

TITLE I. GENERAL PROVISIONS

CHAPTER I. GENERAL PROVISIONS

Article 1. Legal Grounds Established by the Forest Code

The Forest Code of Georgia establishes legal grounds for conducting tending, protection, restoration, and use of the Georgian Forest Fund and its resources.

Article 2. Georgian Legislation Regulating Tending, Protection, Restoration, and Use of the Georgian Forest Fund

Georgian legislation regulating tending, protection, restoration and use of the Georgian Forest Fund is comprised of the Constitution of Georgia, international agreements and treaties ratified by Georgia, as well as the laws of Georgia “*On Environmental Protection*”, “*On the System of Protected Areas*”, “*On Animal Wildlife*”, and “*On Water*”, as well as land legislation, this Code, and other normative acts.

Article 3. Goals of the Forest Code of Georgia

Following are the goals of the Forest Code of Georgia:

- a) protecting human rights and law enforcement in the field of forest relations;
- b) conducting forest tending, protection, and restoration with the purpose of conserving and improving climate-regulating, recreational, and other useful natural properties of forests;
- c) conserving and protecting unique natural and cultural environment and its specific components - flora and fauna inclusive, biodiversity, landscape, cultural and natural monuments located in forests, and the endangered plant species; regulating harmonized interrelations between these components;
- d) setting rights and obligations of forest users;
- e) meeting environmental, economic, social, and cultural needs of population through providing access to the forest resources in the scope compatible with scientifically defined allowable norms;
- f) defining main principles of forest management.

Article 4. Principles of Protection, Sustainable Development, and Management of the Forests of Georgia

Principles of protection, sustainable development, and management of the forests of Georgia are based on the Georgian Constitution, the *Declaration on Forest Principles of Sustainable Development* adopted at the United Nations Environmental Summit in Rio de Janeiro, 1992, and Article 5 of the Georgian law “*On Environmental Protection*”.

Article 5. Definition of Terms Used in This Code

Terms used in this Code have the following meaning:

- a) *Forest* - a part of geographical landscape, comprising trees attributed to forest by Georgian legislation, land under these trees, as well as shrubs, grass, animals, and other components biologically linked in the process of their development, affecting each other and the environment.
- b) *State Forest* – forest owned by the State;
- c) *Georgian Forest Fund* – integrity of forests and their resources owned by the State Forest Fund and forests under different types of ownership;
- d) *State Forest Fund* – integrity of State Forests of Georgia, as well as lands and resources attributed to these forests;
- e) *Usable State Forest Fund* – the State Forest Fund excluding protected areas of the State Forest Fund;
- f) *Local Forest Fund* – a part of the Usable State Forest Fund legally regulated by the local governing and self governing bodies in accordance with this Code and Georgian legislation;
- g) *Secondary Wood Products* - roots, bark, branches, brushwood, stumps, and seeds of wood species;
- h) *Forest Relations* – relations emerging during forest management and forest use;

- i) *Forest User* – a person authorized for forest use by Georgian legislation;
- j) *Forest Inventory* – an integral part of the State Forest Fund registry system;
- k) *Cutting Area* – a particular area of the Georgian Forest Fund with the quantity of trees allocated for felling defined and trees designated for felling marked;
- l) *Thinning* – forest management activity carried out for improving species composition, structure, and sanitary condition of forest;
- m) *Illegal Felling* – cutting trees without permission;
- n) *Stand* – a forest area distinctly differing from the adjacent territories with its composition and structure;
- o) *Forest Plantation* – stand of seeded or planted wood species;
- p) *Open Stand* – stand of forest plantations created for afforestation purposes with branches not grown together yet;
- q) *Protective Forest Zone* – stand of forest plantations planted for the purpose of soil protection;
- r) *Forest District* – territory of the State Forest Fund separated out for the purposes of better management;
- s) *Timber Production* – felling, primary transportation to an automobile road, and grading of trees;
- t) *State Commission on Land Use and Protection* – State Commission on Land Use and Protection created according to the Presidential order #160 of February 6, 1996 on The State Commission on Land Use And Protection;
- u) *Subalpine Stripe of Forest* – forested area of 300 meters in width adjacent to the subalpine forest zone;
- v) *Floodplain Forest* – forest located on the river floodplains;
- w) *Underbrush* – integrity of wood and shrub species not in the position to form the canopy of a stand;
- x) *Certification* – verification conformance of ecological condition of the forest, its resources, and forest management with the international standards by a competent physical or legal body.

CHAPTER II. OBJECTS AND SUBJECTS OF FOREST RELATIONS

Article 6. Objects of Forest Relations

The Georgian Forest Fund and its resources are objects of forest relations.

Article 7. The State As a Subject of Forest Relations

1. In all legal affairs concerning the Georgian Forest Fund, the State of Georgia is represented by the Ministry of Environment, the State Department of Forestry, the State Department of Protected Areas, Natural Reserves and Hunting Ranges, and their regional offices as well as local governing and self governing bodies.

2. Rights of the entities representing the State of Georgia in the legal affairs concerning the State Forest Fund are defined by this Code and other Georgian legislation.

Article 8. Other Subjects of Forest Relations

Other subjects of forest relations are owners of the Georgian Forest Fund, the Patriarchy of Georgia as well as physical and legal bodies using the Georgian Forest Fund and its resources or carrying out forest management.

CHAPTER III. PROPERTY RIGHTS TO THE FORESTS OF GEORGIA

Article 9. Property Rights to the Forests of Georgia

1. Property rights to the Georgian Forest Fund may be held by the State, by the Patriarchy of Georgia, by a physical or legal body of the private law.

2. The Georgian State Forest Fund is the State property and its privatization is regulated by the law of Georgia “*On the Privatization of Georgian Forests*”.

3. The State Forest Fund and its resources (excluding forests privatized in accordance with Georgian legislation) are allocated for ownership and use in accordance with Georgian legislation.

Article 10. General Rights and Obligations of Forest-Owning Physical Bodies and Legal Bodies of the Private Law

1. Following are the general rights and obligations of the forest-owning physical bodies and legal bodies of the private law:

- a) using the owned forest in accordance with Georgian legislation;
 - b) terminating illegal use or ownership of the forest or areas of the forest owned by these bodies in accordance with Georgian legislation and demanding reimbursement of costs for damage if done through these illegal actions;
 - c) hiring professionals, consultants and other personnel, guards inclusive, for managing the owned forest in the minimal quantity defined by Georgian legislation;
 - d) conducting forest protection measures against pests, diseases, fire, and all other adverse effects for terminating and liquidating these factors;
 - e) disposing of the owned forest in accordance with this Code and Georgian legislation;
 - f) submitting information on the condition of the owned forest and other required statistical information to the authorized State entities;
 - g) rationally manage the owned forest;
 - h) creating favorable working conditions for the State officials, submitting them all requested documents on forest management, conforming to all lawful directions and requests of these officials.
2. The rights of the Patriarchy of Georgia to the forests owned by the Patriarchy are defined in an agreement signed between the State of Georgia and the Patriarchy in conformance with this Code and Georgian legislation.

TITLE II. MANAGEMENT OF THE STATE FOREST FUND

CHAPTER IV. GENERAL PROVISIONS FOR MANAGEMENT OF THE STATE FOREST FUND

Article 11. Competence of the Executive Bodies of Georgia in the Management of the State Forest Fund

Competence of the executive bodies of Georgia in the management of the State Forest Fund covers the following:

- a) making and implementing policy for management of the State Forest Fund;
- b) coordinating management of the State Forest Fund;
- c) organizing and regulating forest tending, protection, restoration, and use; providing State control and authorizing entities for carrying it out; setting rules for issuing documents authorizing forest use;
- d) setting rules for carrying out forest tending, protection and restoration as well as for importing and exporting forest resources;
- e) implementing standardized scientific and technical policy for managing the State Forest Fund; elaborating and approving normative and methodological documents; organizing and financing fundamental scientific research work;
- f) restoring forests damaged by environmental disasters, epidemics, and other causes;
- g) maintaining list of endangered species (Red Book);
- h) organizing the State Forest Fund registry system, setting rules for forest monitoring and for maintaining the State Forest Cadastre;
- i) signing international agreements and treaties on forest tending, restoration, and the use of forest resources;
- j) keeping control for use of the biological and chemical means of forest protection;
- k) setting rules for forest use;
- l) financing forest tending, protection, and restoration as well as monitoring expenditures on these activities;
- m) setting rules for restricting, suspending, and terminating rights for forest use.

Article 12. Competence of the Executive Bodies of the Autonomous Republics of Abkhazeti and Achara in the Management of the State Forest Fund

Competence of the executive bodies of the Autonomous Republics of Abkhazeti and Achara in managing the State Forest Fund covers the following:

- a) participating in elaboration of State programs for forest tending, protection, restoration and use;
- b) planning and implementing forest tending, protection, restoration and use on the local level;
- c) participating in financing of forest tending, protection and restoration, as well as monitoring expenditures for these activities;
- d) issuing licenses and signing contracts in accordance with this Code;
- e) submitting requests for restricting, suspending, or terminating rights for forest use to the relevant executive bodies of Georgia;
- f) participating in emergency response measures against the natural disasters;
- g) submitting request for changing boundaries of the State Forest Fund to the relevant authorized State entities.

Article 13. Competence of the Local Governing and Self Governing Bodies in the Management of the Local Forest Fund

Competence of the local governing and self governing bodies in managing the Local Forest Fund covers the following:

- a) supporting forest tending, protection, restoration, and forest fire fighting activities;
- b) developing programs for conducting forest tending, protection, and restoration in agreement with the authorized State entities and providing support in implementation of these programs;
- c) participating in financing of programs for conducting forest tending, protection, and restoration, as

well as monitoring expenditures for these activities;

- d) issuing permit for the local forest use
- e) submitting requests for restricting, suspending, or terminating rights for forest use to the authorized State entities;
- f) participating in emergency response measures against the natural disasters;
- g) ensuring public environmental education;
- h) submitting requests for changing boundaries of the State Forest Fund to the relevant authorized State entities;
- i) using other rights granted by Georgian legislation.

CHAPTER V. INSTITUTIONAL GOVERNANCE OF THE STATE FOREST FUND

Article 14. Categorization of the State Forest Fund by the Types of Institutional Governance

Following are the categories of the State Forest Fund according to the types of institutional governance:

- a) the protected areas of the State Forest Fund, comprising areas of the State Forest Fund allocated for protection in accordance with the law of Georgia *“On the System of Protected Areas”*;
- b) the Usable State Forest Fund, including the Local Forest Fund.

