

*Draft*

## **The Law of Georgia**

### **Forest Code of Georgia**

#### **Preamble**

Georgia's forests are the foremost element of country's natural environment and a natural resource of special value for the country. It is an important foundation for the ecological, social and economic development of the country. Irrespective of their form of ownership, Georgia's forests shall be managed based on the system established in accordance with the principles of sustainable development, which will provide improvement of quantitative and qualitative parameters of Georgia's forests, protection of biodiversity, rational use of forest's economic potential taking into consideration its ecological value, public involvement in forest management and access to forest resources.

#### **Chapter I**

##### **General Provisions**

###### **Article 1. Area of Regulation of the Code**

1. This Code regulates legal relationships related to forest management.
2. The goal of this Code is:
  - a) Protection of the biodiversity of Georgia's forest; preservation and improvement of its characteristics, and quantitative and qualitative features of its resources in order to deliver its ecological, social and economic functions;
  - b) Preservation of distinctive natural and cultural environment, including flora and fauna, cultural sites and natural monuments situated in forests, rare, endangered species of plants and other values for the next generations and harmonized regulation of their mutual influence;
  - c) Rational and targeted use of natural potential of forest;

d) To define the main principles of forest management that should be assumed as the basis for sustainable forest management.

## **Article 2. Definition of Terms**

Terms used in this Code have the following meanings:

**a) Forest** – land plot with a width of not less than 10 meters and area of not less than 0.5 hectare covered with one or more forest timber species where the canopy cover makes not less than 20% of this land plot.

a.a) The term “Forest” is also applicable to:

a. Territories where forest species are temporarily degraded or destroyed due to natural and/or anthropogenic impact;

b. Arid forest – light forest, where the canopy cover does not reach 20% due to the low moisture and/or other natural conditions;

c. Forest land – areas inside of forest contour, which are integral part of the forest ecosystem. Including:

c.a. Lands used as arable lands and pastures;

c.b. special purpose lands, which include hard surface roads, power transmission and communication lines, oil and gas pipelines, water supply and sewerage systems, quarries, ponds and industrial yards;

c.c. lands, which include marshes, cliffs, stony shores and other areas in forest unsuitable for afforestation;

c.d. infrastructure necessary for implementing forestry activities related to forests - forest roads, places for storing timber, etc.

a.b.) The term “Forest” is not applicable to the following outside the contours of forests:

a. gardens, municipal green zones and parks;

b. rows of trees with the function of preventing soil erosion (e.g. windbreaks) ;

c. territories which are not located in forest and are used for short term rotation for up to thirty years starting from the time when forest forming timber species are planted;

- d. arboretums of forest species and New Year tree plantations;
- e. plantations of timber tree species used for producing walnuts, hazelnuts, chestnut, also fruit/ berry species.
- b) Forest forming species** – trees and other timber plants included in the list of forest forming timber species approved by the Minister;
- c) Forest use** – general and special use of forests to meet ecological, economic and social needs of the state and its population, and extraction of forest resources of economic or other values;
- d) Forest user** – a person authorized by legislation of Georgia who carries out forest use;
- e) Forest monitoring** – the system of assessing Georgia's forest, the continuous observing, analyzing and forecasting of the dynamics of its condition;
- f) Forest planning** – planning the implementation and increased effectiveness of measures for inventory, maintenance and protection of Georgia's forests, reforestation and afforestation, the sustainable use of forest resources, and application of unified policy in this field.
- g) General use of forest** - use of the natural forest environment free of charge, implying the right of every person to enter and freely move inside the forest and to collect non-timber forest resources, products of woody plants and secondary material for personal use;
- h) Special use of forest** – forest use that is not carried out in the framework of general forest use right;
- i) Felling area** – a section of the forest of Georgia on which the quantity of trees that are to be felled and fallen trees is determined and/or trees that are to be felled are marked;
- j) Principles of sustainable development** - The principles that are integrated in the Global Sustainable Development Program for the 21<sup>st</sup> Century that was adopted by the United Nations Conference on Environment and Development, Rio de Janeiro, 1992 and in the final document of Non-legally Binding Statement of Principles on the Protection, Sustainable Development and Management of Forests.
- k) Tending felling** – a forestry measure carried out for the improvement of the species composition, structure and sanitary condition of forest and establishing highly productive stands;
- l) Illegal felling** – extraction of timber resources of forest without documents confirming the relevant right;

**m) Stand** – a distinct forest area differing from the surrounding forest in its composition and structure;

**n) Logging** – felling of standing trees and/or collection of fallen trees and wood, their sorting and extraction;

**o) Non-timber forest resources** – mushrooms, medicinal and technical material, other herbaceous plants and their parts, shrub plant parts and products, which do not consist of wood;

**p) Woody plant products** – needles, leaves, flowers, pollen, resin, juice, seeds, cones and fruits of woody species;

**q) Secondary wood material** - roots, bark, sapwood, stumps of timber species;

**q) Wood waste** - bark, chips, sawdust, branches unusable for firewood left from forest maintenance measures and logging operations, as well as lying dead wood having no value of timber resources due to the natural or other factors.

**r) Supporting natural regeneration** – activities such as full or partial fencing of reforestation area, protection of forest saplings and/or seedlings from grazing, as well as removal of shrub/herb layer, digging up soil for supporting self-seeding of the forest;

**s) Forest pests and diseases** – harmful organisms such as insects, rodents, fungi, bacteria or viruses, increased number of which may endanger ecological condition of forest or significantly reduce quality of timber;

**t) Forest road** – a road in forest aimed at implementing forestry measures;

**t.a) Ground road** – forest road for short-term forest use;

**t.b) Hard-surface road** – gravel roads in forest, construction and repair of which are carried out for long-term use;

**u) Forestry operations** - Organizational and technical measures directed at sustainable implementation of reforestation/afforestation, forest maintenance, protection and use.

**v) Flood plain forest** – forests adjacent to a river that are periodically (during flooding) covered by water;

**w) Understory** – a group of woody plants (/plant species) which do not form, and under the existing conditions will not be able to form an upper layer of forest canopy;

**x) Tree** – a perennial woody plant which develops a main stem or, in case of coppice tree – several branches, and forms a branched crown, and reaches a minimum of 3 meters height in maturity;

**y) Bush** – a perennial woody plant with a branched crown formed from the surface of the ground and which does not reach more than 3 meters in height;

**z) Brushwood** – fallen branches of woody plants with a diameter not exceeding 6 centimeters at the base;

**aa) Forest management** – planning and implementing measures for using beneficial features and resources of forest as well as forest protection, maintenance and reforestation and afforestation;

**bb) Sustainable forest management** - Management and use of forests and forest lands in such a way and rate that maintains its biodiversity, productivity, regeneration capacity, vitality and their potential so that at present and in the future relevant ecological, economic and social functions will be fulfilled on local, national and global levels and that does not cause damage to other ecosystems.

**cc) Subalpine forest** – forest located within a belt of 300 meters width below the alpine line and representing a transitional area;

**dd) Forest of Georgia** – forests under state or private ownership and the totality of their resources;

**ee) Minister** – the Minister of Environment Protection and Agriculture of Georgia;

**ff) Ministry** – the Ministry of Environment Protection and Agriculture of Georgia;

### **Article 3. Legislation of Georgia Governing Forest Sector**

1. Legislation of Georgia governing forest sector consists of the Constitution of Georgia, international conventions and agreements signed by Georgia, the National Forest Concept of Georgia, this Code, other laws and normative acts adopted based on those laws.

2. Issues related to protection of species and habitats of forests, as well as accessibility to genetic resources and fair distribution of goods are regulated by the respective legal act, unless otherwise provided for in this Code.

3. Issues related to the management of forest situated in protected areas are regulated by this Code unless otherwise provided in the Law of Georgia on the System of Protected Areas.

4. Forest use that is subject to environmental impact assessment should be carried out in accordance to the provisions of the Law of Georgia on Environmental Impact Assessment.

#### **Article 4. Principles for Sustainable Forest Management**

Sustainable management of forests of Georgia, with respect of their ecological, social and economic functions, shall be based on the following principles:

- a) Methods used for the forest management must provide for the preservation and improvement of its biodiversity, productivity, regeneration and viability;
- b) Forest management planning shall be respectful of forest function so that receipt of one type of benefit from the forest does not cause degradation of its other functions;
- c) Integration of local population's interests into the forest management planning shall be based on the principle of sustainable management. Access to forest for its general use shall be allowed for everyone irrespective of forest ownership type;
- d) In case forest is used for non-forestry purposes for the state or public interests, adequate compensation measures shall be provided.

#### **Article 5. Forest Ownership Rights**

1. The forest ownership right is inseparable from the land ownership right. Forest of Georgia may be in state or private ownership.
2. State forest is forest of Georgia which is not in private ownership.
3. Private forest is a part of forest of Georgia located on a land plot owned by a physical or a legal entity;
4. State forest within the territorial borders of municipality can be transferred to the relevant municipality with management rights under the delegated authority of the municipality defined by the Organic Law of Georgia "Local Self-Government Code".
5. The rules stipulated in the present Code are applicable to the forest of Georgia, irrespective of its ownership, unless otherwise specified in this Law.

