

## Law of Georgia on

### **WILDLIFE**

Wildlife is one of the basic component parts of natural environment.

The wildlife of Georgia represents the most important part of biological diversity of the country and, also, the kingdom. It takes particular part in the protection of biosphere and preservation of sustainability, also in satisfaction of spiritual and financial demands of the Georgian Citizens and bringing up of future generations.

The wildlife existing within the limits of Georgia's land territories, air space, territorial waters, continental shelf and special economic zone, is national wealth of Georgia and is protected by the state.

## I. GENERAL PART

### CHAPTER 1. GENERAL STATEMENTS

#### ARTICLE 1. MAIN CONCEPTS USED IN THE ACT

Main concepts used in this act have the meaning given in article 2 of the same act, if there are no special directions in the act.

#### ARTICLE 2. DEFINITIONS OF MAIN CONCEPTS

1. Wildlife - unity of species of all wild animals which constantly or temporarily inhabit the territory of Georgia, its territorial waters, continental shelf and special economic zone and are found in the state of natural freedom.

2. Wild Animals - all systematic categories of living organisms, related to the wildlife, including species and populations;

3. Chord Animals, which have a chord;

4. Vertebrates - one of the types of chord wild animals, which connects highly organized animals, having spine and skull. They include fish, amphibians, reptiles, birds and mammals.

5. Invertebrates - wild animals, which don't have chord . They include all living organisms, except for the vertebrates.

6. Exotic Animals - wild animals, introduced from abroad, which are not typical for local conditions ( climate and others);

7. Population - unity of individuals of the same species, inhabiting certain territory;

8. Group of wild animals - natural unification of individuals of the same species;

9. Taxonomic Unit - systematic subordinate group of wild animals, different from each other by relationship in some degree;

10. Derivatives - parts of body of wild animals (organs, leather, fur, horns and others);

11. Habitat of Wildlife (Wild Animals) - place or site type, where certain individuals or populations of wild animals are in conditions of natural freedom.

12. Diversity of Species of Wildlife - diversity of animals among species, within a species and some ecological systems;

13. Genetic resources of wildlife - a part of biological resources, which contains genetic material, carrying functional units of inheritance of animal origin;

14. Sustainable Development - such a system of development of society, which, taking into account the interests of environmental protection and economic development of society, ensures the increase of human standard of living and the right of future generations to use environmental and natural resources protected to the maximum from irreversible quantitative and qualitative changes.

15. The Principle of Sustainable Development - the principles which are integrated into conclusive documents of "Environment and Development Rio Declaration", "Global Sustainable Development Program of XXI Century - Agenda 21"

and “ Non-legislative Obligations Statement About Protection, Sustainable Development and Management Principles”;

16. Sustainability of Wildlife - the existence of diversity of species of wildlife during the uncertain spell;

17. Sustainable use of the wildlife - such use of wildlife, in the process of which the preservation, sustainability and ability of reproduction of diversity of species of wildlife is ensured during the uncertain spell;

18. Survival station - the territory, where wild animals find refuge in extreme conditions;

19. In-situ Conservation of Wildlife - the protection of wild animals in natural conditions;

20. Ex-situ Conservation of Wildlife - the protection of wild animals species in artificial conditions;

21. Gene-pool Reserve - the territory, where preservation and reproduction of wild animals occurs with the purpose of their restoration;

22. Translocation - the term of general subject matter, which comprises concepts of reintroduction, introduction and restocking;

23. Introduction - introduction of species, alien to the fauna, with the purpose of their release into nature;

24. Reintroduction - the measure of restoration of species of wild animals in nature. Introduction of wild animals in to historic area of their spread, where no individual of the species has been preserved.

25. Restocking - the measure of restoration of species of wild animals in nature. Introduction of wild animals into historic area of their spread, where a population extremely small in number is remained;

26. Hybridization - crossbreeding of wild and domestic animals, as a result of which hybrid is obtained;

27. Protected Territory - land territory and/or aquatory of especial importance from the view of the preservation of biological diversity, natural resources and cultural phenomena involved in natural environment, protection and management of which is implemented on the long-term and firm legislative basis. Protected territory is created for protection and restoration of most important national inheritance - unique, rare and typical ecosystems, plant and animal species, natural formations and cultural areas, for ensuring of their use for the development of scientific, educational, recreational and natural resources preserve-type economy.