Article 15. Governance of the Protected Areas of the State Forest Fund

The State Department of Protected Areas, Natural Reserves and Hunting Ranges manages the protected areas of the State Forest Fund in accordance with the law of Georgia *“On the System of Protected Areas”*, this Code, and other normative acts of Georgia.

Article 16. Governance of the Usable State Forest Fund

1. The State Department of Forestry manages the Usable State Forest Fund, excluding the Local Forest Fund, in accordance with this Code and other normative acts of Georgia.

2. The State Department of Forestry is authorized to establish a legal body of public law in accordance with Georgian legislation with the purpose of carrying out responsibilities set for the Department by this Code and other normative acts of Georgia.

3. Local governing and self governing bodies manage Local Forest Fund through the appropriate services as authorized by Georgian legislation and in accordance with this Code.

4. The rights of local governing and self governing bodies for managing the Local Forest Fund as well as rules for separating the Local Forest Fund out from the State Forest Fund are defined in the Presidential decree *“On the Rights of Local Governing and Self Governing Bodies for Managing the Local Forest Fund and the Rules for Separating the Local Forest Fund from the State Forest Fund”*.

Article 17. Governance of the Designated Areas of the State Forest Fund

1. Designated areas of the State Forest Fund allocated for a particular need of the State are managed by the Patriarchy of Georgia or a State institution jointly with a relevant authorized entity defined in Articles 15 or 16 of this Code in accordance with Georgian legislation.

2. Based on the justified proposal of a State institution and/or authorized entities defined in Articles 15 or 16 of this Code, the President of Georgia sets a designated area of the State Forest Fund and grants the right to this designated area to the Patriarchy of Georgia or a State institution.

3. Forest use and public access may be prohibited in a designated area of the State

Forest Fund if it is incompatible with the purpose of setting this designated area.

4. Forestry activities in a designated area are managed by a relevant authorized entity defined in Articles 15 or 16 of this Code in accordance with Georgian legislation and Paragraph 5 of this Article.

5. Using a designated area of the State Forest Fund by a body holding the right to this area is allowed only for carrying out activities compatible with the purpose of setting this designated area or aimed at restoring and protecting the State Forest Fund.

6. *“Regulations for Setting Designated Areas of the State Forest Fund and Allowing, Restricting, Suspending and Terminating Rights for Forest Use in These Areas”* are prepared by a relevant authorized entity defined in Articles 15 or 16 of this Code in agreement with the Ministry of Environment and the State Department of Forestry and are submitted for Presidential approval by this entity.

CHAPTER VI. ESTABLISHING BOUNDARIES AND CATEGORIES OF THE STATE FOREST FUND

Article 18. Establishing Boundaries of the State Forest Fund

1. The State Commission on Land Use and Protection establishes boundaries of the Usable State Forest Fund and the Local Forest Fund in accordance with Georgian legislation.

2. relevant authorized entity defined in Article 16 of this Code submits justified proposal and relevant project for establishing boundaries for the Usable State Forest Fund and the Local Forest Fund to the State Commission on Land Use and Protection after agreeing them with the Ministry of Environment and the State Department of Land Management.

3. Boundaries of the protected areas of the State Forest Fund are established by Georgian legislation.

4. Boundaries for the Usable State Forest Fund are established and territories of the Usable State Forest Fund are separated out from the protected areas in accordance with the *“Regulations for Establishing Boundaries of the Usable State Forest Fund”*. These regulations are prepared by the State Department of Land Management in agreement with the Ministry of Environment and the authorized entities defined in Articles 15 and 16 of this Code and are submitted for Presidential approval.

Article 19. Categorization of the State Forest Fund

1. The State Forest Fund comprises the State forests and the State Forest Fund.

2. Following are the categories established for the State Forest Fund:

a) forest lands under open plantations and nurseries, clear-cut areas, fire damaged and dead stands, 0.1 ha and larger fields and forest farm yards;

b) agricultural lands, e.g. arable lands, meadows, pastures, orchards, wine yards, etc.;

c) other non-forestry lands and lands of special use with hard surface roads and passage ways of various purpose, power and communication lines, oil and gas pipelines, allocated areas for mining, ponds, farm yards and gardens;

d) idle lands of the State Forest Fund, e.g. swamps, sands, glaciers, rocks, etc.

3. Establishing and changing boundaries of the State forest and the State Forest Fund is done in accordance with the *“Regulations for Establishing Boundaries of the State Forest and the State Forest Fund”*. These regulations are prepared by the authorized entities defined in Articles 15 and 16 of this Code in agreement with the Ministry of Environment and the State Department of Land Management and are submitted for Presidential approval by these entities.

CHAPTER VII. CATEGORIES OF THE STATE FOREST FUND

Article 20. Categories of the State Forest Fund

1. Categories of the protected areas or the usable State forest areas are established for the territories of the State Forest Fund according to environmental, social, and economic importance of these territories.

2. Following are the categories of the protected areas:

- a) State natural reserve;
- b) National park;
- c) natural monument;
- d) sanctuary;
- e) protected landscape [area];
- f) multiple use area.

3. Following are the categories of the usable State forest areas:

- a) resort forest;
- b) green zone (hereafter –green zone forests);
- c) forest with soil protection and water regulation functions.

4. The following categories of protected areas may be established in accordance with the law of Georgia “*On the System of Protected Areas*”:

- a) biosphere reserve;
- b) World Heritage site;
- c) internationally protected wetland.

5. Areas with special function and landscape areas may be established in the territories of the State Forest Fund under the categories defined in Paragraph 3 of this Article.

Article 21. Rationale for Establishing Categories of the State Forest Fund

1. The law of Georgia “*On the System of Protected Areas*” provides the basis for establishing categories defined in Paragraphs 2 and 4, Article 20, of this Code.

2. The category of *resort forests* is assigned to the areas of the State Forest Fund falling in the primary and secondary sanitary protection zones, where forest management mainly implies increasing of health improving capacity, sanitary and hygienic condition of forests.

3. The category of *green zone forests* is assigned to the forested areas adjacent to cities and other settlements, recreational areas of the Usable State Forest Fund, where forest management mainly implies improvement of recreational, sanitary, hygienic, and aesthetic properties of forests.

4. The category of *forests with soil protection and water regulation functions* is assigned to all other areas of the State Forest Fund, where all types of forest use are allowed in accordance with Georgian legislation.

5. The category of *areas with special functions* is assigned to the areas of the State Forest Fund with special properties and to the forest edges that are not clustered under a separate category.

6. The category of *landscape areas* is assigned to the forests with outstanding aesthetic and decorative properties.

7. The “*Regulations for Allocating Territories and Assigning Them Categories of Areas with Special Functions and Landscape Areas*” are prepared by the State Department of Forestry in agreement with the Ministry of Environment and approved by the State Department of Forestry.

Article 22. Rules for Assigning Categories to the Areas

of the Usable State Forest Fund

1. The President of Georgia assigns categories defined in Paragraph 3, Article 20 to the areas of the Usable State Forest Fund.
2. Requests and projections for assigning categories to the areas of the Usable State Forest Fund are prepared by the State Department of Forestry in agreement with the Ministry of Environment and the State Department of Land Management and are submitted for Presidential approval by the State Department of Forestry.
3. The State Department of Forestry assigns categories of areas with special functions and landscape areas to the areas of the Usable State Forest Fund and establishes a forest management regime for these areas.

CHAPTER VIII. THE STATE FOREST FUND REGISTRY SYSTEM

Article 23. The State Forest Fund Registry System

The State Forest Fund registry system is comprised of the State Forest Fund monitoring, cadastre, and forest inventory.

Article 24. Monitoring of the State Forest Fund

1. Monitoring of the State Forest Fund is a system of assessment and observation, analysis, and forecast of the condition of the State Forest Fund with the purpose of providing this information to the State entities and the public and improving their capacity for carrying out forest tending, protection, restoration, use, and improvement of ecological condition of the State Forest Fund.
2. Monitoring of the State Forest Fund is carried out by the authorized entities defined in Articles 15 and 16 of this Code, their regional offices as well as other State entities authorized by Georgian legislation, and forest users.

Article 25. State Forest Fund Cadastre

1. The State Forest Fund Cadastre is a document evaluating ecological, economic, and other values of the State Forest Fund for providing the State entities and the public the information required for carrying out tending, protection, restoration, rational use of forests, keeping track of qualitative and quantitative changes of forest resources, and for developing forest management plans.
2. The State Forest Fund Cadastre economically evaluates forest resources according to parameters set in accordance with this Code and annually updates these data.
3. Outputs of the monitoring of the State Forest Fund are entered into the State Forest Fund Cadastre.
4. Data entered into the State Forest Fund Cadastre are used for managing lands under the State forest and the State Forest Fund, for preparing and implementing forest management plans, for evaluating activities of forest users, for defining and updating forest use fees, for calculating taxes, penalties and other charges, etc.
5. Data entered into the State Forest Fund Cadastre may be used as the rationale for changing boundaries of the State Forest Fund, forests of the State Forest Fund or lands under the State Forest Fund.
6. Based on the agreement between the authorized entities defined in Articles 15 or 16 of this Code and a physical or legal body, the cadastre of the State Forest Fund or a plot of this Fund may be maintained at the expense of this body.

Article 26. Maintenance of the State Forest Fund Cadastre

1. The cadastres of the protected areas and of the Usable State Forest Fund are kept by the authorized entities defined in Articles 15 and 16 in the areas under their jurisdiction as well as authorized legal bodies in agreement with these entities.

2. The State Forest Fund Cadastre is the source of information about condition of the State Forest Fund, about tending, protection, restoration, and rational use of the State Forest Fund intended for the State entities and the public.

3. The State Forest Fund Cadastre is maintained by the State Department of Forestry.

Article 27. Forest Management Planning

1. Forest management planning is done once in every 10 years (10 year cycle). The goals of forest management planning are to design and increase effectiveness of tending, protection, restoration, and rational use of forest resources, and to implement standardized scientific-technical policy of forest management.