#### **Article 6. Purpose of Categorization of the Forest of Georgia**

Purpose of categorizing the forest of Georgia is to:

- a) support protection of ecological functions of forests and preservation of biodiversity, sustainable use of the forest's economic potential and exercising social functions of forests;
- b) facilitate and enhance preservation and recovery of soil protection, water regulating, and climate regulating functions of forests;
- c) rational use of the forest productivity, including its resources, touristic and recreational capacity, considering delivery of long term benefits;
- d) Support harmonious and sustainable development of various sectors of economy (agriculture, energy, etc.) with regards to forest ecosystem services and protection of forest ecosystems from cumulative negative impact.

#### **Article 7. Division of Forests into Categories**

1. Forest of Georgia, considering its ecological, social and economic functions and according to the main goals of management, is divided into following categories:

- a) Protected forest;
- b) Protective forest;
- c) Resort and recreational forest;
- c) Utilization (/production) forest.

2. The management goal for protected forest is protection of biodiversity and rare and/or endangered species and vulnerable ecosystems.

3. The management goal for protective forest is to maintain and strengthen the protective functions of forests (regulating ecosystem services).

4. The management goal for resort and recreational forest is to protect and improve recreational functions, landscapes and specific natural elements in forest.

5. The management goal for utilization forest is sustainable use of forest resources and preservation of protective functions of the forest.

6. Division of forests according to their functional designation is carried out in accordance with the "Rules of Categorization and Management of the Forest of Georgia" by the Ministry, and on the territories of autonomous republics – by relevant authorized body.

#### **Article 8. Protected Forest Category**

1. Protected forest category includes:
  - a) Forests, assigned with the status of protected area. Their management is carried out in compliance with the legislation and management plans of Protected Areas;
  - b) Floodplain and arid forests forming natural landscapes, as well as forests which include endemic **and/or relict** species. In management, conservation shall be ensured through active management. ;
2. Forests defined in subparagraph "a" of paragraph 1 of this Article fall under the first category of protected forest, where special protection regime is applied based on the requirements of protected areas legislation.
3. Forests defined in subparagraph "b", of paragraph 1 of this Article belong to the second category of protected forest, which may represent potential/reserve protected areas, where the network of protected areas is extended in accordance to and in periods defined in the commitments under international treaties and agreements.

#### **Article 9. Protective Category Forest**

1. Protective category forest is forest that has a function of protecting settlements, agricultural lands, infrastructure and vulnerable territories.
2. Protective forest category includes:
  - a) forests with up to 200 meters width located along permanent paths of avalanches and mudflows;
  - b) forests located on the slopes with greater inclination than 35°;
  - c) forest areas of up to 30 hectares located between non-forested territories;
  - d) forests of up to 100 meters width located around landslides, eroded slopes, karstic formations, protrusions of mountain strata;
  - e) forests of up to 100 meters width located along railways and motor roads (measured from the shoulders);
  - f) forests of up to 100 meters width located around rivers, lakes and water reservoirs;
  - g) forests located around stone fall and rocky areas;



- h) forests around natural caves;
- i) forests, with the main function of protecting soil from erosion and snow restrain;
- j) forests located on creeping soils;
- k) forests located on slopes prone to landslides;
- l) subalpine forest;
- m) forests located within 100 meters radius area around water intake headworks.

**Article 10. Resort and Recreation Forest Category**

1. Resort and recreation forest category includes:
  - a) Forests located in the sanitary protection zone of resorts;
  - b) Forest areas located within 1 km radius area around medical institutions and mineral water springs. Established area is subject to restriction by natural boundaries of a watershed;
  - c) Forests adjacent to cities and settlements, which is used by population for public recreation, tourism and sport/health improving activities;
2. Management of resort and recreation forest shall ensure the preservation of its resort and health improving features, landscape, important natural elements and cultural values. Any activity that may negatively affect these natural elements is strictly prohibited.

**Article 11. Utilization [Production] Forest Category**

1. Utilization forests include the forests which do not fall under the categories of forest defined in Articles 8-10 of this Code.
2. Utilization forest category is assigned to a forest which delivers the functions of soil protection and water regulation. At the same time, all types of forest use are allowed in the forest of this category in accordance with the rules set out in this Code.
3. Sustainable management of Utilization forest shall ensure protection of forest and soil formed under the forest, preservation of fertility of the soil and benefits delivered from it.

4. Based on the management objective for a specific forest area falling under this category, and depending on the environment conditions, forest use may be temporarily prohibited and/or certain limitations to forest use may be introduced.

#### **Article 12. Setting up Forest Status**

1. The territory shall be assigned status of state forest by the decision of the Government of Georgia. The decision shall be based on the motion of the Ministry, which will be developed in agreement with the Ministry of Economy and Sustainable Development of Georgia..

2. The motion of granting the forest management right to the municipal representative body on forest inside the administrative boundaries of the municipality shall be considered by the **Inter-structural** Commission.

3. On the basis of the conclusion of the Inter-structural Commission, with the motion of the Ministry, the Government of Georgia shall make decision on transferring the forest located in administrative boundaries of municipality, to the municipality with the management right under delegated authority.

4. With the initiative of the private owner or the initiative of the Ministry with in agreement with private owner and based on the conclusion of Inter-structural Commission, the Government of Georgia decides on assigning the status of a private forest to the private territory, if the area was afforested naturally and meets the forest definition of this Code.

5. If private forest owner substantiates higher interest to use the territory for agricultural purposes, the territory shall not be assigned the status of a private forest. This right of the private owner does not apply to the area where the average age of woody plants has reached 20 years.

6. If assignment of the forest status to the area under private property - against the will of its owner, imposes the irrelevant social commitment to the owner, the owner shall be entitled to demand the expropriation of the land plot in accordance with the procedure prescribed by law, taking into consideration the type of limitation.

7. The Inter-structural Commission is created by the Minister and its duties and the procedure of functioning are set out in the statute on Commission for Setting up Forest Status, which is developed by the Ministry and adopted by the Government of Georgia.

### **Article 13. Termination of Forest Status**

1. Forest status is terminated through the resolution of the Government of Georgia with public administrative procedure.
2. Administrative proceeding on termination of forest status is initiated through the motion of the Ministry or the Government of Autonomous Republic, which shall include the conclusion on advisability of project implementation.
3. A person interested in terminating the forest status shall apply to the Ministry or the Government of the Autonomous Republic. The application should contain information on the results of studying the alternatives of project implementation.
4. Decision on the termination of forest status is made on the basis of comparative assessment of interests. If the interest in the termination of the forest status prevails over the interest in retaining the forest status, then the Government of Georgia will take a decision on establishing compensation measure in favor of forest management body/private owner, according to the Law of Georgia on Environmental Protection Responsibility.
5. Prevailing interest in the termination of forest status mentioned in paragraph 4 above may be:
  - a) State security and defense;
  - b) Implementing projects of state and social significance, as far as this is not possible within the use of special purpose under subparagraph "a" of paragraph 1 of Article 67 of this Code.
6. A territory that has been assigned a status of Protected Area in accordance with the Law of Georgia "On the System of Protected Areas" may have that forest status cancelled in case of termination of the status of respective protected area under the procedure established by the same law..
7. After termination of the status of forest, if there is no longer a basis for termination of the status specified in Paragraph 5 of this Article, the forest status is of the territory restored.
8. In the case specified in Paragraph 7 of this Article, the Government shall make a decision on restoring forest status after the motion of the Ministry, which is initiated by the Ministry taking into account the given circumstances, or upon the application of the person who requested the termination of forest status.

#### **Article 14. Adjustment of Forest Boundaries**

1. Adjustment of boundaries for Georgia's forest is undertaken on the basis defined by Articles 12 and 13 of this Code.
2. Adjustment of boundaries of Georgia's forest is undertaken according to the regulation "on the Establishment of Forest Boundaries" which will be developed by the Ministry and sent to the Government of Georgia for approval.

#### **Article 15. Transfer of State Forest to Private Ownership**

The part of the state forest, which is used by the legal entity of public law - Patriarchate of Georgia - under the rule of assignment, may be transferred in their ownership, free of charge, based on reasoned motion of the Ministry in the agreement with the Ministry of Economy and Sustainable Development of Georgia under the decision of the Government of Georgia.

#### **Article 16. Increasing Public Awareness in the Sphere of Forest**

The Ministry, in cooperation with the Ministry of Education and Science, shall ensure informing the population on the significance of forests and their resources.

#### **Article 17. Public Participation**

1. Stakeholders have a right to participate in the decision making process pertaining forest management. The identity and culture of communities residing in the vicinity of forests as well as traditional ways of forest management should be recognized and supported.
2. Government agencies involved in legal relations associated with forest shall ensure publicity and access to the information on forest management according to the rule established by the Georgian legislation.
3. Forest Management Plan is approved through public administrative procedure.