28. State Reserve - protected territory, which corresponds to the I category of protected territories of International Union of Conservation of Nature (IUCN) - Strict Nature Reserve/Wilderness Area.

29. National Park - protected territory which corresponds to the II category of protected territory of International Union of Conservation of Nature (IUCN) - National Park.

30. Natural Monument - protected territory, which corresponds to the III category of protected territories of International Union of Conservation of Nature (IUCN);

31. Preservation - protected territory, which corresponds to the IV category of protected territory of International Union of Conservation of Nature (IUCN) - Habitat/Species Management Area;

32. Protected Landscape - protected territory, which corresponds to the V category of protected territory of International Union of Conservation of Nature (IUCN) - Protected Landscape;

33. Territory of Multilateral Use - protected territory, which corresponds to the VI category of protected territory of International Union of Conservation of Nature (IUCN) - Managed Resource Protected Area;

34. The Ministry - the Ministry of Environment of Georgia;

35. The Regional Body of the Ministry of Environment of Georgia, in particular, regional/municipal departments of the Ministry of Environment, also, Tbilisi City Environmental Provision Committee;

36. Activities - business, economic or all other type activities, implementation of projects of settlement and development, including implementation of building-up and sectoral development plans, projects and programs of protection, use and consumption of water, forest, land, fossil of the earth and other natural resources, existing on the territory of Georgia, also, considerable reconstruction and technical and technological renovation of existing enterprises, which have or may have an effect upon the quality of conditions of environment;

37. Environmental Permission - written decision of the Ministry of Environment of Georgia, its regional and local bodies, ministries of environment of Abkhazia and Adzharia on implementation of activities. Its content, form (procedure of processing) and procedure of issuing is different for activities of different categories. Environmental permission is an integrated permission, which comprises permissions on exhaust, waste disposal and others.

38. Manipulations - active action and activities of scientific research and care, in particular, finding of a natural material, building of laboratories and test stations, introduction of species of wild animals, reintroduction, translocation, sanitary, scientific and test and other care and restoration forestry measures ( including test cut of all species) and other.

### ARTICLE 3. GEORGIAN LEGISLATION IN THE FIELD OF WILDLIFE PROTECTION AND USE OF ITS OBJECTS

Georgian legislation on the wildlife is based on the Constitution of Georgia, Georgia's international agreements and treaties, acts "On the Environmental Protection" and "On the System of Protected Territories", this Act and other legislative acts and statutes in the field of protection of wildlife, its habitats and use of objects of wildlife.

### ARTICLE 4. SUBJECT OF PROVISION OF THE ACT OF THE PROTECTION OF THE WILDLIFE OF GEORGIA

1. This act is regulating the main legal relationships:

a) Among state authorities and physical and legal persons in the field of the protection of wildlife and use of its objects;

b) In the field of protection, reproduction and use of wildlife, constantly or temporarily, in conditions of natural freedom, semi-freedom or artificially created

environment on land, in soil, water, atmosphere, territorial waters, continental shelf and special economic zone;

2. The relationships in the field of protection, reproduction and use of those agricultural, domestic and other animals, including wildlife, which have economic, scientific, cultural, educational, aesthetic and other purpose, are regulated by the corresponding legislation of Georgia.