2. Forest management implies:

a) establishing boundaries of the State Forest Fund as well as of territories under jurisdiction of regional offices of the State Department of Forestry, and the State Department of Protected Areas, Natural Reserves and Hunting Ranges;

b) internal organization of the territories under jurisdiction of regional offices of the State Department of Forestry and the State Department of Protected Areas, Natural Reserves and Hunting Ranges as well as carrying out topographic, geodetic, and special cartographic work for these territories;

c) carrying out inventory of the State Forest Fund, defining forest condition, obtaining species and age composition of forest, conducting quantitative and qualitative evaluation of the State Forest Fund resources;

d) identifying habitats of endangered, relic, indigenous and other valuable plant species and identifying forest areas of special function;

e) designating areas allowed for final cuts, special cuts and thinning, areas requiring tending, amelioration, and other silvicultural activities, defining annual allowable cut, types, scope, and methodology for other measures;

f) evaluating rational for establishing categories and protection regime for the areas of the State Forest Fund, for setting and changing boundaries for the State forest and the State Forest Fund;

g) allocating areas for forest use and carrying out quantitative and qualitative evaluation of resources intended for extraction;

h) carrying out biological, pathological and other special research of the State Forest Fund;

i) providing oversight of implementation of the forest management plans;

j) preparing tender documentation for forest use;

k) establishing special requirements for forest use between slope gradient 30° and 35°;

l) other measures.

3. Forest inventory data are used for preparing forest management plans which are obligatory documents and provide basis for forest management, including perspective planning, and for financing forest management works.

4. Forest use and forest management works not reflected in the forest management plans are prohibited except under the state of emergency.

5. Forest management is planned by authorized entities defined in Articles 15 and 16 of this Code in the areas under their jurisdiction as well as by physical or legal bodies in agreement with these entities.

6. Forest management planning is undertaken in accordance with the requirements established by the law of Georgia *"On the Environmental Permit"*.

Article 28. Registry of the State Forest Fund

1. The *"Regulations for the System of State Forest Fund Registry"* are prepared by the authorized entities defined in articles 15 and 16 of this Code in agreement with the Ministry of Environment, the Ministry of Economy, the Ministry of Finance, the State

Department of Land Management, and the State Department of Statistics and are submitted for Presidential approval by these entities.

2. The *“Regulations for Establishing Rules for Maintenance of the State Forest Fund Registry”* are prepared by the State Department of Forestry in agreement with the Ministry of Environment, the State Departments of Statistics and Land Management and is approved by the State Department of Forestry.

3. The *“Regulations for Establishing Special Requirements for the System of Registry for the Protected Areas of the State Forest Fund”* are prepared by the Ministry of Environment in agreement with the State Department of Protected Areas, Natural Reserves and Hunting Ranges and are submitted for Presidential approval by the Ministry of Environment.

Article 29. Financing of the System of the State Forest Fund Registry

The State Forest Fund registry is financed from the State and local budgets. Other sources of funding may be used for this purpose in accordance with Georgian legislation.

Article 30. Information on the Condition of the Georgian Forest Fund

Information on the condition of the Georgian Forest Fund comprises data obtained through maintenance of the registry of the State Forest Fund in accordance with the law of Georgia *“On Statistics”* and through carrying out forest management planning. These data shall be provided to the State Department of Statistics.

CHAPTER IX. MANAGEMENT OF LANDS UNDER THE STATE FOREST FUND

Article 31. Special Requirements for the Management of Lands under the State Forest Fund

1. State Commission on the Land Use and Protection in Georgia establishes categories defined in Article 19 for the land under the State Forest Fund based on suggestions made by the authorized bodies defined in Articles 15 or 16 of this Code;

2. Any changes leading to the reduction of lands under the State forests and the State Forest Fund shall be well justified and may be made only in agreement with the Ministry of Environment.

3. The Ministry of Environment, authorized bodies defined in articles 15 and 16 of this Code, or their subordinate entities prepare regulations for the use, protection, and rehabilitation of lands under the State Forest Fund and lands adjacent to the State Forest Fund by local governing and self governing bodies based on the categories and biodiversity of the State Forest Fund.

Article 32. Managing Forestry, Agricultural, and Idle Lands under the State Forest Fund

1. Forestry and idle land under the State Forest Fund are managed by authorized bodies defined in Articles 15 and 16 of this Code or their regional offices as well as by forest users as allowed by documents authorizing forest use.

2. Agricultural lands under the State Forest Fund are managed by local governing and self governing bodies in agreement with authorized bodies defined in Articles 15 or 16 of this Code as well as by forest users in accordance with this Code and the Georgian legislation.

Article 33. Management of the Lands of Special Use

1. If necessary or with the purpose of extracting significant economic benefit, the State Forest Fund may be allocated for special use in accordance with environmental

legislation of Georgia.

2. The State Commission on Land Use and Protection in Georgia in agreement with the stakeholders and the entities defined in Articles 15 or 16 of this Code allocates lands under the State forests and the State Forest Fund for special use in accordance with Georgian legislation and Paragraph 2, Article 31 of this Code.

3. Authorized bodies defined in Articles 15 or 16 of this Code allocate for special use those areas of the State Forest Fund, which are least likely to be damaged with the special use.

4. Relevant authorized bodies defined in Articles 15 or 16 of this Code manage forests on the lands of special use under the State Forest Fund. Special purpose management is carried out by a forest user in accordance with Georgian legislation.

Article 34. Allocating Lands under the State Forests and the State Forest Fund for Forest Management

1. An authorized entity defined in Articles 15 or 16 of this Code allocates land under the State forests and the State Forest Fund for establishing nurseries, parks, plantations, constructing forest roads, and other activities.

2. Allocation of lands under the State forests and the State Forest Fund for forest management to a forest user is done in accordance with the *“Regulations for Allocation of Lands under the State Forests and the State Forest Fund for Forest Management”* prepared by the State Department of Forestry in agreement with the State Department of Protected Areas, Natural Reserves and Hunting Ranges and is approved by the State Department of Forestry.

CHAPTER X. PARTICIPATION OF PUBLIC ORGANIZATIONS IN THE GOVERNANCE OF THE STATE FOREST FUND

Article 35. Participation of Public Organizations in the Governance of the State Forest Fund

1. Citizens and the representatives of public organizations are authorized to:

- a) receive full, reliable and timely information on current condition of the State Forest Fund;
- b) fully participate in the planning of forest management of the State Forest Fund.

2. Participation of citizens and representatives of public organizations in decision-making process for managing the State Forest Fund as stated in the law of Georgia *“On the Environmental Permit”* is regulated by this same law.

3. Before a decision on forest use in a particular area is made by the entities authorized for managing the State Forest Fund, the following information for this area shall be published:

- a) forest management plan;
- b) categories established for the State Forest Fund;
- c) protection regime established for the State Forest Fund;
- d) allocation of areas of the State Forest Fund for forest use for a period of five years or longer.

Article 36. Responsibilities of the Bodies Authorized for Managing the State Forest Fund

1. Under conditions specified in Article 35, bodies authorized for managing the State Forest Fund shall consider comments and suggestions made by citizens and representatives of public organizations prior to making decisions.

2. Besides publishing information listed in Paragraph 3, Article 35 of this Code, the State Department of Forestry and the State Department of Protected Areas, Natural Reserves and Hunting Ranges as well as other entities authorized by Georgian

legislation shall also insure:

- a) availability of information on the condition of the State Forest Fund, excluding pieces of information disallowed for disclosure by Georgian legislation;
- b) promulgation of forest protection and forest resource protection measures; elaboration of training programs for raising of public awareness.
- c) provision of moral and material incentives for conserving biodiversity.

TITLE III. FOREST PROTECTION

CHAPTER XI. GENERAL PROVISIONS FOR PROTECTION OF THE GEORGIAN FOREST FUND

Article 37. Goals of Protection of the Georgian Forest Fund

1. Following are the goals of protection of the Georgian Forest Fund:
 - a) keeping natural balance of forest ecosystems, improving age structure, species composition, and condition of forests, establishing sustainable and highly productive forest stands;
 - b) increasing soil productivity, preventing soil erosion, swamping, salinization, landslides, avalanches and other processes worsening condition of soil;
 - c) conserving virgin forests, protecting relict, indigenous, and other valuable species.
2. The State Forest Fund shall be protected from:
 - a) fires;
 - b) illegal felling;
 - c) violation of regulations for forest use and other forest management measures;
 - d) pests and diseases;
 - e) decline of sanitary condition;
 - f) other negative impacts.
3. Animal wildlife of Georgian forests shall be protected under the law of Georgia *“On Animal Wildlife”*.
4. Goals of protection of ecosystems within the protected areas are defined by Georgian legislation.

Article 38. Protection Regimes for the State Forest Fund

1. With the purpose of protecting forest condition, maintaining its biodiversity, conserving virgin forests, relic, indigenous and other valuable plant species and according to priority functions, historic, cultural and other values, general or special protection regimes are established for the Usable State Forest Fund.
2. Protection regimes for the protected areas are established in accordance with the law of Georgia *“On the System of Protected Areas”*.

Article 39. Special Protection Regime

1. The following activities are prohibited in the usable State forests and lands under the special protection regime:
 - a) carrying out final cuts;
 - b) activities of Categories 1 and 2 as defined in the law of Georgia *“On the Environmental Permit”*.
2. Special regulations for restricting forest management and forest use in the territories of the usable State forests and lands under special protection regime are set by the State Department of Forestry as well as local governing and self governing bodies.

Article 40. General Protection Regime

1. Regulations set by this Code and by Georgian legislation are applicable to the usable State forests and lands under the general protection regime.

Article 41. Establishing Protection Regimes for the Different Categories of the Usable State Forest Fund

1. A special protection regime is established for resort and green zone forests as well as for floodplain forests, and subalpine stripes of forests.
2. A general protection regime is established following regulations set in Article 42 of

this Code for the forests of special soil protection and water regulation functions.

Article 42. Establishing Special Protection Regimes for Forest Areas with Special Soil Protection and Water Regulation Functions

1. Decision on establishing special protection regime for forest areas with special soil protection and water regulation functions is made by the President of Georgia.

2. Based on the State Forest Fund Cadastre, registry, and other research data, the relevant authorized entity defined in Article 16 of this Code or the Ministry of Environment submits request to the President of Georgia for establishing a special protection regime for forest areas with special soil protection and water regulation functions.

3. For each particular case the regime of forest management and forest use to be established for forest areas with special soil protection and water regulation functions by the Presidential decision is proposed by the State Department of Forestry in agreement with the Ministry of Environment. For the Local Forest Fund, a proposal is made by the local governing and self governing bodies in agreement with the State Department of Forestry and the Ministry of Environment.

4. Special protection regime is established for the plant species entered into the Red Book of Georgia, relic, indigenous, and other valuable plant species as well as forest areas of special functions by the State Department of Forestry in accordance with Article 21 of this Code and the Georgian legislation.

