

LAW OF THE REPUBLIC OF ARMENIA

ON

FAUNA

The fauna of the Republic of Armenia is the national wealth. It is one of the most important factors that provide for the integrity of the nature, the guarantee of ecological balance and harmonic development. The fauna of the Republic of Armenia is its absolute property.

The law on fauna defines the State policy on protection, maintenance, reproduction and use of the wild species in the Republic of Armenia.

CHAPTER 1.

GENERAL PROVISIONS

Article 1. Main concepts used in the law

The following basic concepts are used in this law:

An animal living in restricted conditions: wild species or persons of the fauna located in non-natural conditions and whose movement is restricted to a certain area

Vanishing animal species: rare animal species the amount of persons of which continuously vanishes with time

Ecosystem: animal species (Plants, animals and micro-organisms) and the inter-relational integrity of their existence conditions

Zoological collection: collected, classified, demonstrated or concealed live animals; as well as collection of stuffed animals, their products or specimen

Fauna: the integrity of wild animal species (Invertebrate or vertebrate) and their co-existence

The gene pool of the fauna: the integrity of animal species heredity and its demonstration

Fauna cadastre: information and documentation system of the legal regimes, qualitative and quantitative characteristics, condition, environmental, economic and cultural values, geographic and regional prevalence and use of resources of fauna objects

The resources of the fauna: certain resources of animal species and symbiosis located to a certain geographic area and subjected to use

The object of the fauna: wild animal species, their product, symbiosis, natural environments, and migration ways and nesting areas

Animal migration way: land, air and water ways used for regular, periodic and non-periodic transfers brought by the change of the survival conditions or connected to their development phases

Animal population: integral existence of the same animal species group in a certain geographic area

Diversity of animal species: the integrity of different animal species in a certain geographic area

Biological technology; biotechnology: the utilization of living organisms and biological processes in different fields

Animals living in semi-restricted conditions: wild animal species or persons of the fauna located to natural conditions and a restricted movement area

Rare animal species: animal species rarely prominent in a certain geographic area

Article 2. Protection, maintenance, reproduction and use of the fauna

The social relations in the field of fauna protection, maintenance, reproduction and use are regulated by the Constitution of the Republic of Armenia, the law “On fauna” and other legal statutory acts of the Republic of Armenia.

Article 3. Goal of the law

The goals of this law are:

- a) The provision of protection, maintenance and natural reproduction of the gene pool and species diversity
- b) Prevention of violations of the integrity of animal vitality environment
- c) Protection of the integrity of animal species, animal population and coexisting conditions
- d) Protection of animal migration ways
- e) Regulation of relations concerning the utilization of fauna objects
- f) Protection of the rights of users and implementation of responsibilities in the fields of use and protection of the fauna

Article 4. Fauna protection and use objects

Wild animal species (Invertebrate or vertebrate), living in restricted or semi-restricted areas of the natural environment, their coexistences, location, migration ways and nesting areas are considered the objects of fauna protection in the Republic of Armenia.

The animal species and their product (Meat, wool, bones, wastes and etc.) that are of nutritional, scientific, pharmaceutical, livestock, industrial and other values, are considered fauna use objects.

CHAPTER 2.

STATE REGULATIONS ON FAUNA PROTECTION, MAINTENANCE, REPRODUCTION AND USE

Article 5. Authorities of the Government of the Republic of Armenia

The authorities of the Republic of Armenia on fauna protection, maintenance, reproduction and use are:

- a) Implementation of the State policy on scientifically motivated protection, maintenance, reproduction and use of the fauna
- b) Adaptation of State projects (Hereinafter: State projects) on protection, maintenance, reproduction and use of fauna resources
- c) Development of procedures on protection, maintenance and use of fauna objects
- d) Development of procedures on charging fees for the use of fauna objects
- e) Development of procedures on organization of fauna monitoring
- f) Development of procedures on maintenance of fauna cadastre
- g) Adaptation of the Red Book for animals
- h) Implementation of the international cooperation
- i) Other authorities envisaged by the legislation of the Republic of Armenia

The State projects are implemented through annual programs. The Government presents the annual program to the National Assembly within the framework of the State budget draft. The financing for the annual program is mentioned in the State budget line for expenditures.