## Chapter II

### Authority in the Sphere of Forest

#### Article 18. Competence of the Ministry

Competence of the Ministry includes:

- a) defining Georgia's sectoral policy of forest management and monitoring of its implementation;
- b) drafting of legislative acts and legal acts of the Government of Georgia in the sphere of forest, and submitting them to the Government of Georgia;
- c) dividing of forest by functional purposes according to "the rule of categorization and management of forests of Georgia";
- d) Organizing forest inventory system of Georgia;
- e) applying a unified scientific-technical policy in the sphere of management of Georgia's forest, developing and approving normative and methodological documents, and organizing scientific/research activities;
- f) approving of state forest management plan and private forest management plans;
- g) organizing the fulfillment of commitments envisaged by international treaties and agreements pertaining forest management and coordinating international projects;
- h) elaborating solicitation on assigning/terminating of forest status and adjustment of forest boundaries;
- i) developing recommendations for a forest management body;
- j) national forest inventory.

#### Article 19. Competence of an Autonomous Republic

Competence of the Autonomous Republics of Abkhazia and Adjara in the sphere of state forest management includes:

- a) dividing forests by their functional purposes within the territory of the Autonomous Republics, in accordance with "the rule of categorization and management of forests of Georgia"

- b) participating in development of state programs for forest protection, maintenance, reforestation/afforestation and use;
- c) developing and implementing measures for protection, tending, reforestation/afforestation and use of forests located on the territory of an autonomous republic;
- d) participating in the organization of activities for reforestation/afforestation of forests damaged as a result of ecological disasters, pests and diseases, and other causes;
- e) approving forest management plans on the territory of an autonomous republic;
- f) financing and/or contributing to the financing of activities for protection, tending, reforestation/afforestation and use of forests located in the territories of an autonomous republic and control of spending of allocated funds;
- g) issuing authorization (/permission document) and signing contracts for the forest use in the territory of an autonomous republic in compliance with the rules set forth in this Code issuing document authorizing forest use on the territory of Autonomous Republic (except for the activities carried out only by the Forest Management Body) in accordance with this Code and the conclusion of the Contract;
- h) participating in the emergency response actions during natural disasters;
- i) submitting proposals to the corresponding state authorities on the adjustment of forest boundaries in the territory of an autonomous republic;
- j) establishing an authorized body for managing state forest within the territory of an autonomous republic;
- k) Submitting the information specified in the regulation on the System and Rules of Inventory of Forest of Georgia to the Ministry.

#### **Article 20. Competence of Local Self-Government**

In the case of the state forest transferred to the municipality within the delegated authority, the competence of the relevant municipal bodies includes:

- a) establishing a municipal forest management body;
- b) developing and implementation of forest protection, tending, reforestation/afforestation and forest use measures

- c) developing local programs for forest protection, tending, reforestation/afforestation and forest use and supporting their implementation;
- d) participating in the state programs, in cooperation with the authorized State bodies, on forest protection, tending, and reforestation/afforestation;
- e) participating in organizing of reforestation/afforestation of forests damaged as a result of ecological disasters, pests and diseases, and other causes;
- f) participating in the emergency response actions during natural disasters;
- g) supporting ecological education within the population of municipality;
- h) In accordance with the rule prescribed by this Code, issuing permission documents and signing contracts for forest use (except for the activities which are implemented exclusively by forest management body) within the territory of the municipality;
- i) Within the competence, suppression of illegal forest use and reporting it to the respective law enforcement bodies;
- j) exercising other powers in compliance with the legislation of Georgia.

#### **Article 21. Forest Management Body**

1. State forest management body is a legal entity of private law, established on the basis of this Law and with 100% equity participation of the state.
2. On the territory of autonomous republic forest management body shall be established by highest representative body of the relevant autonomous republic.
3. Forests within protected areas are managed by the body authorized for management of the protected areas.
4. Relevant representative body of the municipality shall establish a forest management body for managing municipal forest.
5. Private forests are managed by the forest owners.
6. Forest management body within its authority:
  - a) manages forest protection, maintenance and reforestation/afforestation activities;
  - b) implements forest use activities;

- c) implements assessment and study of forest condition in order to identify factual circumstances in individual areas of the forest and creates database based on monitoring;
- d) demands from other forest users prevention of a threat of forest destruction and discontinuation of activities detrimental to the forest;
- e) participates in the emergency response actions in forest during natural disasters;
- f) ensures compliance with the fire safety rules; in case of fire danger, takes appropriate measures for its liquidation and immediately informs relevant bodies;
- g) develops draft forest management plans (Except for autonomous republic) and submits them to the Ministry for approval;
- h) develops and approves the annual action plan;
- i) participates in the organizing reforestation/afforestation of forests damaged as a result of ecological disasters, pests and diseases, and other causes;
- j) Is obliged to suppress illegal forest use and report it to the respective bodies;
- l) Implements other authorities envisaged in this Law, its statute or regulation and secondary legal acts.

7. Sources of funding of the state forest management body are:

- a) Earmarked allocations from the state budget of Georgia;
- b) Credits, targeted grants and donations;
- c) Income received from commercial activities;
- d) Fees for services specified in this Law and annual fees for forest use (including the final price fixed at the auction);
- e) Compensation fees defined in this Law;
- f) Other incomes allowed by the legislation of Georgia.



## **Article 22. Supervision Authority**

State control in forest of Georgia over complying with the legal requirements, except for municipal forest, is exercised by the Environmental Supervision Department – an entity subordinated to the Ministry.

1. State control in protected forests within the boundaries of protected areas, is also exercised by the respective body as set out in the Law on System of Protected Areas.
2. In the state owned forests, physical protection of forests as supervisory power is carried out by the relevant service of the Forest Management body, which exercises its own authority on the basis of this Law and its statute.
3. Physical protection of municipal forests and private forests is exercised, respectively, by the forest management body and private forest owner.

## **Article 23. [Powers][Rights] of a Private Forest Owner**

1. Private forest owner has a right to carry out any activity related to forest management or to grant such rights to the third person provided that they do not run counter to the requirements for forest protection set forth in this Law. Private forest owner's right to use forest resources may be restricted on the basis and within the limits of regulations set forth in this Law and current environmental protection legislation.
2. Private forest owner is obligated to develop Forest Management Plan and to submit it to the Ministry for approval in compliance with the requirements of the article 26 of this Law.
3. As need be, the Ministry may request a private forest owner to:
  - a) avoid the activity that damages forest or causes its destruction;
  - b) maintain and/or improve sanitary condition of the forest;
  - c) reduce or, to the extent possible, prevent damage of forest soil or/and vegetation during timber felling and transportation;
  - d) abolish a limitation to enter the forest and remove limiting signs if there is no longer a reason for such limitation;
  - e) provide human resources necessary for the implementation of forest protection measures.

## Chapter III

### Inventory [Forest Record Keeping] and Planning

#### Article 24. Forest Inventory [Record Keeping] System of Georgia

System of record keeping on the forest of Georgia consists of forest monitoring, forest planning, and registry.

#### Article 25. Forest Monitoring

1. The goal of forest monitoring is to reflect the ecological state of Georgia's forest; for the purpose of improving it, to submit the results of analysis to the state entities and to inform the population of Georgia.
2. Forest monitoring is undertaken by forest management bodies on their territories, by their territorial divisions and by other entities and forest users authorized according to Georgian legislation.
3. Forest monitoring can be conducted through national forest inventory on permanent sample plots the quantity and amount of which and time frames for collecting statistical information is defined by the Rule of Georgia's Forest Inventory System and Monitoring.

#### Article. 26. Forest Planning

1. Forest planning in action area of the forest management body is undertaken once in every 10 years.
2. Forest planning actions are:
  - a) Delineation of boundaries of the forest of Georgia;
  - b) internal management organization of forests and preparation of cartographic materials for these territories;
  - c) identification of the forest condition, species composition and age structure;
  - d) identification of rare, relict, endemic plant species that are endangered and species with limited distribution;

**Commented [U1]:** The original Georgian word "აღრიცხვა" is used for two different concepts, it is translated as inventory and also as "record keeping". ( also, two different terms are used for "inventory" in Georgian ["აღრიცხვა"/"ინვენტარიზაცია"] )

In addition, there are several terms with two different translations in English version:

Woody plant/timber plant  
Maintenance/Tending (მოვლა)  
Utilization forest/production forest (სამეურნეო)  
Motion/Solicitation (შუამდგომლობა)

**Should be decided ..**

- e) identification of forest units where it is possible (necessary) to conduct forestry measures, as well as defining the types, volumes and/or methods of those measures;
  - f) assigning categories and protection regimes to forest units according to their functional purposes; identifying a need for defining or adjusting forest boundaries;
  - g) quantitative and qualitative assessment of forest resources for potential extraction;
  - h) Pathological study of forest.
3. Forest planning materials are reflected in the Forest Management Plan which is a mandatory document for forest use and forestry activities, based on functional planning.
4. In the forests of Georgia, forest use and forestry activities are carried out on the basis of a Forest Management Plan (taking into account paragraph 8 of this Article), except in cases of natural disasters.
5. State Forest Management body submits Forest Management Plan to the Ministry for approval, while in case of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara – to the relevant authorized bodies of autonomous republics. Municipal forest management body submits Forest Management Plan to the Ministry
6. Forest user submits Forest Management Plan to the Ministry for approval. Obligation to develop a Forest Management Plan does not apply to private forests that are not larger than 50 hectares in area.
7. Forest Management Plan is developed in compliance with the requirements of the decree on Rule of Georgia's Forest Inventory System and Monitoring.
8. Special assessment of forest, specified in Article 29 of this Code is carried out on forest territories where forest planning has not been undertaken and a Forest Management Plan has not been developed and/or for undertaking measures that are not foreseen in the existing Forest Management Plan.