Article 43. Regulations for Establishing Special Protection Regime for the Usable State Forest Fund and Carrying Out Forest Management in the Areas under This Regime

The *“Regulations for Establishing Special Protection Regimes for the Usable State Forest Fund and Carrying Out Forest Management in the Areas under This Regime”* are prepared by the State Department of Forestry in agreement with the Ministry of Environment and the State Department of Protected Areas, Natural Reserves and Hunting Ranges and are approved by the State Department of Forestry.

CHAPTER XII. FOREST PROTECTION

Article 44. Forest Protection Measures

1. Forest protection is carried out based on the biodiversity and other properties of the State Forest Fund. It implies use of forest management, biological, genetic, physical, and mechanic methods for sustaining the State Forest Fund as well as organizational, legal and other measures for protecting it from devastation, damage, pollution and other negative effects.

2. Following are the forest protection measures:

- a) protecting forest with biological, chemical, and genetic selection measures;
- b) protecting forest from pests and diseases identified through phytopathological research as agents affecting balance of a forest ecosystem;
- c) banning grazing of animals on forest species and in the stands where grazing is harmful for forest;
- d) protecting forest from fire;
- e) improving sanitary condition of forest through carrying out sanitary cuts and other measures;
- f) protecting forest from unlawful use, poaching of forest resources, littering, mechanic damage to soil and trees, and other similar threats (physical protection);
- g) carrying out preventive measures against natural disasters;
- h) carrying out measures preventing forest transformation through intense exploitation;
- i) banning import of timber and wood products without quarantine inspection to avoid emerging of new breeding grounds for pests and diseases;
- j) providing material and moral incentives for carrying out forest protection measures;

- k) carrying out other measures if required in the state of emergency.

Article 45. Planning and Implementation of Forest Protection Measures

1. Forest protection measures are planned based on the State Forest Fund Cadastre, forest management plans, and annual results of phytopathological research.

2. Protection measures for State forests are planned and carried out by the authorized entities defined in Articles 15 and 16 of this Code, as well as by their branch offices, or bodies defined in Article 9 of this Code, under supervision of these regional offices.

Article 46. Protection of Forest Biodiversity

Protection of forest biodiversity is based on the Georgian Constitution, the international Convention on Biological Diversity, and Georgian environmental legislation. The goal of protecting forest biodiversity is to conserve and improve vitally important properties of the biosphere.

Article 47. Right to Carry Out Biological and Chemical Measures of Forest Protection and Monitoring These Measures

1. The Ministry of Environment authorizes bodies defined in Article 9 of this Code for using biological and chemical means of forest protection.

2. Monitoring and control of the use of biological and chemical means of forest protection is carried out by the Ministry of Environment as well as the State Department of Forestry, the State Department of Protected Areas, Natural Reserves and Hunting Ranges, and their branch offices respectively on the territories under their jurisdiction.

Article 48. Fire Protection of Forests

1. Fire protection of forest implies:

- a) conducting preventive fire protection measures, chopping lower branches in coniferous stands, carrying out artificial afforestation with the mixed broadleaf and coniferous species for creating fire protection stands, expanding network of fire protection roads and tracks, setting fire protection zones, hiring fire guards and increasing monitoring in the fire-prone seasons, aerial patrolling of forests, etc.;
- b) banning any construction in fire-prone areas and within 30 meters from forest edges;
- c) restricting or banning forest use, entrance of motor vehicles, civil works implying explosions, and building fire in especially fire-prone areas in the fire-prone seasons;
- d) putting up posters promoting fire protection in forests, raising public awareness of forest fires;
- e) cleaning forest floor;
- f) carrying out other measures.

2. Local governing and self governing bodies may mobilize population for fire fighting if required.

3. Authorized entities defined in Articles 15 and 16 of this Code as well as their regional offices in agreement with local governing and self governing bodies may ban forest use, access to forest for people and/or vehicles in the fire-prone seasons for fire protecting of forests in the territories under their jurisdiction.

4. Authorized entities defined in Articles 15 and 16 of this Code as well as their regional offices or bodies defined in Article 9 of this Code under supervision of these bodies plan and implement measures for fire protection of forests in the territories under their jurisdiction.

5. Bodies defined in Articles 15 or 16 of this Code in agreement with the Ministry of Interior of Georgia are authorized to assign status of fire-prone zone to certain areas of forest based on the forest management plans and proposals of their subordinate entities.

6. Fire fighting in the territory of the State Forest Fund is a responsibility of the

Ministry of Interior shared with entities authorized for managing particular forest areas and with forest users.

Article 49. Rules of Fire Protection of Forests

1. The *“Regulations for Fire Protection of Forests”* are prepared by the State Department of Forestry in agreement with Ministry of Environment, the State Department of Protected Areas, Natural Reserves and Hunting Ranges, and other stakeholders and are approved by the State Department of Forestry.

2. The *“Regulations for Authorizing Physical and Legal Bodies for Using Biological and Chemical Measures of Fire Protection of Forests”* are prepared and approved by the Ministry of Environment.

3. The *“Regulations for Planning and Implementing Measures for Fire Protection of Forests”* are prepared by the State Department of Forestry in agreement with the Ministry of Environment, the Ministry of Interior, the State Department Protected Areas, Natural Reserves and Hunting Ranges and is approved by the State Department of Forestry.

4. The *“Regulations for Compiling a List of Biological, Chemical, and Genetic Selection Measures Allowed for Forest Protection”* are prepared by the Ministry of Environment in agreement with entities defined in the Articles 15 and 16 of this Code and are approved by the Ministry of Environment.

TITLE IV. FOREST USE

CHAPTER XIII. SYSTEM OF FOREST USE

Article 50. Forest Use and Its Objectives

Forest use implies utilization of the useful properties of the State Forest Fund and extraction of resources of the economic and other value from this territory for meeting environmental, economic, and social needs of the State and its citizens.

Article 51. Types of Forest Use

1. The following types of forest use are allowed within the territory of the Georgian Forest Fund:

- a) extracting timber (forest use for timber production);
- b) managing forest plantations;
- c) producing wood-products and secondary materials (seeds, fruits, stumps, brushwood, etc.);
- d) using non-wood forest resources (mushrooms, medical plants, specialty plants, shrubs and their products, etc.);
- e) carrying out agricultural use of forest;
- f) carrying out special use of forests and allocating forest areas for special purposes (using forest lands of special function, extracting minerals, etc.);
- g) using forest for scientific research and education;
- h) using forest for resort, recreation, sport, and other health improving purposes;
- i) establishing hunting ranges.

2. Diversified use of the Georgian Forest Fund and carrying out several types of forest use simultaneously are lawful.

3. Based on Article 17 of this Code the Patriarchy of Georgia is authorized to use the territory of the Forest Fund for spiritual, ritual, and other purposes as specified in an agreement between the Patriarchy of Georgia and the State of Georgia.

Article 52. Term of Forest Use

Territories of the Georgian Forest Fund may be allocated for short-term (up to one year, or seasonal) or long-term (up to 20 years) forest use.

Article 53. Right for Forest Use and Its Implementation

1. Using forest without obtaining license, contract or permit for forest use is illegal excluding cases defined in Article 78, and Paragraph 1, Article 106, of this Code.

2. A physical or a legal body may become a forest user.

3. Regional offices of the State Department of Forestry or the State Department of Protected Areas, Natural Reserves and Hunting Ranges carry out tending, protection, restoration, and afforestation of the State Forest Fund on a non-profit principle.

Article 54. Basic Requirements for Planning and Carrying Out Forest Use

1. Forest use is planned.
2. Forest use is planned based on the forest management plans.
3. Forest use planning prioritizes long term forest use and the types of forest use with the least scope of resource extraction, also diversified forest use and simultaneous application of several types of forest use.
4. The main requirements for forest use planning are based on the principles defined in this Code.
5. Forest use shall be carried out the ways not harmful for human health, the environment, biodiversity, animal wildlife, historic, cultural, and natural monuments.

6. Following goals shall be considered in planing forest use:
- a) conserving and improving of water preserving, water regulating, soil protecting, recreational, and other useful functions of forests;
 - b) diversifying and sustaining use of the Georgian Forest Fund;
 - c) conserving, restoring, and improving natural forest composition;
 - d) using land under the Forest Fund in a rational manner;
 - e) increasing effectiveness of forest use through improvement of technologies based on scientific research and experience sharing.

CHAPTER XIV. OBTAINING THE RIGHT FOR FOREST USE

Article 55. Documents Authorizing Forest Use

1. Forest use license, contract, and ticket are the documents authorizing forest use (hereafter – forest use documents).
2. Forest use license and ticket are issued and contract is signed based on the State Forest Fund Cadastre and forest management plans and in accordance with this Code.
3. Forest use license, contract and ticket enter the force upon issuance to the forest user.
4. Forest use license, contract and ticket are issued to a specific forest user. Transferring these documents to other users is unlawful.
5. Forest use license, contract and ticket define the following:
 - a) location of authorized forest use;
 - b) type of the authorized forest use;
 - c) period of the authorized forest use;
 - d) types and amounts of the resource to be extracted;
 - e) allowed types and methods of resource extraction;
 - f) resource rent and other fees charged on resource extraction;
 - g) other rights and liabilities of the forest user;
 - h) other conditions.

Article 56. System of Forest Use Documents

The following documents are authorizing various types of forest use within territory of the State Forest Fund:

- a) license or ticket – for timber extraction (forest use for timber production);
- b) contract – for managing a forest plantation;
- c) license or ticket – for producing wood products and secondary materials;
- d) contract or ticket – for using non-wood resources;
- e) contract or ticket –for agricultural use of forest areas within the State Forest Fund that are not allocated for agricultural use;
- f) contract – for special forest use;
- g) contract – for forest use for scientific research and education;
- h) contract – for forest use for recreational, sport, and other cultural purposes;
- i) contract – for setting up a hunting range.

Article 57. Issuing a License for Forest Use

1. License for forest use is issued to the winners of tender or auction for:
 - a) short-term or long-term forest use for timber extraction;
 - b) long-term forest use for producing wood products and secondary materials.
2. Of all types of cuts defined in this Code, final cuts and passage cuts are subject to licensing, excluding cases defined in Paragraph 7 of this Article.
3. Forest use license for more than five years is issued to the legal bodies on conditions requiring to conduct forest tending, protection, and forest restoration as included in forest management plans simultaneously with forest resource extraction.

4. Issuing more than one license for carrying out the same type of forest use in the same area of the State Forest Fund is unlawful.

5. License is processed through the State Registry and is issued to the tender or auction winner within two weeks from bid evaluation or auction date.