Article 6. Authorities of the authorized body

The authorities of the State bodies authorized by the Government of the Republic of Armenia (Hereinafter: authorized bodies) for fauna protection, maintenance, reproduction and use are:

- a) Development of State projects
- b) Organization and implementation of fauna State cadastral registration
- c) Maintenance of fauna cadastre
- d) Organization and implementation of fauna monitoring
- e) Development of procedures for maintenance of the animal Red Book
- f) Provision of licenses for use of fauna resources
- g) Implementation of State control over the protection, maintenance, reproduction and use of fauna
- h) Adaptation of statutory acts on the use of fauna resources
- i) Implementation of the international cooperation within the scope of authorities provided
- g) Other authorities defined by the legislation of the Republic of Armenia

Article 7. The authorities of regional State governance bodies

The authorities of the regional State governance bodies of the Republic of Armenia on fauna protection, maintenance, reproduction and use are:

- a) Participation in the development of State projects and their implementation in accordance with their authorities
- b) Support the corresponding State bodies on regional service provision concerning the protection, maintenance, reproduction and use of fauna
- c) Support the protection and use of specially protected areas (State preserves, national parks, state protection belts, natural monuments); implementation of measures against poaching and illegal fishing
- d) Other authorities defined by the legislation of the Republic of Armenia

Article 8. The authorities of local self-governance bodies

The law of the Republic of Armenia “On local self-governance” defines the authorities of local self-governance bodies on fauna protection, maintenance, reproduction and use

CHAPTER 3

THE INVESTIGATION OF THE FAUNA

Article 9. The objectives of the investigation of fauna

The objectives of the investigation of fauna are:

- a) Creation of a systematized database on the condition of the fauna
- b) Implementation of State monitoring.
- c) Implementation of State registration and maintenance of the cadastre
- d) Development of fauna protection and maintenance methods
- e) Development of methods and forms of use of fauna objects
- f) Organization of reproduction of rare and vanishing animal species

Article 10. The implementation of fauna investigations

The investigations for State registration, protection, maintenance, reproduction and use of the fauna are implemented:

- a) By a State order, formed and placed by the authorized body
- b) Due to an agreement of the authorized body to the appeal from the user of the fauna object

Article 11. The investigators of the fauna

The investigations of the fauna are implemented by:

- a) Scientific investigative institutions
- b) Higher professional educational institutions
- c) Legal entities
- d) The physical entities that have the necessary professional qualifications

Article 12. The State monitoring of the fauna

The monitoring of the fauna contributes to the maintenance of animal diversity and definition of norms for stable use.

The State monitoring of the fauna is aimed at timely determination, prevention and elimination of negative phenomena in the prevalence, quantity and current condition of the fauna, as well as animal settlements, nesting areas, migration ways, ecosystem quality and integrity assessment.

Article 13. The State registration of the fauna and fauna cadastre

The goal of the State registration and cadastre is the observation of animal species and co-existences, the quantitative and qualitative changes in the habitat.

The State registration of the fauna is implemented not later than once in 5 years. It can be also necessity driven, due to a decision of the Government of the Republic of Armenia.

Article 14. The animal Red Book of the Republic of Armenia

The animal Red Book is a composite document that satisfies the needs of the international agreements. It includes information on the status, geographical prevalence, environmental conditions, biological specialties, current condition and protection measures concerning the vanishing and rare animal species. The objective of the Red Book is to develop and implement scientifically motivated special measures for protection, registration and use of rare and vanishing animal species, as well as provide for public awareness on measures performed.

The information on animal quantity decrease, prevalence limitation, degradation of the living conditions and danger of vanishing serves the basis for registration in the Red Book.

The animal Red Book is formed on the results of State registration of the fauna.

The Commission on Red Book animals of the Republic of Armenia takes the final decisions concerning registration and exclusion of certain species in and from the Red Book.

The formation and performance of the animal Red Book Commission is defined by procedures of the Republic of Armenia on the maintenance of the Red Book.

Article 15. The regulation of animal quantities

During emergencies (Epidemic diseases of the population, wild and domestic animals, menace for the development of the cattle breeding, danger of breaking the ecological

balance) special measures on the regulation of certain animal species quantity will be undertaken by the decision of the Government of the Republic of Armenia.