#### **Article 27. Registry of the Forest of Georgia**

1. Registry of the forest of Georgia pools and systematizes documents containing information on the forest of Georgia, its protection, reforestation and afforestation, regeneration and forest use.
2. Registry of the forest of Georgia contains documented information on:

- a) types of forest ownership;
  - b) forest categorization;
  - c) forest management units and forest compartments;
  - d) qualitative and quantitative characteristics of forest and its resources;
  - e) forest protection, reforestation and afforestation and forest use;
  - f) Forest boundaries.
3. Information held in the Registry of the forest of Georgia is public.
  4. The Registry of the forest of Georgia is maintained by the Ministry using information received from forest management bodies.
  5. Government of Georgia establishes rules for issuing information kept in the registry of the forest of Georgia.

**Article 28. System and Rules for Inventory (Assessment) of Forest of Georgia**

1. The Ministry develops the regulation on the System and Rules of Inventory of Georgia's Forests and submits it for approval to the Government of Georgia.
2. Forest Inventory activities are financed from state and other sources.

**Article 29. Special study of forest**

1. Special study of forest is carried out:
  - a) within a specific forest area with the purpose of designing reforestation/ afforestation project, also for determining forest pathological condition and quantitative and qualitative characteristics of forest resources;
  - b) For ensuring effectiveness of forest resources management and for timely implementation of forest use activities.
2. Based on the outcomes of special study of forest, a multi-year (not more than 3 years) prospective plan may be developed.
3. Outcomes of special study of forest are reflected in the annual action plan.

4. Special study of forest is developed and carried out by a forest management body.
5. Special study of forest can be financed by the state, as well other sources.

#### **Article 30. Annual Action Plan**

1. Annual Action Plan is elaborated based on the Forest Management Plan and/or outcomes of special study of the forest, and provides detailed description of the activities planned for a year.
2. Annual Action Plan shall include at least the following information:
  - a) location and area of territory within which the planned activities will be carried out;
  - b) scope of forestry activities and methodology of their implementation;
  - c) Types and scope of activities to be performed within the planning period.
3. Prior to the approval of the Annual Action Plan, forest user is not allowed to use forest for commercial purposes.
4. Annual Action Plan is approved by forest management body.

### **Chapter IV**

#### **General Use of Forest**

#### **Article 31. Entering and Moving Inside the Forest**

1. Any person has right to enter and freely move in the forest for leisure and entertainment. This right does not imply use of those forest resources for which special authorization is required according to the legislation of Georgia.
2. Entering forest and/or moving inside it may be limited through the decision of a forest owner or a forest management body:
  - a) For the prevention of fire and the preventive measures aimed at reducing its effects or for the purpose of fire extinguishing measures;
  - b) for the implementation of forest protection, maintenance and reforestation /afforestation measures with relevant periods;

- c) for ensuring safety of ongoing timber resources extraction;
  - d) In forest areas where timber species arboretum, seed stand, hunting farm, fish farm, nursery, stockpile of logs, parking of machinery, building or timber transportation route (except for forest roads) is located;
  - e) In the reforestation and afforestation area where the height of plantation has not reached 3 meters;
  - f) Other reasons provided in the Forest Management Plan or Annual Action Plan.
3. Entering forest and/or moving inside by vehicle is allowed only on forest roads except in cases where a forest user has had this right restricted, on any ground provided by paragraph 2 of this article.

#### **Article 32. Regulation of Entering and Moving in the Forest**

1. Limitation of forest entry and free movement inside it shall be regulated by placing restrictive signs on the territory.
2. Restrictive signs shall be placed along roads of common use, forest roads and paths that pass through a limitation zone or the territory adjacent to a limitation zone.
3. Limitation shall be abolished and restrictive signs removed if grounds for imposing limitation as provided in paragraph 2 of Article 31 of this Code no longer exist.
4. Rules of using restrictive signage for regulating entry to the forest and movement inside it are defined in the regulation "on the Rules of forest use" developed and approved by the Ministry.

#### **Article 33. Grazing in Forest**

1. Taking into account needs of the local population, special territories are allocated for grazing in the state and municipal forests, except for the cases when it is impossible due to the functional purpose and condition of a forest.
2. Grazing places and quotas are established based on the Forest Management Plan or Annual Action Plan. Respective information signs shall be installed on the territory designated for grazing.

3. Grazing within designated territories may be temporarily restricted based on the decision of a forest owner or a forest management body if this is necessary to allow the implementation of forest protection, maintenance or reforestation and afforestation activities.

#### **Article 34. Making Fire in Forest**

1. Making fires in the forest is allowed only in specially allocated location where corresponding information sign shall be placed.
2. For the purpose of cleaning the forest, forest management body is allowed to burn waste of wood resources derived from cutting and debarking of trees infected by pests and diseases within forest land, if this activity will not impose threat to the forest, will not deteriorate the quality of soil, and will have no risk of fire in forest.
3. Forest owner and forest management body are authorized to restrict making of fire in the specially designated forest areas for a certain period, for the purpose of avoiding forest fire.

#### **Article 35. Extraction of Forest Resources**

1. General use of forest implies free access to non-timber forest resources, woody plant products and secondary wood products and for personal consumption, except for private forests.
2. The list and permissible volume of non-timber species? of general use are defined by forest management plan or annual action plan.
3. Free access to non-timber forest resources may be restricted:
  - a) based on the consideration of a legal status and functional purpose of a forest;
  - b) For the purpose of forest protection, maintenance and reforestation and afforestation.
4. Decision on restriction is taken based on Paragraph 3 of this Article by a forest owner or a forest management body.

#### **Article 36. Extent of Right for General Use of the Forest**

1. General use of the forest implies that the person who uses this right is obliged to take care of the forest, protect its resources and inform relevant authorities about any revealed action that is harmful for the natural environment.

2. It is prohibited to introduce invasive or/and genetically modified species in the forest, use of chemical or other means of forest protection.

3. The right of general use of forest in private forest implies its accessibility for recreation and entertainment, as well as the use of non-timber resources to the extent relevant to purpose of being in the forest.

## **Chapter V**

### **Special Use of Forest**

#### **Article 37. Types of Special Use of Forest**

1. Types of special use of forest allowed in forests of Georgia are:

- a) Commercial logging;
- b) Collection of non-timber forest resources, woody plant products and secondary wood material;
- c) arrangement of plantations;
- d) use for agricultural purposes;
- e) use of the forest for leisure, recreation, sports and other cultural / health-improving purposes;
- f) arrangement of hunting farm and fish farms;
- g) arranging animal shelters and breeding facilities;
- h) installation of telecommunication infrastructure;
- i) use of the forest for special purposes;
- j) Use for scientific research and training purposes.
- k) Use for **special** purpose.

2. It is permitted to carry out several types of forest use provided in paragraph 1 of this article simultaneously.

3. All types of forest use provided in paragraph 1 of this article are permitted in [production/] utilization forest. No forest use can be conducted in protected forest, except collection of non-



timber forest products, woody plant products and secondary wood material and scientific research, training and special purpose use. All types of forest use except for timber logging are allowed in resort and recreation forests, and protective forests.

#### **Article 38. Right for Special Use of Forest**

1. Special use of forest without respective permission document is prohibited.
2. Timber logging by physical person in order to satisfy the need on firewood is carried out based on the ticket issued by the Forest Management Body.
3. In the case of urgent necessity, in the implementation of emergency and rehabilitation works on the existing facilities, it is permissible to carry out special purpose forest use (except for the categories and zones of the Protected areas where forest use is prohibited by the legislation) without a permit document. The user is obliged to obtain the respective document from the forest management body within 2 months after the commencement of the action.
4. Types of forest use defined by subparagraphs "c", "d", "e", "f" and "g" of paragraph 1 of Article 37 of this Code shall be carried out by applicant on the basis of leasing. The lease is issued by auctioning on the basis of this Code and the Regulation of Forest Use.
5. The rules for carrying out forest use in accordance with this Code shall be defined in the Regulation of Forest Use which will be developed by the Ministry and approved by the Government.

#### **Article 39. Forest Use for Sustainable Forest Management Purposes**

1. Forest use for logging, collection of non-timber forest products, woody plant products and secondary wood material is carried out exclusively by the forest management body based on sustainable forest management purposes within the rights/authority under this code and in accordance to forest management plan and/or annual action plan.
2. The rules of transferring the right of wood waste extraction from forest to third parties shall be determined by the Regulation of Forest Use.

#### **Article 40. Planned Use of Forest**

1. Forest use shall be based on planning.
2. Main requirements for forest use planning are derived from the principles stipulated in this Code.
3. In forest use planning, preference is given to the long term and integrated forest use that provides for several types of forest use simultaneously.
4. During forest use planning, it is recommended to use methods that are not harmful for the natural environment and sustainability [/stability] of its biodiversity, fauna, and historical-cultural and natural monuments.
5. For forest use planning a Forest Management Plan and/or annual action plan is developed.