6. License for forest use within the territory of the State Forest Fund is issued by the State Department of Forestry, and license for forest use within the territory of an Autonomous Republic is issued by the Department of Forestry of this Autonomous Republic.

7. With the purpose of meeting social needs of local communities and upon decision of the State Department of Forestry final cuts may be allowed to holders of forest use permits.

Article 58. Contract for Forest Use

1. Contract for long-term forest use is signed with a tender or auction winner by the State Department of Forestry. In the territory of an Autonomous Republic contract is signed with a tender or auction winner by the Department of Forestry of the Autonomous Republic in compliance with regulations set by the State Department of Forestry.

2. If activities defined in Sub-Paragraphs d), f), h), and i), Article 56, of this Code to be carried out within the territory of the State Forest Fund are subject to licensing according to Georgian legislation, contract for forest use is signed without conducting competitive bidding, based on the relevant license and in accordance with this Code.

3. Contract for forest use with the purposes defined in Sub-Paragraph i), Article 56, of this Code is signed for the period of license effectiveness.

4. Signing more than one contract for the same type of forest use within the same area of the State Forest Fund is unlawful.

5. Contract for forest use within protected areas is signed with a tender or auction winner by the State Department of Protected Areas, Natural Reserves and Hunting Ranges in accordance with the law of Georgia "*On the System of Protected Areas*".

Article 59. Rules for Conducting Competitive Bidding and Holding Auctions

1. Rules for conducting competitive bidding and holding auctions with the purpose of identifying prospective license holders and contractors are set by the President of Georgia.

2. A tender-winning candidate is identified on the basis of his/her bid's concurrence of with specifications included in the tender upon presentation of an environmentally sound, economically and technically most attractive project. If a single application for participation in bidding is received, a license is issued or a contract is signed in compliance with specifications included in tender.

3. Competition fails if no bidder complies with specifications included in tender.

4. Costs of participation in the competitive bidding are not reimbursed to the participants.

5. Priority is given to the bidder that had been carrying out forest use before tender was announced, had been complying with environmental regulations, and meeting responsibilities defined in forest use license.

6. An auction is held if the submitted bids are equally well complying with specifications included in tender and the winner cannot be identified.

7. The auction is won by the participant that conforms to conditions suggested by auction and is willing to pay highest amount for acquiring right for forest use.

8. Competitive bidding and auctions are prepared and held by the entities authorized for issuing forest use license. These entities are responsible for transparency of competitive bidding and auctioning.

9. The “*Regulations for Conducting Competitive Bidding and Holding Auctions with the Purpose of Identifying Prospective License Holders and Contractors*” are prepared by the State Department of Forestry in agreement with the Ministry of Economy and submitted for Presidential approval by the State Department of Forestry.

Article 60. Forest Use by a Forest Use License Holder or a Contractor

A forest use license holder or a contractor is authorized to use forest after presenting the license or the contract document to the relevant regional offices of the forestry entities or the State Department of Protected Areas, Natural Reserves and Hunting Ranges.

Article 61. Forest Use Ticket

1. Forest use ticket is issued by the regional offices of the State Department of Forestry or the State Department of Protected Areas, Natural Reserves and Hunting Ranges respectively, or by local self-governing and governing bodies (for the Local Forest Fund) for carrying out activities specified in sub-paragraphs a), c), d), and e), Article 56, and Paragraph 7, Article 57 of this Code.

2. Forest use ticket authorizes forest user to extract timber through cleaning, thinning, sanitary, passage, reconstruction, and special cuts, as well as final cuts.

3. Forest use ticket is issued for one year and is in force till the end of the calendar year of its issuance.

4. Local population, physical and legal bodies are given priority for receiving forest use tickets.

Article 62. Rights and Liabilities of a Forest User

1. Forest user has the right to:

- a) use forest resources as specified in the document for forest use;
- b) demand conformance with conditions specified in the forest use contract;
- c) construct temporary premises of special use required for the allowed forest use in agreement with the entity authorized for forest management;
- d) use forest roads and other infrastructure for the allowed forest use;
- e) participate in forest tending, protection, restoration and afforestation, as well as in development of forest management plans and their implementation;
- f) get acquainted with the laws for forest use
- g) hold, use, and dispose of resources extracted through the allowed forest use.

2. Forest user is responsible for:

- a) getting acquainted with laws for forest use and conforming to them;
- b) carrying out forest use strictly in the manner, in the areas, in the scope, and in time specified in the forest use document;
- c) not impeding forest protection and preservation measures with his/her activities;
- d) conforming to fire safety rules, eliminating fire threat, and notifying relevant services on existing fire threat;
- e) using forest use methods and technologies not causing soil erosion, minimizing or not causing adverse effect on the environment, on the forest condition, and its regenerating capacity;
- f) caring for forest, protecting its resources and natural characteristics;
- g) conforming to the safety laws of forest use;
- h) conforming to the laws of forest tending;
- i) restricting unlawful forest use to the possible extent and notifying entities authorized for managing the State Forest Fund and/or law enforcement entities on the unlawful forest use;
- j) fully completing all works specified in the license for forest use.

Article 63. Guarantees for Protecting the Right for Forest Use

1. Unlawful violation of the right for forest use given to the document holder is strictly

forbidden.

2. If the right for forest use is unlawfully restricted, suspended and/or terminated, it shall be restored and losses incurred by the forest user shall be reimbursed.

3. If the right for forest use is terminated for meeting State or public needs, losses incurred by the forest user shall be reimbursed from the relevant budget allocation.

4. Restriction, suspension or termination of the right for forest use is allowed only in cases specified by Georgian legislation.

Article 64. Restriction or Suspension of the Right for Forest Use

The right for forest use may be restricted or suspended if:

a) a forest user violates environmental legislation and/or conditions specified in the document for forest use;

b) forest use related activities endanger health of population working or residing in the area of forest use;

c) forest user violates safety rules established for forest use related activities;

d) forest user does not pay taxes and fees for forest use on time;

e) state of emergency is declared.

Article 65. Rules for Restriction or Suspension of the Right for Forest Use

1. Issuer of the forest use document is authorized to make decision on restricting and suspending as well as restoring the right for forest use. Issuer of the license shall notify a forest user on his/her decision in writing.

2. If the reason(s) causing restriction or suspension of right for forest use are eliminated within a period set by regional offices of the State Department of Forestry or the State Department of Protected Areas, Natural Reserves, and Hunting Ranges (not exceeding 3 months), the right for forest use shall be fully restored.

3. If the right for forest use is not restored within three months, termination of the right for forest use is considered.

4. Disputes on restriction or suspension of the right for forest use are settled by a court decision.

Article 66. Termination of the Right for Forest Use

The right for forest use is terminated if:

a) conditions stated in the forest use document are violated or the document is expired;

b) a document holder decides so;

c) a license holder or a contractor holds right for carrying out economic activities in the forest for a long period of time (a year or more) and such activities turn out damaging to the State Forest Fund;

d) environmental legislation is violated or circumstances change to become incompatible with the type of forest use defined and authorized by the forest use license;

e) conditions for conducting competitive bidding or holding auction are harshly violated, conditions specified in the forest use license are unlawfully liberalized, or illegal deals for decreasing official payment are revealed;

f) an enterprise holding forest use document is liquidated;

g) a court acknowledges incapability or death of a document holder;

h) a forest user evades or refuses to pay taxes and fees specified in the forest use document

Article 67. Rules for Termination of the Right for Forest Use

1. Issuer of the forest use document or its superior body are authorized to make decision on terminating the right for forest use based on solid arguments and a rational judgement in cases specified in Article 66 of this code.

2. Issuer of the forest use document notifies a forest user upon the decision of terminating his/her right for forest use in writing and establishes a deadline until which a forest user can defend his/her interests.

3. The right for forest use is terminated upon deciding so by the issuer of the forest use document and notification of a forest user in writing.

4. If a forest user is requesting termination of his/her right, it is terminated within one month from receiving the forest user's written notification by the document issuer.

5. Disputes on the termination of the right for forest use are settled by a court decision.

CHAPTER XV. TIMBER PRODUCTION

Article 68. Timber Production

1. In the territory of the Georgian Forest Fund timber production is carried out through final cuts and passage cuts in a sustainable manner and without damaging natural balance of forest ecosystem.

2. Timber may also be produced through cleaning, thinning, reconstruction, sanitary, and special cuts.

3. Final cuts are carried out in the stands of maturity age or over maturity age.

4. Cleaning, thinning, reconstruction, sanitary, and passage cuts are carried out in the stands specified in Articles 101 through 105 of this Code.

5. Special cuts are carried out if required for the purposes of allocating designated area or an area for special forest use as well as for providing population with fuelwood.

6. Slope limit for timber extraction from forests in Georgia is 35°.

7. The "*Regulations for Special Cuts and Establishing Rules for Carrying Out Special Cuts*" are prepared by the State Department of Forestry in agreement with the Ministry of Environment and are approved by the State Department of Forestry.

Article 69. Special Requirements for Forest Use between Slope Gradients 30° and 35°

1. Forest use is allowed between slope gradient 30° and 35° only:

- a) after special study of possible effects;
- b) using cable roads, or in case of thinnings – using animal power for transportation;
- c) with guaranteed forest restoration immediately following forest use.

2. Other regulations for forest use between slope gradient 30° and 35° are established based on the forest management plans and are mandatory for forest users.

Article 70. Final Cuts

1. Final cuts for timber extraction are carried out only in forests fulfilling soil protection and water regulation functions, excluding floodplain forests.

2. Following are the categories of final cuts:

- a) clear cuts;
- b) gradual cuts;
- c) group-selective cuts;
- d) voluntary-selective cuts.

3. Clear cuts are carried out within the allocated forest area in the plain terrain with the slope gradient under 5° and imply concurrent felling of softwood species in those areas, excluding only young growing trees under age 20.

4. Gradual cuts are carried out within the allocated forest area with the slope gradient under 20° within a long period of time (30-40 years) and imply gradual thinning of forest cover evenly timed for the period of forest use.

5. Group-selective cuts imply clear cutting in small parts of the allocated forest area for a long period of time (20-40 years).

6. Guiding principles for designating and extending parts of allocating forest area for

group-selection cuts are: even distribution of these parts over the entire allocated area, and maximized support to the natural regeneration of forest. Group-selective cuts are carried out within the areas with the slope gradient under 20°.

7. Voluntary-selective cuts imply gradual and evenly distributed felling of mature and over mature trees as well as trees with potential agricultural use within the allocated area.

Article 71. Identification of Maturity and Optimal Cutting Ages of Forests

Biological, quantitative, technical and other types of maturity and optimal age for final cutting for trees of the main forest species are approved by the State Department of Forestry in Agreement with the Ministry of Environment.