The regulation of the quantity of certain animal species must not be of harm for the rest of the species and their habitat.

The animal species that are subject for quantity regulation and the performance provisions will be defined by the Government of the Republic of Armenia.

CHAPTER 4.

THE MAINTENANCE AND PROTETION OF FAUNA

Article 16. The objectives of fauna protection and maintenance

The objectives of the Republic of Armenia concerning the protection and maintenance of the fauna are:

- a) Provide for the protection of integrity of animal species diversity
- b) Prevent the illegal use of fauna objects
- c) Provide for the satisfaction of legislative requirements of the Republic of Armenia concerning economic use of fauna objects
- d) Provide for the protection of the fauna objects
- e) Prevent the illegal import and export of fauna objects and their products
- f) Protect the fauna objects from diseases and natural catastrophes

Article 17. The legal measures for the protection of the fauna

All the fauna objects of the Republic of Armenia are subject to protection.

Economic, constructional and social activities envisaged for provision of security of fauna objects and their habitat, as well as the continuity of their existence, will be implemented in accordance with procedures defined by the Republic of Armenia.

Article 18. The protection of rear and vanishing fauna objects

In order to protect the rare and vanishing fauna objects of the Republic of Armenia:

- a) The animal Red Book of the Republic of Armenia will be created. The works on its creation and maintenance will be implemented in accordance with Articles 5,6 and 14 of this law
- b) Special nature protection belts will be defined in accordance with the law of the Republic of Armenia “On specially protected belts”

The users of natural resources, who harm the species mentioned in the Red Book of the Republic of Armenia during economic or other activities, must undertake measures for their protection. Any activity that will result in decrease of the quantity of animal species registered in the Red Book of the Republic of Armenia or will spoil their habitat is prohibited.

Article 19. The protection of the fauna

In order to provide for the protection of fauna objects:

- a) The illegal import of animal species into the Republic of Armenia, transfer into a different habitat, acclimatization and selective use,
- b) Non-regulated use of fertilizers and toxic substances,
- c) Use of new, modified organisms created through biological technologies,

d) Cruel treatment and torture of animals

are prohibited.

Article 20. Zoological collections

Independently from the type of property they present, the zoological collections of scientific, cultural and aesthetic value (Collections belonging to physical entities of educational institutions, museums, scientific institutions, the living collections of zoological gardens, as well as separate samples) are subject to protection. The Government of the Republic of Armenia defines the procedures for protection, maintenance, trade, import and export of zoological collections and separate samples.

Article 21. The import, export and transfer of fauna objects, zoological collections and separate samples

The export, import, maintenance of wild animals in restricted areas and transfer into a different habitat is implemented due to an agreement from the authorized body and in accordance with procedures defined by the legislation of the Republic of Armenia.

The export and import of zoological collections or separate samples is implemented due to an agreement from the authorized body and in accordance with procedures defined by the legislation of the Republic of Armenia.

CHAPTER 5.

THE USE OF FAUNA OBJECTS

Article 22. The users of fauna objects

The legal and physical entities can be the users of the fauna objects.

Article 23. The types of fauna use

The fauna objects in the Republic of Armenia are used:

- a) In agricultural purposes (selection, soil arising)
- b) In industrial purposes (Hunting, fishing, collection, as well as gathering and processing of animal biological activity products)
- c) In social, environmental and cultural purposes
- d) In scientific investigative and educational purposes

Article 24. The use of fauna objects in agricultural and industrial purposes

The use of fauna objects in agricultural and industrial purposes in the Republic of Armenia is chargeable.

The use is implemented due to a licensed provided by the authorized body and on the basis of a contract.

The Government of the Republic of Armenia defines the procedures for providing licenses and signing contracts.

State tributes will be charged for the provided licenses in accordance with defines procedures of the law of the Republic of Armenia “On State tributes”.

Article 25. The use of fauna objects in social purposes

The use of fauna objects in social purposes in the Republic of Armenia (Amateur fishing and fishing, hunt of animals that are not subject to hunt) is chargeable.

The procedures for signing use contracts are defined by the Government of the Republic of Armenia.

Article 26. The use of fauna objects in environmental, cultural, scientific investigative and educational purposes

The use of fauna objects in environmental, cultural, scientific investigative and educational purposes in the Republic of Armenia (With the agreement for exporting or leaving in the habitat) is implemented by procedures defined by the Government of the Republic of Armenia.

