling of these Plant Kingdom objects shall be established in accordance with legislation on specially protected natural areas and on the safeguarding and use of the 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; of July 4, 2022 No. 145-3)

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 along the 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 along the border strip may be limited, suspended or prohibited in accordance with legislation 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; of January 4, 2022 No. 145-3)

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

(as worded in the Laws of the Republic of Belarus of July 2, 2009 No. 32-3; of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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

CHAPTER 11

ECONOMIC INSTRUMENT FOR HANDLING OF PLANT KINGDOM OBJECTS

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

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

(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

The economic instrument for 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 of 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 sustainable handling of Plant Kingdom objects;

other economic measures aimed at 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 shall be free of charge; the special use of Plant Kingdom objects shall be exercised on a paid basis, unless otherwise provided for by legislative acts.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Payments for the special use of Plant Kingdom objects shall be made in accordance with the procedure specified by legislative acts.

(Part 2 of Article 60 as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

Making payments in the field of handling of Plant Kingdom objects shall not release the users of Plant Kingdom objects from implementing of measures for the safeguarding of Plant Kingdom objects, their habitat and compensation for the harm caused to Plant Kingdom objects and their habitat.

Article 60-1 excluded. – The Law of the Republic of Belarus of May 17, 2011 No. 260-3

Article 61. Economic Stimulation of Sustainable Handling of Plant Kingdom Objects

Economic stimulation of sustainable handling of Plant Kingdom objects may be carried out through:

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

setting of 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, during the provision of 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 to citizens, including officials and other employees of legal persons exercising the effective safeguarding of Plant Kingdom objects, in accordance with the procedure established by legislation.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No.145-3)

Legislation may also provide for other types of economic stimulation of sustainable handling of Plant Kingdom objects.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

CHAPTER 12
SETTING OF STANDARDS 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. Setting of Standards in the Field of Handling of Plant Kingdom Objects

Setting of standards in the field of handling of Plant Kingdom objects shall include the establishment of standards in the field of handling of Plant Kingdom objects.

(Part 1 or Article 62 as worded in the Law of the Republic of Belarus of January 22, 2013 No. 18-3)

Setting of standards in the field of handling of Plant Kingdom objects shall be exercised in accordance with this Law and other legislative acts.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

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 an Inventory during the Development and Approval of Technical Normative Legal Acts

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Requirements for the safeguarding of Plant Kingdom objects provided for by this Law and other legislative acts on the protection of the environment must be taken into consideration during the development and approval of Technical Normative Legal Acts.

(as worded in the Laws of the Republic of Belarus of July 20, 2006 No. 162-3; of January 4, 2022 No. 145-3)

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.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No.145-3)

CHAPTER 13
INVENTORY, STATE CADASTRE AND MONITORING OF THE PLANT KINGDOM.
CONTROL IN THE FIELD OF THE SAFEGUARDING AND USE
OF THE PLANT KINGDOM

(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. Inventory 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 inventorying of Plant Kingdom objects and their handling, the objects of an inventory shall be as follows:

landscaped areas of common use in settlements, as well as plantings growing on these territories;

landscaped 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-improving facilities etc.), as well as plantings growing on these territories;

anti-erosion and roadside plantings;

plantings growing on reserve lands;

individual valuable 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 of the special use of Plant Kingdom objects.

An inventory of Plant Kingdom objects and their handling shall be carried out 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 specified in Paragraphs 2-6 of Part 1 of this Article;

carrying out of the special use of Plant Kingdom objects – with regard to procured (purchased) plant products.

A procedure for inventorying of Plant Kingdom objects and their handling shall be established by the Ministry of Natural Resources and Environmental Protection.
(as worded in the Law of the Republic of Belarus of January 4, 2022 No.145-3)

Consultant Plus: comment.

The State Plant Kingdom Cadastre is available at the 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.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

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 survey, Plant Kingdom monitoring, other information on Plant Kingdom objects shall be provided 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.