Article 72. Annual Allowable Cut

1. The State Department of Forestry annually defines optimal amount of timber allowed for extraction through final cuts per year (hereafter – annual allowable cut) within territories under jurisdiction of the Department's each regional office. Annual allowable cut is defined for the long term forest use and is based on the forest management plans.

2. Annual allowable cut is defined by the State Department of Forestry in agreement with the Ministry of Environment and is approved by the State Department of Forestry.

3. Increasing or decreasing annual allowable cut may be done in agreement with the Ministry of Environment based on changes in the forest management plans, forest protection regime, forest categories, or other circumstances affecting forest condition and therefore – forest management plans.

Article 73. Cutting Area and Allocating Cutting Area for a Forest User

1. Cutting area is allocated for one year and a forest user receives authorization for extracting cutting volume for the same period of time.

2. Overexploiting cutting area is allowed only if it has been under-exploited in the previous year.

3. The regional offices of the entities defined in Article 15 and 16 of this Code allocate a cutting area to a forest user in accordance with the *“Regulations on Allocation of Standing Timber”* upon his/her presenting document for forest use.

4. Based on the agreement with the physical and/or legal bodies, entities defined in Articles 15 and 16 of this Code can use financial resources offered by these bodies for allocating cutting area within territories under their jurisdiction.

5. An investor (candidate) is given priority in receiving license for forest use if his/her financial resources have been used for allocating cutting area.

6. If an investor fails to receive license for forest use, his/her expenses for allocating cutting area are reimbursed by the winner.

Article 74. Rules of Forest Use for Timber Production

To provide for forest use for timber production, the State Department of Forestry:

a) in agreement with the Ministry of Environment prepares and submits for Presidential approval the *“Regulations for the Final Cuts”*;

b) prepares in agreement with the Ministry of Environment and approves the *“Regulations for Defining Annual Allowable Cut”*;

c) prepares and approves in agreement with the Ministry of Environment the *“Regulations for Restricting, Banning, and Restoring the Right for Forest Use”*;

d) prepares and submits for Presidential approval the *“Regulations on Allocation of Standing Timber”*;

e) prepares and approves the *“Regulations for Allocation of Cutting Areas”*.

CHAPTER XVI. FOREST PLANTATIONS

Article 75. Forest Plantations

1. Forest plantations are designated for long-term forest use and imply producing optimal amounts of wood products and other plant resources in the territory of the State Forest Fund.
2. Selection of plant species for starting a forest plantation is carried out based on the contract for forest use and in accordance with Georgian legislation.
3. Use of resources extracted from the forest plantation is based on the contract for forest use.

Article 76. Rules of Forest Use for Management of Forest Plantations

The rules of for management of forest plantations are set by the *“Regulations for Managing Forest Plantations”* prepared by the State Department of Forestry.

CHAPTER XVII. PRODUCING WOOD PRODUCTS AND SECONDARY WOOD MATERIALS

Article 77. Producing Wood Products and Secondary Wood Materials

1. Technology of producing wood products and secondary wood materials shall conform to the Georgian legislation on the Georgian Forest Fund and biodiversity conservation.
2. Forest use for producing wood products and secondary wood materials is carried out based on the forest management plans and the resource inventory.
3. Wood products and secondary wood materials are intended for further processing, for sale to individual citizens, or other commercial purposes and shall be produced in accordance with this Code and the Georgian legislation.
4. Producing wood products and secondary wood materials is carried following the *“Regulations for Producing Wood Products and Secondary Wood Materials”*. These regulations are prepared and approved by the State Department of Forestry in agreement with the Ministry of Environment.

Article 78. Agricultural Use of Wood Products

Agricultural use of wood products by regional offices of the State Department of Forestry or the State Department of Protected Areas, Natural Reserves and Hunting Ranges does not require a forest use document.

CHAPTER XVIII. USE OF NON-WOOD RESOURCES OF THE STATE FOREST FUND

Article 79. Use of Non-Wood Resources of the State Forest Fund

1. Use of non-wood resources of the State Forest Fund is carried out based on the forest management plans and scientific research data on these resources.
2. Techniques of using non-wood resources of the State Forest Fund shall conform to the Georgian legislation on the State Forest Fund and biodiversity conservation.
3. Use of non-wood forest resources of the State Forest Fund is carried out following the *“Regulations for Use of Non-Wood Resources of the State Forest Fund”*. These regulations are prepared and approved by the Ministry of Environment in agreement with the State Department of Forestry.

CHAPTER XIX. AGRICULTURAL USE OF THE STATE FOREST FUND

Article 80. Use of Agricultural Land Parcels Belonging to the State Forest Fund

An order of issuing permits for using agricultural land parcels of the State Forest Fund is defined by this Code, the law of Georgia *“On the Ownership of Agricultural Land Parcels”*, and the Presidential Decree #446 of August 2, 1998 *“On Transferring State-Owned Agricultural Land Parcels to a Lease”*.

Article 81. Agricultural Use of the State Forest and Lands of the State Forest Fund Designated for Forestry, for Specific Use, or Staying Idle

1. Agricultural use of the State forests and lands of the State Forest Fund designated for forestry, for the specific use, or staying idle implies their use as meadows, pastures, arable land, for planting perennial orchards, for constructing temporary cattle cribs and other premises.

2. Permit for agricultural use of State forest and lands of the State Forest Fund designated for forestry, for the specific use, or staying idle is issued based on the forest management plans and in accordance with Sub-Paragraph e), Article 56, of this Code by the authorized entities specified in Articles 15 and 16 of this Code or by their subordinate bodies.

3. Local population is given priority in receiving a ticket for agricultural use of State forests and lands of the State Forest Fund designated for forestry, for the specific use, or staying idle.

CHAPTER XX. SPECIAL USE OF THE STATE FOREST FUND

Article 82. Issuing Permit for Special Use of the State Forest Fund

1. Forest user carries out special use of the State Forest Fund based on the contract for forest use in the manner least harmful for the State Forest Fund.

2. Contractor carrying out special use of the State Forest Fund covers the cost of utilized resources as well as the cost of damage made to the forest resources.

3. State Department of Forestry develops regulations for special use of the State Forest Fund on case-by-case basis in accordance with this Code and considering interests of the forest user.

CHAPTER XXI. FOREST USE FOR SCIENTIFIC RESEARCH AND EDUCATION

Article 83. Forest Use for Scientific Research and Education

1. The Georgian Forest Fund may be used for scientific research and education.

2. Scientific research and education institutions contracted by the State are granted the right for forest use without inviting bids.

3. When issuing documents for forest use for scientific research and education, priority among the institutions defined in paragraph 2 of this Article is given to those intending to study and research resources of the State Forest Fund.

Article 84. Carrying Out Forest Use for Scientific Research and Education

1. A forest user with a status of a State institution that carries out forest research is authorized to use information held by the State bodies managing the State Forest Fund without charge if not otherwise specified by the Georgian legislation.

2. A forest user with a status of a State institution that carries out forest research is obligated to disclose information on the State Forest Fund and its condition owned by

this institution to the State Forestry Department without charge in accordance with Chapter 8 of this Code.

3. State scientific research institutions and schools using the State Forest Fund and its resources with the purpose of research are eligible for the preferences defined by the Georgian legislation.

4. Carrying out scientific research and observations in the territory of the State Forest Fund that do not affect the State Forest Fund and its resources are free of charge and do not require a special permit.

5. Information generated by a physical body or by a legal body of the private law, which is specified in Paragraph 2 of this Article, is a property of this body and may be published only in agreement with the owner.

6. General framework for carrying out scientific research and education in the territory of the State Forest Fund is outlined in the *“Regulations for General Framework for Carrying Out Scientific Research and Education in the Territory of the State Forest Fund”*, which is prepared and approved by the State Department of Forestry.

CHAPTER XXII. FOREST USE FOR RESORT, RECREATION, SPORT, AND OTHER CULTURAL AND HEALTH IMPROVING ACTIVITIES

Article 85. Forest Use for Resort, Recreation, Sport, and Other Cultural and Health Improving Purposes

1. The State Forest Fund may be used for recreation, sport, and other cultural purposes as well as for raising environmental awareness and for generating significant economic benefits.

2. Construction of buildings and supporting facilities, installing equipment, and carrying out other civil works for recreational, sport and other cultural purposes are done on the contractual basis.

CHAPTER XXIII. ALLOCATION OF HUNTING RANGES

Article 86. Allocation of Hunting Ranges within the State Forest Fund

1. Besides the Ministry of Environment of Georgia, entities defined in Articles 15 and 16 of this Code as well as legal bodies are authorized to carry out inventory of animal wildlife within the territories under their jurisdiction or within specific areas of these territories with the purpose of allocating a hunting range if such inventory has not been carried out in accordance with Paragraph 2, Article 29 of the Georgian law *“On Animal Wildlife”*.

2. Use of the State or local budget resources or private funding is eligible for the purpose specified in Paragraph 1 of this Article.

3. If private funding is used for inventory of animal wildlife:

a) an investor (candidate) is given preference in receiving a license defined in Articles 29 and 46 of the law *“On Animal Wildlife”*;

b) if investor fails to receive a license, his/her expenses for inventory of animal wildlife are reimbursed by a license holder.

4. Data obtained from the inventory of animal wildlife in accordance with Paragraph 1 of this Code are regarded to as a basis for issuing license defined in Articles 29 and 46 of the law *“On Animal Wildlife”* and for statutes and order defined in Paragraph 3, Article 28 of the same law.

5. The *“Regulations and Methodology for Inventory of Animal Wildlife in the Territory of the State Forest Fund”* are prepared and approved by the Ministry of Environment in

agreement with the State Department of Protected Areas, Natural Reserves and Hunting Ranges.

Article 87. Contracting Forest User for Arranging and Managing a Hunting Range

Contract on forest use for arranging and managing a hunting range is signed between an entity specified in Articles 15 or 16 of this Code and a holder of a license defined in Articles 29 and 46 of the Georgian law on *Animal Wildlife* for the term of license effectiveness. This contract obligates:

- a) compliance of hunting range management with a license and preventing damage to the State forest;
- b) protecting animal wildlife on the territory of a hunting range on the expenses of a license holder.