#### **Article 41. Forest Use in the State Border Zone**

Use of forest in the zone of the state border is carried out in compliance with this Code and the Law of Georgia on the National Border of Georgia.

#### **Article 42. Forest Use in the Water Protection Zone**

Use of forest in the water protection zone is carried out in compliance with the Law of Georgia on Water and marine legislation of Georgia.

#### **Article 43. Rights and Obligations of Forest User**

1. Forest user has right to:
  - a) Use forest in compliance with the Forest Use purpose;
  - b) Demand compliance with the contract conditions;
  - c) Arrange temporary facilities of specific purpose required for exercising the right of forest use in agreement with the forest management body;
  - d) Use existing forest roads and relevant infrastructure for exercising the right of forest use;

e) Participate in forest protection, maintenance, reforestation and afforestation measures as well as in planning and implementation of forest use;

f) Own, use and manage resources received as a result of forest use only for agricultural and plantation arrangement purposes.

2. Forest user is obligated to:

a) Get acquainted with the rules of forest use and comply with them;

b) Carry out only those activities of forest use which are defined by forest use document, only on the location, in the quantity and for the period specified in the Forest Use Document;

c) Carry out the activities using such forms, methods and instruments that do not cause erosion and will have limited or no negative impact on the environment, forest condition and its ability to regenerate;

d) Comply with the fire safety rules, take fire prevention measures in case of a fire danger and immediately inform relevant authorities on the risk of fire;

e) Comply with safety rules of forest use;

f) Comply with the rules of sanitary protection of forest;

g) Suppress, within the forest user's capacity, cases of illegal forest use and immediately inform the state forest management and law enforcement bodies about such cases;

h) Carry out entire volume of activities specified in the Forest Use Document.

## **Chapter VI**

### **Logging with Commercial Felling**

#### **Article 44. Basics of Logging**

1. Commercial felling is performed for the purpose of timber extraction under the conditions allowing steady and permanent flow of the output without compromising natural beneficial characteristics of the forest.

2. Commercial felling is performed in the mature or over-mature stands. Predominantly over-mature trees are extracted thus facilitating rejuvenation (regeneration) of the stand.

3. Logging in forests of Georgia is allowed on slopes with up to 36° inclination.

#### **Article 45. Special Requirements for Logging between Slope Gradients of 31° and 36°**

1. During timber logging on the slopes with the gradient between 31° and 36° stand density cannot be lowered below 0,5.
2. Extraction of (Transporting) timber on the slopes with the gradient between 31° and 36° is allowed only with cable ways, air transport or animal power;
3. Special conditions for logging on the slopes with the gradient between 31° and 36° are established on the basis of the Forest Management Plan and are mandatory.

#### **Article 46. Commercial Felling**

1. timber extraction from the forest of Georgia is performed through clear cuts and selective commercial cuts.
2. Clear cut means total simultaneous felling of timber species in a particular section of the forest which may be performed in forests of Colchis lowland. Clear cuts may also be implemented in plantations. Clear cutting may be prohibited in plantations if it is likely to:
  - a) significantly damage soil water regime;
  - b) cause erosion and loss of topsoil;
  - c) Threaten effectiveness of protective functions.
3. Selective commercial felling is performed in a particular section of the forest and means selective felling of relevant number of trees. The volume of extracted wood considering the rotation period shall not exceed natural increment of forest .
4. Optimal age of forest forming timber species for commercial felling is established by the regulation on Forest Use Rules.

#### **Article 47. Annual Allowable Cut**

1. For the purpose of long-term forest use, the Ministry, based on forest planning materials, establishes the annual optimal volume of timber allowed for logging according to the action areas of forest management bodies (hereinafter – annual allowable cut).

2. Increase or reduction of annual allowable cut may be allowed by the Ministry based on changes in the forest planning materials, forest protection regime, forest categories or other changes that affect the condition of the forest.

#### **Article 48. Assignment of Felling Area**

1. Felling area for the purpose of logging is assigned for forest use for up to two years.
2. Felling in excess of the annual allowable cut is allowed only on the account of unutilized annual allowable cut of the previous year.

#### **Article 49. Legal Basis for Logging**

1. Forest management body exercises logging within its authority, for the interests of forest management.
2. Logging ticket is issued with consideration of individual social needs of physical persons within a specific cutting area allocated by a forest management body.
3. Logging ticket is a document issued by the forest management body to a particular resident of the municipality authorizing its holder to perform logging of firewood.
4. Logging ticket is issued on the basis of lists compiled by a Governor indicating identity (name, surname, personal number) of the representative of an actually residing household (family).
5. A person applying for a logging ticket submits to the forest management body receipt proving payment for the sought service, as well receipt in accordance with the Law of Georgia on Fees for Using Natural Resources, and the forest management body promptly issues the ticket based on the simple administrative proceeding.
6. Logging ticket carries the following information: ticket number; number of the felling area, location of the felling area, species, quality and volume of trees for felling, and period of ticket validity;
7. If logging is not performed within the timeframe and in the volume indicated in the logging ticket, the ticket becomes void and the fee for service provided by management body is not reimbursed.
8. Logging ticket is issued according to the regulation on Forest Use Rules.

9. Individual administrative legal act issued by forest management body is the basis for logging stipulated in paragraph 1 of this Article.

#### **Article 50. Wood origin document**

1. Wood origin document shall be issued to each unit of transportation moving out timber logged in the Forest of Georgia in compliance with this Code.
2. Wood origin document proves timber ownership based on strict accounting and is issued by the forest management body.
3. Timber transportation without wood origin document is prohibited. Wood origin document shall be presented upon request to a controlling body authorized by the legislation of Georgia.
4. Format of wood originating document and rules of its issuance are established in the regulation/decreed on Forest use Rules.
5. The forest management body creates and maintains Electronic System of Timber Resources Management to register forest use, wood transportation and primary processing activities.
6. Instruction for management of Electronic System of Timber Resources Management is approved by the Minister.

### **Chapter VII**

#### **Collection of Non-timber Forest Resources, Woody Plant Products and Secondary Wood Material**

#### **Article 51. Purpose of the Forest Use**

1. Forest use for collection of non-timber forest resources, woody plant products and secondary wood material is conducted by forest management body in accordance with the interests of forest management, based on this Code, within the own competence.

2. Forest use for collection of non-timber forest resources, woody plant products and secondary wood material means accessibility to these resources for commercial purposes.

3. Purpose of the forest use shall not contradict with the sustainable forest management interests.

4. Rules and conditions of issuing permits for export, import, re-export and marine introduction of specimens of species included in Annexes of Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, March 3, 1973, licenses for extracting the specimens of plant species included in Annex II of the Convention for exporting with commercial purposes, certificates of origin for the plants including in Annex III of the Convention (CITES Certificate of Origin), as well as licenses for using fir cones for export (hereinafter - the license) are established by the Law of Georgia on Licenses and Permits.

**Article 52. Legal basis for Collection of Non-timber Forest Resources, Woody Plant Products and Secondary Wood Material by Forest management Body**

1. Administrative proceeding towards collection of non-timber forest resources, woody plant products and secondary wood material by forest management body is initiated by the forest management body.

2. Forest areas for collection of non-timber forest resources, woody plant products and secondary wood material by forest management body are selected by forest management body based on Forest Management Plan and/or Annual Action Plan. The decision shall enclose following information:

- a) Amount/volume of the resources to be collected;
- b) Area assigned and its boundaries (cadastral drawing);
- c) Location (forest management unit, compartment, liter, elevation from the sea level, slope gradient, exposition, etc.);
- d) Existing roads and those to be constructed and other infrastructure;
- e) Taxation data of the plants species.

3. The forest management body elaborates perspective plan for collection of non-timber forest resources, woody plant products and secondary wood material, developed in accordance with the regulation on Forest Use Rules.

4. Individual administrative act on collection of non-timber forest resources, woody plant products and secondary wood material by forest management body is issued according to this

Code and the regulation Forest Use Rules, which is legal basis for conducting respective activities in forest.

## **Chapter VIII**

### **Arranging Forest Plantation**

#### **Article 53. Purpose of the Forest Use for Arranging Forest Plantation**

1. Forest use for arranging plantation is carried out by the forest management body for the interests of forest management, or by leasing the area for commercial use to relevant applicants
2. Administrative proceeding on forest use is initiated based on the application of prospective forest user or by the forest management body.
3. The purpose of arranging plantation by the management body may be to:
  - a) stop erosion and landslide processes by planting forest tree species in forest land;
  - b) Increasing energy potential of forest;
  - c) obtaining timber resources without damaging natural forests.
4. Selection of forest timber plant species for arranging plantations and use of their resources is carried out based on respective Forest Plantation Management Plan.
5. Only temporary buildings are allowed on the forest territory allocated for forest plantation.

#### **Article 54. Grounds for Making Decision on Arranging Forest Plantation**

1. Area for the establishment of a forest plantation is selected by the forest management body or initiated by prospective forest user based on the Forest Management Plan and/or annual action Plan. The decision document shall include the following information:
  - a) Area and its boundaries (cadaster drawing);
  - b) Location (forest management unit, compartment, liter, elevation from the sea level, slope gradient, exposition, etc.);
  - c) Existing roads, roads to be constructed and other infrastructure;
  - d) Taxation data on plantations already existing within the plot.
2. The implementer of activity develops forest plantation project and prospective plan according to the regulation "on Forest Use Rules".