(as worded in the Law of the Republic of Belarus of January 4 2022 No. 145-3)

A Landscaped Areas Register 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 an inventory grow shall provide information on Plant Kingdom objects and their handling for including them in the State Plant Kingdom Cadastre in due time and form established by the Ministry of Natural Resources and Environmental Protection.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Submission of inaccurate information to the State Plant Kingdom Cadastre or failure to submit it in due time shall entail liability in accordance with legislative acts.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Financing of the maintenance of the State Plant Kingdom Cadastre, scientific support for the maintenance of the State Plant Kingdom Cadastre shall be exercised in accordance with budget and other legislation.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

The data of the State Plant Kingdom Cadastre shall be provided and distributed in accordance with the procedure established by legislation on environmental protection.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

In the case, where the recipient of the data from the State Plant Kingdom Cadastre uses them for producing of derived information for the purposes of its commercial distribution, the State Plant Kingdom Cadastre shall be provided reference to as a source 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 exercised 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)

A 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 the Safeguarding and Use of the Plant Kingdom
(as worded in the Laws of the Republic of Belarus of December 18, 2018 No. 153-3; of January 4, 2022 No. 145-3)

Control in the field of the safeguarding and use of the Plant Kingdom shall be exercised in accordance with legislation on control (supervisory) activity 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 ON THE SAFEGUARDING AND USE OF THE PLANT KINGDOM

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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 Legislation on the Safeguarding and Use of the Plant Kingdom

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

A violation of legislation on the safeguarding and use of the Plant Kingdom shall entail liability in accordance with legislative acts.

(as worded in the Laws of the Republic of Belarus of November 10, 2008 No. 444-3; of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

Bringing legal persons and citizens to liability for a violation of legislation on the

safeguarding and use of the Plant Kingdom shall not release them from obligations on the implementation of measures for the safeguarding and reproduction of Plant Kingdom objects and restoration of their habitat.

(as worded in the Laws of the Republic of Belarus of July 18, 2016 No. 402-3; of January 4, 2022 No. 145-3)

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)

ConsultantPlus: comment.

Criminal liability for illegal logging, illegal destruction, removal, withdrawal or damage of tree and shrub vegetation shall be established by Article 277 of the Criminal Code of the Republic of Belarus.

Administrative liability for illegal logging, illegal removal, replanting, damage or destruction of tree and shrub and other vegetation shall be established by Article 16.17 of the Code on Administrative Offenses of the Republic of Belarus.

Wild plants and/or their parts, which are in the ownership of the Republic of Belarus, 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.

(as worded in the Laws of the Republic of Belarus of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

In the case of impossibility of the withdrawal of wild plants and/or their parts specified in Part 1 of this Article or impossibility of realization or economic unfeasibility of realization of such wild plants and/or their parts, their cost shall be recovered in the amount and in accordance with the procedure established by legislation.

(as worded in the Laws of the Republic of Belarus of June 13, 2007 No. 238-3; of May 17, 2011 No. 260-3; of January 4, 2022 No. 145-3)

Article 76. Compensation for 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)

Harm 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, pursuant to the procedure established by legislation on environmental protection, according to the fees determining the amount of compensation for harm caused to Plant Kingdom objects and/or their habitat established by the Council of Ministers of the Republic of Belarus.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

In the case of impossibility of establishing of a degree of harm caused to Plant Kingdom objects and/or their habitat, according to the fees determining the amount of compensation for harm caused to Plant Kingdom objects and/or their habitat, or if there are no such fees, a degree of harm

caused to Plant Kingdom objects and/or their habitat shall be determined by factual expenses on the restoration of the disturbed state of Plant Kingdom objects and/or their habitat, as well as with due regard to lost profits.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No.145-3)

Article 77. Settlement of Disputes Related to Handling of Plant Kingdom Objects

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

Disputes related to handling of Plant Kingdom objects shall be settled in accordance with legislation by the 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 legislation.

**CHAPTER 16
FINAL PROVISIONS**

Article 78. Entry of this Law into Force

This Law shall enter into force on January 1, 2004.

Before harmonizing the legislation of the Republic of Belarus with this Law, it shall be applied in its part that is not in contrary to this Law, unless otherwise provided for by the Constitution of the Republic of Belarus.

Article 79. Harmonizing the Legislative Acts of the Republic of Belarus with this Law

The Council of Ministers of the Republic of Belarus within one year of the date of entry into force of this Law shall:

develop and submit, in accordance with the established procedure, proposals for harmonizing the legislative acts of the Republic of Belarus with this Law to the House of Representatives of the National Assembly of the Republic of Belarus;

harmonize the normative legal acts of the Government of the Republic of Belarus with this Law;

ensure the review and cancellation by the Republican bodies of the State administration subordinate to the Government of the Republic of Belarus of their normative legal acts that are in contradiction to this Law;

adopt other measures required for the implementation of the provisions of this Law.

President of the Republic of Belarus

Lukashenko