CHAPTER XXIV. PRESENCE OF CITIZENS IN THE FOREST

Article 88. Presence of Citizens in the Forest

1. Presence of citizens in the forest is not regarded as forest use.
2. Any citizen has a right to enjoy the natural environment of the forest.
3. Citizens have a right to:
 - a) enter and freely move around the forest if not otherwise stated by the Georgian legislation;
 - b) collect non-wood resources and secondary products for the personal use;
 - c) use forest environment for recreation, tourism and aesthetic enjoyment.
4. Citizens are required to:
 - a) care for forest and protect its assets;
 - b) comply with fire safety rules; not break or cut trees and shrubs, not affect forest flora, not litter or otherwise damage the natural environment.
5. Presence of citizens in the forest, collecting non-wood resources and other rights of citizens to the State Forest Fund may be restricted by entities or regional offices of the entities defined in Articles 15 and 16 of this Code in cases specified in this Code and by the Georgian legislation.

CHAPTER XXV. SPECIAL FEATURES OF FOREST USE

Article 89. Special Features of Forest Use in the State Border Area

Forest use in the State Border area is carried out in accordance with this Code and with a law of Georgia "*On the State Border of Georgia*".

Article 90. Forest Use in a Water Protection Area

Forest use in water protection areas is carried out in accordance with the Georgian law "*On Water*" and the Georgian marine legislation.

CHAPTER XXVI. TAXATION AND CHARGES FOR FOREST USE

Article 91. Taxation and Charges for Forest Use

1. Forest use is chargeable.
2. Forest use charges comprise the following:
 - a) stumpage fee;
 - b) service fee for preparing documents authorizing forest use, including expenses on allocation of cutting area;

c) payment for covering organizational arrangements that are imposed on any participant of a competitive bidding or an auction held with the purpose of identifying prospective license holders or contractors;

d) other expenses defined in the Georgian legislation.

3. The *“Regulations for Preparing Documents Permitting Forest Use, Expenses for Allocating Cutting Areas and Charging Payment for Recovering Costs for Allocation of Cutting Areas”* are prepared by the State Department of Forestry in agreement with the Ministry of Finance and the Ministry of Economy and is approved by the State Department of Forestry.

Article 92. Exemption from Taxes and Charges for Forest Use and Utilization of Forest Resources

Forest use is free of charge for:

a) carrying out measures specified in Articles 78 and 106 of this Code by the entities and regional offices of the entities defined in Articles 15 and 16 of this Code.

b) State-ordered scientific research and educational activities;

c) collecting brushwood, wild fruits, berries, nuts, mushrooms, and medical plants by citizens for their personal (non-commercial) use;

d) utilizing forest resources by forest protection personnel for their personal (non-commercial) use.

CHAPTER XXVII. TIMBER HARVESTING CERTIFICATE

Article 93. Timber Harvesting Certificate

1. Timber harvesting certificate is issued to all vehicles carrying out primary transportation of timber extracted from the State Forest Fund in agreement of this Code.

2. Timber harvesting certificate is issued by the authorized forest protection personnel of the regional offices of the State Department of Forestry and the State Department of Protected Areas, Natural Reserves and Hunting Ranges, or of the local governing and self governing bodies (if timber is produced in the Local Forest Fund). Timber harvesting certificate is a single mandatory and sufficient document certifying legal ownership of the extracted timber.

3. Primary timber processing as well as transporting and selling products of primary timber processing is illegal without a timber harvesting certificate. Timber harvesting certificate shall be presented to the body authorized by the Georgian legislation upon his/her request.

4. Format and procedures for issuing a timber harvesting certificate are defined in the *“Regulations on the Timber Harvesting Certificate and Procedures for Issuing This Certificate”*. These regulations are prepared by the State Department of Forestry in agreement with the Ministry of Interior and are approved by the State Department of Forestry.

Article 94. Voluntary Certification of Forests

1. Voluntary certification of forests, forest resources and management techniques for the Georgian Forest Fund is allowed for the physical bodies and legal bodies of private law.

2. Regulations for the voluntary certification of forests are developed by public organizations in accordance with the Georgian legislation.

TITLE V. FOREST RESTORATION AND TENDING

CHAPTER XXVIII. FOREST RESTORATION

Article 95. Restoration of the Georgian Forest Fund and Its Objectives

1. Restoration of the Georgian Forest Fund is a multi-year cycle of activities, carried out with the purpose of restoration and afforestation of the bare land plots under the Forest Fund or the open stands of the Forest Fund.

2. Restoration of the State Forest Fund is planned annually based on the availability of resources, existing forest management plans, and research data by the entities defined in Articles 15 and 16 of this Code upon request of the local authorities.

3. Restoration of the Georgian Forest Fund shall not cause any damage to the environment.

4. Forest restoration implies the following:

a) thinning or removing underbrush with the purpose of stimulating natural regeneration of forests, also carrying out tending, protecting, cleaning, planting, and sowing in the managed forests, forest edges, and subalpine open woodlands;

b) improving species composition, age structure, quality, productivity, protecting capacity and other values of the forests.

Article 96. Planning and Carrying Out Forest Restoration and Afforestation

1. Forest restoration and afforestation are designed and methods of their implementation are elaborated based on the forest management plans and the research data, and in accordance with environmental considerations.

2. Special State programs may be designed for forest restoration and afforestation.

3. Forest restoration and afforestation are carried out by the entities and the regional offices of the entities defined in Articles 15 and 16 of this Code. Physical and legal bodies may also carry out forest restoration and afforestation in agreement with these entities and in concurrence with the Georgian legislation.

4. Forest restoration plan is approved and its implementation is monitored respectively by the State Department of Forestry or the State Department of Protected Areas, Natural Reserves and Hunting Ranges.

5. The *“Regulations for Restoration and Afforestation of the State Forest Fund”* are prepared by the State Department of Forestry in agreement with the State Department of Protected Areas, Natural Reserves and Hunting Ranges and approved by the State Department of Forestry.

6. The *“Regulations for Selection and Use of Plant Species for Restoration and Afforestation of the State Forest Fund”* are prepared and approved by the Ministry of Environment.

CHAPTER XXIX. FOREST TENDING

Article 97. Forest Tending and Its Objectives

1. Forest tending is a system of activities aimed at creating sustainable, highly productive stands, improving their natural values and sanitary condition, preparing stands for timber extraction, decreasing age of technical maturity, etc.

2. Forest tending is designed on the basis of forest management plans and the special research data.

3. The State Department of Forestry or State Department of Protected Areas, Natural

Reserves and Hunting Ranges are respectively responsible for planning and implementing forest tending in the State Forest Fund.

4. Entities or the regional offices of the entities defined in Articles 15 and 16 of this Code are authorized to carry out forest tending. Physical and legal bodies may also carry out forest tending in agreement with these entities and in concurrence with the Georgian legislation.

Article 98. Carrying Out Forest Tending and Protection of the Subalpine Stripes of Forests

1. Enforcement of Article 39 of this Code as well as banning any type of forest use are mandatory in the subalpine stripes of forests.

2. Tending and protection of the subalpine stripe of forests imply:

- a) felling and removing pest-invaded dry trees;
- b) carrying out preventive measures for landslides and land erosion;
- c) implementing other restoration and protection measures if principally required.

CHAPTER XXX. THINNINGS

Article 99. Types of Thinnings

1. The following types of thinnings are established based on the age and functional profile of stands:

- a) lighting cuts;
- b) cleaning cuts;
- c) thinning cuts;
- d) passage cuts;
- e) sanitary cuts;
- f) reconstruction cuts.

Article 100. Lighting Cuts

Lighting cuts are carried out in stands of up to 10 years of age and no less than 0.7 density. Lighting cuts imply removing of herbal cover and underbrush with the purpose of providing better growing conditions for trees.

Article 101. Cleaning Cuts

Cleaning cuts are carried out in the mixed stands of up to 20 years of age and no less than 0.7 density. Cleaning cuts imply felling and removing trees of particular species which have little value in a given area with the purpose of improving growing conditions for the tree species that are valuable and typical for the given area.

Article 102. Thinning Cuts

Thinning cuts are carried out in the stands of up to 60 years of age (depending on a species) and no less than 0.7 density. Thinning cuts imply felling trees with retarded growth, deformed stem, and/or other damages with the purpose of providing conditions favourable for developing properly shaped stem and canopy by other trees.

Article 103. Passage Cuts

1. Passage cuts are carried out in stands of over 60 years of age and no less than 0.7 density. Passage cuts imply felling of trees that are over-aged, have deformed stem and/or other damages or characteristics justifying their removal with the purpose of providing conditions favorable for gaining timber volume by other trees.

2. Passage cuts shall be carried out only if selling products obtained through passage cuts is guaranteed.

Article 104. Sanitary Cuts

1. Sanitary cuts are carried out in stands with more than 0.4 density if improving the sanitary condition of these stands is required. Sanitary cuts imply felling and removing dry, drying, hollow, and pest invaded trees, as well as removing trees uprooted or broken by natural disasters.

2. Sanitary cuts are allowed in stands with less than 0.4 density only if there is a fully justified principal need for such measures.

Article 105. Reconstruction Cuts

Reconstruction cuts are carried out in the stands where present species produce cheap timber or are less valuable for the given area. The purpose of reconstruction cuts is to improve species profile and structure of the stand and to increase productivity. Reconstruction cuts are allowed only in the areas where consequent forest restoration is guaranteed.

Article 106. Carrying Out Thinnings

1. Lighting cuts are carried out without forest use document by the regional offices of the State Department of Forestry and the State Department of Protected Areas, Natural Reserves and Hunting Ranges or by the local governing and self governing bodies in the areas under their jurisdiction.

2. Cleaning, thinning, and reconstruction cuts are carried out by the forest users holding a proper document, or – in case of their absence – by the regional offices of the State Department of Forestry and the State Department of Protected Areas, Natural Reserves and Hunting Ranges in accordance with Paragraph 4 of this Article.

3. Passage and sanitary cuts are carried out by the licensed forest users holding a proper document.

4. Based on the Georgian law *“On the System of Protected Areas”*, only sanitary cuts are allowed in the territories of protected areas. Lighting, cleaning, and thinning cuts are allowed in special cases when they are required for sustaining biodiversity of a protected ecosystem.

5. The *“Regulations on Carrying Out Thinnings”* are prepared by the State Department of Forestry in agreement with the State Department of Protected Areas, Natural Reserves and Hunting Ranges and are approved by the State Department of Forestry.

CHAPTER XXXI. FUNDING OF FOREST TENDING, PROTECTION AND RESTORATION

Article 107. Funding of Forest Tending, Protection, and Restoration

1. Tending, protection, and restoration of the State forests (Local Forest Funds) are funded by State (local) budgets. Other sources of funding may also be used for this purpose in accordance with the Georgian legislation.