## **Chapter IX**

### **Agricultural Use of Forest**

#### **Article 55. Purpose of Agricultural Forest Use**

1. The administrative proceeding on leasing forest area for agricultural purposes is initiated based on the application of prospective forest user or by forest management body.
2. .Agricultural use of forest land means its use as a hay land, pasture and for arranging temporary beekeeping facilities.
3. Agricultural use of forest land is performed in the form and methods which are not detrimental for timber species and do not cause erosion.
4. Only temporary facilities are allowed on the forest territory allocated for agricultural use.

#### **Article 56. Legal Basis of Agricultural Forest Use**

1. The land for agricultural use of forest is selected by the forest management body or initiated by prospective forest user based on Forest Management Plan and/or Annual Action Plan. The decision document shall include the information about:
  - e) Area and its boundaries (cadaster drawing);
  - f) Location (forest management unit, compartment, liter, elevation from the sea level, slope gradient, exposition, etc.);
  - g) Existing roads, roads to be constructed and other infrastructure;
  - h) Taxation data on plantations already existing within the plot.
  - i) General description of the area adjacent to the selected territory.

## Chapter X

### Forest Use as a Resort and for Recreational, Sporting, and other Cultural and Health Improving Purposes

#### **Article 57. The purpose of forest use for resort, recreation, sports and other cultural and health improving purposes**

Forest use as a resort and for recreational, sporting and other cultural and health improving purposes implies arrangement of facilities essential for exercising this right, including building catering and supporting facilities and installation of sport facilities, walking trails, viewing sites, within respective permitting document.

#### **Article 58. Legal Basis of using forest for resort, recreation, sports and other cultural and health improving purposes**

1. Administrative proceeding towards the issuance of a license for the use of forest as a resort and for recreational, sporting, and other cultural and health improving purposes is initiated upon application from prospective forest user or by the forest management body.

2. Forest area is selected by the forest management body or initiated by prospective forest user based on the Forest Management Plan and/or the Annual Action Plan. The decision shall contain the following information:

- a) Area assigned and its boundaries (cadastral drawing);
- b) Location (forest management unit, compartment, liter, elevation from the sea level, slope gradient, exposition, etc.);
- c) Existing roads and those to be constructed and other infrastructure;
- d) Taxation data on the plants species;
- e) General characteristics of the area around selected plot.

3. Prospective forest user submits to the lease issuing body a perspective plan for the use of forest as a resort or for recreational, sporting or other cultural and health improving purposes compiled on the basis of the regulation on Forest Use Rules.

## Chapter XI

### Forest Use for the Purpose of Arranging Fish Farms and Hunting Farms

#### Article 59. Purpose of Forest Use for Arranging Fish Farms and Hunting Farms

1. Fish farms are arranged for breeding and obtaining fish for commercial purposes.
2. Rivers, lakes, watersheds and their adjacent areas that are not covered with forests are selected for arranging fish farms.
3. Introduction and breeding of invasive species is prohibited within the framework of fish farm arrangement right.
4. Arrangement of hunting farms is regulated by the legislative act on hunting right regulation.

#### Article 60. Legal Basis for Arranging Fish Farms and Hunting Farms

1. Administrative proceeding towards the issuance of forest plot with lease for arranging fish farms or hunting farms is initiated upon the application of prospective forest user, or by the forest management body. The decision shall contain the information about:
  - a) Area assigned and its boundaries (cadastral drawing);
  - b) Location (forest management unit, compartment, liter, elevation from the sea level, slope gradient, exposition, etc.);
  - c) Existing roads and those to be constructed and other infrastructure;
  - d) General characteristics of the area adjacent to selected plot.
2. Leasing area is selected by forest management body or initiated by prospective forest user based on the Forest Management Plan and/or Annual Action Plan or special study.
3. Prospective forest user submits fish farm / hunting farm management plan to lease issuing body, elaborated according to regulation on Forest Use Rules.

## Chapter XII

### Arranging Animal Shelters and Breeding Facilities

#### Article 61. Purpose of Forest Use for Arranging Animal Shelters and Breeding Facilities

1. Animal shelters and breeding facilities are arranged with the purpose of conservation or breeding of animal species and their subsequent realization.
2. Areas for arranging animal shelters and breeding facilities are selected so that their operation does not damage forest and the breeding animal species do not negatively affect forest ecosystem. Introduction of invasive species for breeding is prohibited.
3. Area shall not be selected in the territory where felling of more than 20 cubic meters of trees per one hectare is required for this purpose. Clear cutting of shrubs and understory is permitted.

#### Article 62. Legal Basis for Arranging Animal Shelters and Breeding Facilities

1. Administrative proceeding towards the issuance of leasing area for arranging an animal shelter and breeding facility is initiated upon the application of prospective forest user, or by the forest management body. The decision shall contain the information about:
  - e) Area assigned and its boundaries (cadastral drawing);
  - f) Location (forest management unit, compartment, liter, elevation from the sea level, slope gradient, exposition, etc.);
  - g) Existing roads, roads to be constructed and other infrastructure;
  - h) Taxation data on plant species;
  - i) General characteristics of the area surrounding selected plot.
2. Leasing area is selected by forest management body or initiated by prospective forest user based on the Forest Management Plan and/or Annual Action Plan or special study.
3. Prospective forest user submits management plan for **animal shelter or breeding facility**, elaborated according to regulation on Forest Use Rules, to lease issuing body.

## **Chapter XIII**

### **Placement of Telecommunication Facilities**

#### **Article 63. Purpose of the Forest Use for Placement of Telecommunication Facilities**

1. Placement of telecommunication facilities is implemented for expansion and improvement of the telecommunications system.
2. Areas shall not be selected in the territory where the installation of communication infrastructure requires cutting of more than 20 cubic meters of trees per hectare. If there are no alternative sites, then clear cutting of shrubs and understory is allowed on maximum 20% of the territory.

#### **Article 64. Legal Basis for Placement of Telecommunication Facilities**

1. Administrative procedure on the issuance of an individual administrative legal act for granting the right to use forest for placement of a telecommunication facility is initiated on the basis of an application submitted by a prospective forest user.
2. Forest management body takes a decision through a simple administrative procedure.
3. Forest management body and a prospective forest user conclude an administrative contract. Rules of concluding the contract are set forth in the regulation on Forest Use Rules.

## **Chapter XIV**

### **Forest Use for Scientific Research and Training Purposes Article 65. Scientific Research and Training Activities**

1. Forest use for scientific research and training implies the activities complying with the principle of scientific and pedagogical autonomy and academic honesty. The limitation of such activities by forest management body is permissible only due to forest protection interests based on the legislation of Georgia.

2. Scientific research and training activities shall be implemented without damaging forests.

**Article 66. Legal Basis for Scientific Research and Training Activities**

1. Administrative procedure on issuance of an individual administrative legal act for granting forest use right for scientific research and training purposes is initiated on the basis of an application submitted by a prospective forest user.

2. The application of prospective forest user (with the accompanying documents) shall meet the requirements of the General Administrative Code of Georgia, this Law and the regulation of Forest Use Rules.

3. Forest management body takes a decision through simple administrative procedure.

**Chapter XV**

**Forest Use for Special Purpose**

**Article 67. Purpose of the Special Forest Use**

1. Special forest use is performed for the following purposes:

a) Implementing projects of state and social significance, including construction of water supply and sewerage infrastructure, hydroelectric systems, pipelines, roads, power transmission facilities and channels or design and / or engineering-geological works required for this purpose.

b) Study and / or extraction of fossil minerals

c) Reconstruction (rehabilitation) of cultural heritage monuments; archaeological works, archeological surveillance, archaeological excavations;

d) In case of urgent necessity when performing emergency and rehabilitation works on existing facilities.

2. Forest Management Body takes decision on issuing individual administrative legal act on granting the right of special use of forest through a public administrative procedure.

3. The Forest Management Body ensures involvement of other administrative bodies and concerned parties into the administrative proceeding for taking the decision stipulated in Paragraph 1 of this Article, in accordance with the requirements of the General Administrative Code of Georgia.

4. An individual administrative act stipulated in Paragraph 2 of this Article is sent to the applicant and the Ministry.

5. Based on the administrative act defined in Paragraph 4 of this Article, the forest management body concludes an Administrative contract with the prospective forest user on the special use of forest.

#### **Article 68. Basis for the decision on granting the right of special forest use**

1. The right for the special use of forest is granted based on the application of a prospective forest user.

2. Application of a prospective forest user (including attached documents) shall meet the requirements of the General Administrative Code of Georgia, the Law of Georgia on Environmental Impact Assessment, this Law and the regulation “on the Rules of Forest Use”.

3. Special use of forest requires compensation by forest user. Rules for payment of compensation by forest user are set forth in the Law of Georgia on Environmental Responsibility.

4. If forest felling is required for exercising the right for special use, forest logging, transportation and sale of timber is carried out by the forest management body and financed by the forest user on the basis of a relevant contract.