Article 27. The use animal species registered in the Red Book of the Republic of Armenia

The use animal species registered in the Red Book of the Republic of Armenia is allowed in exceptional cases, in scientific investigative, artificial and natural conditions, in reproductive purposes, by the decision of the Government of the Republic of Armenia.

Article 28. The rights of fauna object users in the Republic of Armenia

The user of the fauna objects of the Republic of Armenia has the right to:

- a) Independently choose the type of use of the fauna object
- b) Realize the products received from the use of the fauna objects and manage the incomes
- c) Implement other activities that do not violate the legislation of the Republic of Armenia

Article 29. The responsibilities of fauna object users in the Republic of Armenia

The user of fauna objects of the Republic of Armenia must:

- a) Act in accordance with the requirements of the legislation on nature protection
- b) According to the terms of the contract, protect fauna objects allocated to it
- c) Not break the integrity of animal co-existences
- d) Satisfy the requirements of the contract
- e) Undertake certain measures for the reproduction and protection of fauna objects
- f) Support the activities of State bodies on control, State registration and monitoring of the fauna objects
- g) Timely pay the defined fees for the fauna use
- h) Do not violate the rights of other users of fauna objects
- i) Reimburse for the harm caused by violation of the legislation of the Republic of Armenia on nature protection

Article 30. Termination of the right on use of fauna objects

The right on the use of fauna objects in the Republic of Armenia is terminated in cases of:

- a) Violation of Article 29 of this law

b) Use of fauna objects for State or public needs in case of untimely termination of the contract, in accordance with procedures defined by the legislation of the Republic of Armenia

c) Voluntary refusal of the use of fauna objects

d) Liquidation of the enterprise or organization that uses the fauna objects

e) Expiration of the time limits mentioned in the contract

f) Other cases envisaged by the legislation of the Republic of Armenia

Article 31. Economic reinforcement of fauna use and protection

In order to provide for efficient protection and contiguous use of fauna of the Republic of Armenia, the State undertakes the following economic measures for the users:

a) Budgetary allocations: on the purpose of fauna rehabilitation (If it has been corrupted not by the initiative of the user)

b) Budgetary allocations: on the purpose of improving the reproduction of the fauna

c) Budgetary allocations: on the purpose of processing ecologically pure products and installing new harmless methods and technologies in the process of fauna protection

CHAPTER 6.

RIGHTS AND RESPONSIBILITIES OF THE OFFICIAL THAT CONTROLS THE IMPLEMENTATION OF THE LEGISLATION ON FAUNA

Article 32. Rights and responsibilities of the officials that control the implementation of the legislation on fauna

The employee of the inspectional department of the authorized body is considered the official entity that controls the implementation of the legislation on fauna.

The official controlling the implementation of the legislation on fauna has the rights to:

a) Undertake measures for enacting fines for the violation of nature protection norms and reimbursement of the harm caused, in accordance with procedures defined by the legislation

b) Carry a uniform, according to procedures defined

c) Carry firearms when on duty, according to procedures defined by the legislation of the Republic of Armenia

The official controlling the implementation of legislation on fauna is subject to State insurance, according to procedures defined by the legislation of the Republic of Armenia.

The official controlling the implementation of legislation on fauna must implement revision activities concerning the protection, reproduction and use of the fauna, according to procedures defined by the Republic of Armenia.

The State bodies must provide the necessary support to the officials on civil duty.

CHAPTER 7.

LIABILITIES FOR VIOLATING THE LEGISLATION ON FAUNA

Article 33. Liabilities for violating the legislation on fauna

According to procedures defined by the legislation of the Republic of Armenia, the violation of the legislation on fauna imposes liabilities

CHAPTER 8.

INTERNATIONAL LIABILITIES

Article 34. International agreements

If the international agreements of the Republic of Armenia envisage norms other than mentioned in this law, then the norms of the international agreements will be enabled.

CHAPTER 9.

TRANSITIONAL PROVISIONS

Article 35. Invalidation of the previous law

Passing this law will invalidate the “ASSR law on fauna protection”, accepted on December 4th, 1981.

Article 36. The validation of the law

This law will be valid from the moment of its official publication
28.11.02