2. Following sources of funding may be used for providing technical assistance to the bodies entitled to carry out tending, protection, and restoration of the State forest or authorized to manage the State Forest Fund:

- a) amounts recovered through penalty payments for losses caused to the State Forest Fund;
- b) proceeds from sale of expropriated products.

TITLE VI. STATE MONITORING AND SUPERVISION OF FOREST PROTECTION AND ENFORCEMENT OF THE FOREST LEGISLATION

CHAPTER XXXII. STATE MONITORING AND SUPERVISION OF FOREST PROTECTION AND ENFORCEMENT OF THE FOREST LEGISLATION

Article 108. State Monitoring and Supervision of Forest Protection and Enforcement of the Forest Legislation

State monitoring and supervision of forest tending, sanitary condition, protection, restoration and afforestation of the State Forest Fund are carried out by the Ministry of Environment of Georgia, State Department of Forestry, and State Department of Protected Areas, Natural Reserves and Hunting Ranges.

Article 109. Status of Forest Protection Personnel

1. Forest protection personnel wears uniforms with rank-indicating badges defined by Georgian legislation.

2. Forest protection personnel are entitled to:

- a) prevent and/or eliminate infringements of this Code;
- b) check documents certifying rights for forest use granted to the physical and legal bodies;
- c) properly document any violations of the forest legislation;
- d) stop and inspect vehicles transporting wood products with the purpose of checking legitimacy of obtaining these products;
- e) expropriate illegally obtained and undocumented wood and non-wood products on the spot of transportation, storage, or primary processing according to procedures defined by the Georgian legislation;
- f) suspend, terminate, or restrict economic and other activities carried out by a forest user if certificate held by the user does not allow for this kind of activity;
- g) carry registered weapons;
- h) collect on-site penalty payment from an individual infringing forest legislation if no dispute arises on the amount of penalty fee and the penalized individual is willing to pay the fee right away.

3. Within the scope of its competence and according to Georgian legislation the forest protection personnel is held responsible for:

- a) carrying out forest tending and controlling illegal forest use;
- b) controlling infringements of the Georgian forest legislation.

Article 110. Incentives for the Forest Protection Personnel

1. Incentives for the forest protection personnel are the following:

- a) awarding title of the Honorable Forester of Georgia as defined in Georgian legislation;
- b) granting special medal for successful work in the field of forest protection for no less than ten years.

2. The *“Regulations for Awarding Title of the Honorable Forester of Georgia and Granting Special Medal”* are prepared by the State Department of Forestry and approved by the President of Georgia.

TITLE VII. SETTLEMENT OF DISPUTES ON TENDING, PROTECTION, RESTORATION, AFFORESTATION AND FOREST USE AND LIABILITY FOR INFRINGEMENT OF THE FOREST LEGISLATION

CHAPTER XXXIV. SETTLEMENT OF DISPUTES ON FOREST TENDING, PROTECTION, RESTORATION, AFFORESTATION AND FOREST USE

Article 111. Settlement of Disputes on Forest Tending, Protection, Restoration, Afforestation, and Forest Use

Disputes on forest tending, protection, restoration, afforestation, and forest use are settled in accordance with the Georgian legislation.

CHAPTER XXXV. LIABILITY FOR INFRINGEMENT OF FOREST LEGISLATION

Article 112. Liability for Infringement of the Forest Code of Georgia

Liability for infringement of the Forest Code of Georgia is defined in accordance with the Georgian legislation.

Article 113. Liability for Losses Incurred as a Result of Infringement of the Forest Legislation

1. Physical and legal bodies are obligated to fully recover the losses born by the State Forest Fund as a result of infringement of the forest legislation, or to restore damages whenever possible. Moreover, Article 114 of this Code is also applicable to the forest legislation violators.

2. Losses caused to the State Forest Fund by infringement of this Code and the Georgian legislation are calculated in accordance with the *“Regulations for Calculating and Recovering Losses Caused to the State Forest Fund as a Result of Illegal Forest Use”*, which are prepared and approved by the Ministry of Environment in agreement with the Ministry of Finance, the Ministry of Economy and the State Department of Forestry.

Article 114. Expropriation of Timber and Other Forest Resources Obtained through Infringement of the Forest Legislation

Timber and other forest resources obtained through infringement of the forest legislation are subject to expropriation or cost recovery in favor of the affected party.

TITLE VIII. TRANSIENT AND FINAL PROVISIONS

CHAPTER XXV. TRANSIENT PROVISIONS

Article 115. Transient Provisions Supplementary to This Code

1. Should this Code and other laws regulating forest relations collide, this Code has a superior power over the other.
2. Until the State Forest Fund Cadastre is completed and forest management practices are brought in full agreement with the requirements of this Code, use of the State Forest Fund is allowed in agreement with the regional and local offices of the Ministry of Environment of Georgia, and following a mandatory procedure of regular updating of forest management plans based on the research data.
3. Use of the former collective farm forests and state farm owned forests that should have been transferred to the State forestry entities based on March 7, 1995 resolution of the Parliament of Georgia "*On Inter-Collective-Farm and Municipal Forests of the Republic of Georgia*" but never were actually transferred, shall be carried out in accordance with the Georgian legislation
4. Regulations and timeframe for transferring forest fund, previously owned by the collective farms and state farms and recorded in land registration documents and forest management plans in accordance with the Georgian legislation, to the State forestry entities are defined by the "*Regulations and Timeframe for Transferring Forest Fund Previously Owned by Collective Farms and State Farms to the State Forestry Entities*", which are prepared by the State Department of Land Management and approved by the President of Georgia.
5. Issuing any documents certifying private ownership on the forest fund owned by the former collective farms and state farms is restricted.
6. Organizations currently managing the forest fund owned by the former collective farms and state farms are responsible for carrying out tending and protection measures in these forests.

Article 116. Supplementary Normative Acts to Be Passed and Issued after Enactment of This Code

After enactment of this Code:

- a) A law on *State Forest Privatization in Georgia* shall be passed.
- b) The following Presidential orders shall be issued:
 - b.a) On authorization of local governing and self governing bodies for managing the Local Forest Fund and procedures for separating the Local Forest Fund from the State Forest Fund;
 - b.b) On procedures for allocating designated area of the State Forest Fund and regulations for permitting forest use, permitting restricted forest use, and banning forest use in this area;
 - b.c) On setting boundaries of the Usable State Forest Fund;
 - b.d) On setting and re-setting boundaries of land plots under the State forests and the State Forest Fund;
 - b.e) On the system of registry of the State Forest Fund;
 - b.f) On regulations for conducting final cuts;
 - b.g) On regulations for allocation of standing timber;
 - b.h) On regulations for licensing forest use, on announcing tender and holding auction for selection of contractors;
 - b.i) On awarding title of the Honorable Forester of Georgia and granting special medal;
 - b.j) On regulations and timeframe for transferring land plots under the forest fund owned by the former collective farms and state farms to the State forestry entities;
 - b.k) On special requirements for registering protected areas of the State Forest Fund.
- c) The following orders of the Ministry of Environment shall be issued:

- c.a) On authorized issuance of biological and chemical preparations to the physical and legal bodies with the purpose of forest protection;
- c.b) On regulations and methods of inventory of animal wildlife in the specific areas of the State Forest Fund;
- c.c) On the listing of biological, chemical and genetic interventions permitted for the purposes of forest protection;
- c.d) On selection and use of plant species for restoring and expanding the State Forest Fund;
- c.e) On calculating and recovering losses born by the State Forest Fund due to illegal forest use;
- c.f) On regulations for using non-wood resources of the State Forest Fund.
- d) The following orders of the Chairman of the State Department of Forestry shall be issued:
 - d.a) On allocating of and attaching corresponding status to the functional and landscape forests;
 - d.b) On regulations for accounting for the State Forest Fund;
 - d.c) On information on the State Forest Fund and its disclosure to the State Department of Forestry;
 - d.d) On applying special protection regime to an area of the Usable State Forest Fund and regulations for carrying out economic activities under such regime;
 - d.e) On regulations for forest protection;
 - d.f) On planning and implementing regulations for fire protection of forests;
 - d.g) On regulations for carrying out thinnings;
 - d.h) On regulations for defining the annual allowable cut;
 - d.i) On regulations for restricting, banning, and restoring rights for forest use;
 - d.j) On regulations for allocating cutting areas;
 - d.k) On regulations for managing forest plantations;
 - d.l) On regulations for producing timber and the secondary wood products;
 - d.m) On general regulations for carrying out scientific research and educational activities in the territory of the State Forest Fund;
 - d.n) On restoring and expanding the State Forest Fund;
 - d.o) On special cuts and regulations for carrying them out;
 - d.p) On allocating land plots under the State forests and the State Forest Fund for economic use and transferring them to the forest users;
 - d.q) On preparing documentation for issuing forest use tickets, including calculation of costs required for allocating cutting areas and setting regulations for recovery of these costs;
 - d.r) On legal certification of timber harvesting and regulations for issuing certificates to producers.

Article 117. Timetable for Passing Normative Acts Supplementary to This Code

1. The normative act defined in paragraph a), Article 116, shall be issued by January 1, 2002.
2. Normative acts defined in paragraphs b), c), and d), Article 116, excluding those defined in sub-paragraphs b.h) and c.b.) shall be issued by July 1, 2000.
3. The normative act defined in sub-paragraph b.h.), paragraph b), Article 116, shall be issued within one month after enactment of this Code.
4. The normative act defined in sub-paragraph c.b.), paragraph c), Article 166, shall be issued within three months after enactment of this Code.

Article 118. Adjusting a Normative Act to This Code After Its Enactment

Presidential decree #64 of January 28, 1997 *“On Establishing an Inter-Agency Expert Council for Licensing Use of Plant Resources (Forest Resources Inclusive) in Georgia”* shall be adjusted to this Code within a month from its enactment.

CHAPTER XXXVI. FINAL PROVISIONS

Article 119. Normative Acts Becoming Void Upon Enactment of This Code

Upon enactment of this code following normative acts become void:

- a) Forest Code enacted on December 21, 1978;
- b) Law *“On Arranging Forest Use on the Territory of Georgia”* passed on June 25, 1998.

Article 120. Enactment of the Forest Code

1. The Forest Code of Georgia, excluding Section 1, Article 9, enters into force upon publication.
2. Section 1, Article 9, of this Forest Code enters into force upon passing a law *“On State Forest Privatization in Georgia”*.

Edward Shevardnadze
President of Georgia
June 22, 1999

¹ This unofficial translation from Georgian into English has been provided by the World Bank.