### **Chapter XVI**

#### **Rules of Conducting Electronic Auctions for Leasing of Forest Areas**

##### **Article 69. Field of Regulation**

1. Leasing of state and municipal forest plots for the purpose of special use provided by this Code shall be carried out through the electronic auction.

2. Leasing of a forest plot based on the electronic auction is carried out under the condition that the recipient of the right will pay the lease price and will comply with other leasing conditions determined by the issuer of the lease.

3. The purpose of conducting the electronic auction is to lease the forest area to the participant of the electronic auction which commits to adhere to defined conditions and will offer the highest price to the management body in the bidding process.

#### **Article 70. The Rules of Conducting the Auction**

The rules of conducting the electronic auction are established by the relevant normative act of the Minister of Economy and Sustainable Development of Georgia.

#### **Article 71. Conclusion of Lease Agreement**

The lease agreement with the winner of the auction shall be concluded within 30 calendar days from the completion of the auction.

### **Chapter XVII**

#### **Forest Protection**

#### **Article 72. Purpose of Protecting Forest of Georgia**

1. Purpose of protecting forest of Georgia is to:

- a) Maintain and improve ecological balance in the forest of Georgia;
- b) Prevent soil erosion, waterlogging, mudflows, avalanches and other processes deteriorating soil condition;
- c) Conserve traits of virgin forests;
- d) Protect relict, endemic and other rare plant species.

2. Forest of Georgia shall be protected from:

- a) fires;
- b) pests and diseases;



- c) violation of rules of forest use and other established regulations;
- d) illegal cuts;
- e) deterioration of sanitary condition;
- f) Other negative anthropogenic impacts.

### **Article 73. Forest Protection Measures**

1. Forest protection is undertaken with consideration of biodiversity and other properties of the forests of Georgia and comprises forestry methods, biological, chemical and mechanic methods for conserving forest of Georgia, as well as organizational, legal and other means for protecting it from destruction, damage, pollution and other negative impacts.

2. Chemical means of forest protection are applied in cases specified in the regulation “on the Rules of Forest Protection, Restoration and Maintenance.

3. Forest protection measures include:

- a) Forest zoning according to the threat of pests and diseases spreading (into low, average and high risk zones);
- b) Pathologic monitoring and study of forest;
- c) Protection of forest from spreading of pests and diseases, in case of necessity, with the use of biological, chemical and mechanical methods based on the outcomes of pathologic study;
- d) Banning removal of infected cut trees from forest without biological or mechanical processing to avoid emergence of new breeding grounds for pests and diseases;
- e) Protecting forest from fire;
- f) Preventing and restricting illegal forest use and extraction of forest resources;
- g) Other necessary measures required in emergency situations.

4. Forest protection measures are part of Forest Management Plan.

#### **Article 74. Physical Protection of Forest**

1. Person responsible for physical protection of forest in accordance with this law is authorized to:

- a) inspect the forest according to the established rules in order to exercise control in the sphere of forest protection;
- b) in the process of inspection, put questions to persons met within forest territory, as need be, for comprehensive assessment of situation; receive, without limitation, any oral and/or written information as requested;
- c) issue administrative offence protocol and submit it to the relevant authority in compliance with the established rules;
- d) prevent administrative offences in compliance with the established rules and upon exhausting all other measures to identify offender's identity and to issue an administrative offence protocol (if this cannot be done on site), carry out administrative detention, search and inspect belongings of an offender, and withdraw belongings and documents of an offender;
- e) in case of possessing sufficient information about an offence in the sphere of forest protection, inspect physical items, stop and inspect any means of transportation, as well as inspect personal identification documents of citizens if there are enough data proving violation of the forest protection rules, in order to detect illegally extracted forest resources, and means and tools used for committing an offence.

2. When on-duty, person responsible for physical protection of forest has the right to use the following special tools, within its authority:

- a) Handcuffs and other means of fastening – to be used on person committing law offense, who resists, may resist or attempt to escape, or on person towards which coercive measures are taken provided by the legislation of Georgia;
- b) Rubber baton - to repel the attack, in case if the offender does not obey legitimate orders during detention.

3. Vehicle owned by a person responsible for physical protection of forest shall be equipped with special signaling system and relevant identification signs.

4. A person carrying out physical protection of forest should be equipped with special uniform and lapel pin that will make it possible to detect the identity and occupation of such person.

5. Physical protection of forests under the status of protected areas is exercised by the responsible body in accordance with the law of Georgia on System of Protected Areas.

#### **Article 75. Prohibition of Forest Destruction**

1. Activities causing forest destruction are prohibited.
2. An activity is considered destructive for the forest if it:
  - a) causes average or higher than average degradation of forest soil;
  - b) poses an obvious risk of landslides or erosion of forest soil;
  - c) hinders timely regeneration of the forest;
  - d) Makes forest growth sensitive to widespread impacts such as wind, fire, use of biologic and chemical means, spread of pests and diseases, and any type of pollution.
3. Regulations for cleaning the forest from household, industrial and other types of waste are set forth in the regulation “on the Rules of Forest Protection, Restoration and Maintenance”.
4. Compensation and legal responsibility for the damage caused to the forest are defined based on this Code and other legislative acts.

#### **Article 76. Forest Protection Regime**

1. Depending on the condition of a forest, its functional purpose and other values, a general or special forest protection regime is established.
2. Special protection regime applies to forests under the categories of protected, protective, resort and recreational forests.
3. General protection regime applies to the utilization forest category.
4. On the territory of a forest category with special protection regime provided under Paragraph 2 of this Article, commercial felling is prohibited, as well as activities under categories 1 and 2 defined by Law of Georgia on Environmental Impact Assessment.
5. Forest area falling under the general protection regime is governed by the rules set forth in this Code and other legislation of Georgia.

#### **Article 77. Legal Basis for Forest Protection**

Rules of forest protection are set forth in the regulation “on the Forest Protection, Restoration and Maintenance” developed by the Ministry and approved by the Government.

#### **Article 78. Financing for Forest Protection Measures**

1. Forest protection measures are financed from the State, Autonomous Republic and local self-government budgets, respectively. Other sources of funding may also be used for this purpose.
2. Protection measures of private forest are financed by the owner. Forest protection measures may be co-financed by the State.

### **Chapter XVIII**

#### **Reforestation and Afforestation**

#### **Article 79. Purpose of Reforestation and Afforestation**

Reforestation and afforestation is a multi-year cycle of forestry activities aimed at protecting soil from wind, water and other types of erosion, as well as improving species composition, productivity, protective and other beneficial functions by reforestation and afforestation on territories not covered by forests and in low-density and low productivity stands.

#### **Article 80. Planning and Implementation of Reforestation and Afforestation**

1. Forest management body annually plans reforestation and afforestation measures with consideration of available resources and based on the Forest Management Plan and/or Annual Action Plan. Based on the reforestation and afforestation plan, a reforestation and afforestation project is developed for a specific territory.
2. A special state program may be developed for reforestation and afforestation purposes.

3. Forest management body approves the reforestation and afforestation project and exercises control over its implementation.

4. Reforestation and afforestation is undertaken through sowing, planting or/and supporting natural regeneration.

5. Reforestation and afforestation measures are carried out by forest management body, as well as by authorized physical or legal body in accordance with the legislation of Georgia.

6. Reforestation and afforestation aimed at arresting degradation of forest territories and avoiding potential damage shall be undertaken within three calendar years after the loss of forest density or forest cover due to natural or anthropogenic impacts.

7. In case of a vast damage (5 hectares and more), when it is impossible to carry out reforestation and afforestation within three calendar years, the period of reforestation and afforestation starts when the causes of large-scale damage have been eliminated and the territory subject to restoration has been cleaned.

8. If forest regeneration takes place through natural seeding or coppice and these natural processes are expected to result in reforestation of target area, then reforestation shall be carried out by supporting natural regeneration.

9. Reforestation and afforestation measures will be considered completed if the area subject to restoration carries sufficient number of regeneration and/or planted seedlings, and there are no circumstances preventing their growth and development.

10. Reforestation is performed by using reproduction materials certified according to the regulation on "Rules of Import, Export and Production of Forest Reproduction Materials" developed and approved by the Ministry.

#### **Article 81. Forest Seed Production**

1. Forest seed production serves for the creation of highly productive, targeted forests or/and plantations through reforestation and afforestation.

2. For the purpose of organizing and developing forest seed production following measures are conducted:

- a) Forest zoning by production areas of forest timber species;
- b) Designating of permanent seed collection areas of forest timber species;

c) Creating seed bank of the forest timber species.

3. Measures shall be implemented to support collection, processing, storage, sale and use of seeds of forest timber species.

4. High quality seeds of timber species shall be used for reforestation and afforestation; in case high quality seed is not available, the condition of the available seed shall be improved.

5. In the course of reforestation and afforestation, seed and planting material allocated for use in one location may not be used elsewhere; seed may not be used without its quality being checked and determined.

6. Rules of collection and use of seeds of forest timber species are set forth in the regulation "on the Rules of Forest Protection, Restoration and Maintenance".

## **Chapter XIX**

### **Forest Maintenance**

#### **Article 82. Forest Maintenance and its Purpose**

1. Forest maintenance is a system of measures with general purpose of:

a) Maintaining and improving social and ecological functions of forest (soil protection, water and climate regulation and other beneficial properties);

b) Improving species composition, structure and productivity of forest;

c) Improving sanitary condition of forest;

d) Increasing volume of timber use per forest unit.

2. Forest maintenance measures shall be planned according to the rules established by this Code.

3. Forest management body is responsible for planning and implementing forest maintenance measures.

4. Maintenance measures, including tending, sanitary and reconstruction cuts, are undertaken according to the age, function and conditions of forest stands.

### **Article 83. Tending Cuts**

Tending cuts are carried out selectively in the stands below maturity age and with density of 0.7 and more, with the purpose of achieving even distribution of valuable and economically appealing species typical for the local area; providing sufficient sunlight for these species; creating (improving) conditions for full formation of the stem and the canopy and improving timber increment.

### **Article 84. Sanitary Cuts**

1. Sanitary cuts do not belong to the systemic forest felling category. This is a forestry measure aiming at the improvement of sanitary condition of forest. Sanitary cuts imply felling and extraction of dead, hollow, and pest invaded trees within a certain territory and timeframe, as well as removing trees uprooted or broken by natural disasters.

2. Sanitary cuts which are expected to reduce stand density to less than 0.3 are allowed only in case of urgency. Such sanitary cuts shall be properly justified and represent a part of [system][set] of measures.

### **Article 85. Reconstruction Cuts**

1. Reconstruction cuts are carried out in the stands of low value and low productivity with the purpose of improving their species composition, structure and productivity through the extraction of undesired trees and/or removal of evergreen understory, later facilitation of natural regeneration and/or planting forest species.

2. In recreational forests, reconstruction cuts may be carried out for landscape (open, closed, semi-closed) formation.

### **Article 86. Forest Maintenance Measures**

1. Forest maintenance in the designated territory is carried out by the forest management body or physical or legal person in accordance with the regulation "on the Rules of Forest Protection, Restoration and Maintenance".

2. Forest maintenance results in a corresponding amount of timber resources being obtained.

**Article 87. Financing of Forest Maintenance Measures**

1. Forest maintenance measures are financed from the budgets of respective forest management bodies. Other sources of funding may also be used for this purpose.
2. Forest maintenance measures for private forests are financed by the private forest owner. Forest maintenance measures may be co-financed by the State.

**Chapter XX**

**Professional Qualification**

**Article 88. Mandatory Participation of a Forester and Forest Worker**

Forest management body shall ensure the mandatory participation of persons having the status of forester and forest worker.

**Article 89. Forester**

Forester is a person who meets relevant qualification requirements and is in employment relations with the forest management body in accordance with the Labor Code of Georgia.

**Article 90. Forest Worker**

Forest worker is a person who, under the supervision of a forester, works in forest protection, reforestation and afforestation, and maintenance, performs logging and harvests non-timber forest resources, and products of forest timber species.

**Article 91. Special Requirements**

1. While on duty, forester and forest worker shall wear respective uniforms.



2. Special requirements pertaining uniforms of forester and forest worker as well as requirement of occupational safety are set forth in the regulation of the ministry on Uniforms for State Forest Personnel, while in case of autonomous republic and self-governing unit – in normative administrative acts of the government of the autonomous republic.

#### **Article 92. Qualification Requirements for Specialists**

1. A forester may be a person who holds a respective university degree (at least a bachelor's degree).
2. A forest worker may be a person who has received a relevant formal or informal vocational education, recognized by the respective legislation.
3. Qualification requirements are established by this Code and other legislative acts.

#### **Article 93. Authorized body Responsible for Defining Qualification Requirements**

Ranking and relevant qualification requirements of a forester and forest worker are established through the regulation of the Ministry “on Establishment of Position Ranking and Qualification Requirements for State Forest Personnel“, while in case autonomous republic and self-governing unit – through the normative administrative acts adopted by the government of the autonomous republic.

### **Chapter XXI**

#### **Security Guarantees for Foresters and Forest Workers**

##### **Article 94. Social Protection of Foresters and Forest Workers**

1. Social protection of forester and forest worker shall be provided by relevant forest management body.
2. The respective forest management body may define additional measures of one-time aid, other social protection measures and additional benefits for foresters and forest workers.

##### **Article 95. On-duty Death and Injury of a Forester or Forest Worker**

1. In case of on-duty death of forester or forest worker, his / her family (heir) will receive one-time financial aid from the budget of relevant forest management body of not more than 10 000 (ten thousand) Laris.

2. In case of on-duty injury of forester or forest worker, according to the level of injury, he / she shall get one-time financial aid from the budget of relevant forest management body in the following amount:

a) Severe injury - 5,000 (five thousand) Laris;

b) Moderate injury - 2,000 (two thousand) Laris;

c) Minor injury – 1,000 (one thousand) Laris.

3. Level of an injury of forester or forest worker is determined by the rule established in the legislation of Georgia.

#### **Article 96. Rewarding Forest Personnel**

1. Forester is rewarded by conferring the title of “Distinguished Forester of Georgia” in accordance with the rule specified in Georgian legislation.

2. Forest personnel with work experience of 10 years and over are rewarded by granting a Special Lapel Pin for the Successful Performance.

3. Other forest personnel maybe rewarded by formal statement of gratitude.

4. The rules for the establishment of the “Professional Day of Forester” in Georgia and for rewarding forest personnel are defined by the order of the Minister.

#### **Chapter XXII. Responsibility for Violating Forest Code of Georgia**

##### **Article 97. Legal Basis for Responsibility**

1. Responsibility for violating of Forest Code of Georgia is defined in accordance with the national legislation of Georgia.

2. Bringing to justice for an offence does not relieve the offender from the obligation of compensation for the damage to the forest. Grounds and rules for compensation are defined by the national legislation of Georgia.

## Chapter XXIII

### Transitional Provisions

#### **Article 98. Transitional Regulation of Forest Use Licenses, Leases and Designated Forest Use**

1. Forest use licenses and leases for a particular type of activity issued prior to enactment of this Code remain valid till their ending date.
2. Contracts of designated forest use concluded prior to enactment of this Code remain valid till their ending date.

#### **Article 99. Normative Acts to be Adopted/Issued for the Purposes of Enactment of this Law**

1. By January 1, 2018, the Ministry shall develop and submit to the Government of Georgia for approval the regulations on:

- "The Forest Use Rules";
- "The Rules of Forest Protection, Restoration and Maintenance";
- The Rules and of Categorization and Management of Forests of Georgia".
- The Rules of Inventory System and Monitoring of Forests of Georgia".
- "Rules of Establishing and Adjusting the Borders of Forest Territories"

2. By December 30, 2018 the Ministry shall develop and approve the regulations on:

- The Rules of Import, Export and Production of Reproduction Materials of Forests";
- "The Uniforms for State Forest Personnel";
- "The Rules of Ranging and Qualification Requirements of Employees in State Forests";
- "The List of Forest Forming Timber Species"
- "The Committee for Defining the Status of Forest"
- "The Instruction of Maintaining the Electronic System of Timber Resources Management".

3. Prior to adoption of the subordinate acts specified in this Article, the applicable regulatory normative acts stay in force unless they do not contradict the requirements of this Code.

#### **Article 100. Necessary Measures for Enacting This Code**

1. Based on the Article 12 of this Code, the Ministry shall prepare the solicitation on assigning the status of state forest to the territory within the state land plot and submit it to the Government of Georgia before **December 31, 2018**. The Ministry prepares solicitation based on following:

a) The data on state forest fund borders for the decision making period, defined by Resolution 299 of the Government of Georgia of 4 August, 2011 "On Establishing Borders of State Forest Fund";

b) The data of forest inventories within the boundaries of municipalities.

2. Based on the Article 12 of this Code, the Ministry shall prepare the solicitation on assigning the status of private forest to the territory within the private land plot and submit it to the Committee before **July 31, 2018**.

3. . Transfer of firewood logging rights to physical persons for their individual social interests based on logging ticket defined in Article 49 of this Code is allowed until December 31, 2021.

4. The Ministry creates the Commission set forth in the Article 12 of this code before **December 31, 2018**, and ensures its operation.

5. The Ministry shall ensure legal and organizational arrangement of the body responsible for control in the field of forest protection, set forth Article 22 of this code before December 31, 2018.

6. The Ministry shall create the State Forest Management Body established by Paragraph 1 of Article 21 of this Code, until December 31, 2021.. Before establishing of this body, state forest management is carried out by LEPL National Forestry Agency in accordance with the provisions of this Code

7. Recognition of non-formal vocational education of a person employed as a forest specialist as provided by Article 92 of this Code, under the respective legislation, is allowed until the end of 2025.

## **Chapter XXIV**

### **Final Provisions**

#### **Article 101. Legislative Acts Becoming Void upon Enactment of this Law**

Upon enactment of this law, the law of Georgia №2124-III on Forest Code of June 22, 1991 and the law of Georgia №3345-სს on Management of Forest Fund of July 6, 2010 shall become void.

#### **Article 102. Entry into Force**

1. This Law shall enter into force upon promulgation.
2. Chapter VII of this Law shall enter into force from January 1, 2022.

**President of Georgia**