3. Liability for violation of rules of protection and care of those domestic and other animals and use of those objects of wildlife, which have economic, scientific, cultural, educational, aesthetic and other design, is established by corresponding Georgian legislation;

4. Relationships in the field of protection of habitats of wildlife and of the use of objects of wildlife are regulated by this act and other legislative acts and statutes;

5. Corresponding legislation of Georgia regulates legal relationships, connected with the use of forest, land, water and other natural resources during the use of objects of wildlife;

6. This act is valid on the whole territory of Georgia.

## ARTICLE 5. GOALS OF THE ACT ON THE PROTECTION OF THE WILDLIFE OF GEORGIA

1. The main goal of this act is to ensure protection and restoration of wildlife, its habitats, preservation and sustainability of species diversity and genetic resources, creation of conditions for sustainable development, taking into account the interests of present and future generation;

2. The goal of the act is also legal ensuring of wildlife protection (including in-situ and ex-situ conservation, translocation and reproduction of wildlife) and state-based provision of use of wildlife objects.

## ARTICLE 6. STATUS OF THE WILDLIFE OF GEORGIA

1. The wildlife of Georgia is state property (except for the cases, noted in paragraph 3 of this article). Any action, which encroaches upon the right of state property on the wildlife either directly or indirectly, is prohibited;

2. An object of wildlife may be given out for use in correspondence with legally established time and amount;

3. The object of wildlife, which is taken out from natural habitats, is reproduced either in semi-free conditions or in captivity, or is obtained with observance of Georgian legislation, may be an object of private property;

4. The object of wildlife, which represents special environmental, scientific or aesthetic value, also, the species of wild animals, which is included into Georgia's Red List and Red Book (except for the cases, if this wild animal is either reproduced in captivity or obtained abroad in accordance with the rule, set by the law), can not be the object of private property.

5. The rule of definition of those objects, which may become the objects of private property, the form, content and procedure of issue of the documentation, confirming the legality of their ownership, are defined by the provision “On the form, content and procedure of issue of the documentation, confirming the definition of enumeration, legality of ownership of wildlife objects, permitted in private property”, which is worked out and confirmed by the Ministry. The enumeration of those objects of wildlife, which may become the objects of private property, is defined by the order of the Ministry “ On the enumeration of the objects of the wildlife, permitted in private property”.

6. Proceeding from the principle of the use of nature , the use of objects of the wildlife is taxed in Georgia, except for the case, defined in article 26 of this Act.

## ARTICLE 7. THE OBJECTS OF THE WILDLIFE

1. a) Chord ( among them vertebrates - mammals, birds, reptiles, amphibians, fishes and others) and invertebrate (jointed-legged, mollusks and others ) animals, all their species and populations in any stage of development (egg, embryo, chrysalis and others), which are in conditions of natural freedom;

b) Derivatives of wild animals;

c) Vital activity products (honey, wax, poison and others);

d) Remains of buried wild animals;

e) Holes, lairs of wild animals, nests of birds and other areas of habitation of wild animals

represent the objects of wildlife.

2. Objects of wildlife, also, places of reproduction, temporal and constant gathering places of wild animals, other territories, which represent habitats of wildlife, are protected by the state.

## ARTICLE 8. DIVISION OF OBJECTS OF WILDLIFE BY GROUPS

1. Objects of wildlife are divided into groups of state and local importance according to their geographic distribution and transfer, quantity, condition of species and populations, economic importance and other indicators.

2. The group of state importance includes:

a) Endangered species;

b) Populations and individuals, dwelling within protected territories and hunting lands;

c) Species and individuals, dwelling in Georgia’s territorial waters, continental shelf and special economic zone;

d) Species, defined by Georgia’s international treaty and agreement;

e) Individual species, naturally migrating in the territory of two or more territorial units (regions) of Georgia

## ARTICLE 9. MAIN REQUIREMENTS OF EFFICIENT CONSUMPTION OF THE OBJECTS OF WILDLIFE

1. During the use of objects of wildlife it is necessary to fulfill the requirements, which ensure preservation of the habitat of wild animals and the objects of wildlife.

2. While taking the measures, necessary for protection, reproduction of wildlife and efficient consumption of the objects of wildlife, also, during those other actions, which may have an effect upon the condition of objects of wildlife and habitat, it is necessary to observe the following basic requirements:

a) preservation of wildlife species and population diversity in conditions of natural freedom;

b) intolerability of worsening of habitat, migration and water-reaching ways, conditions of reproduction;

c) observance of Georgian Constitution, environmental legislation, including the requirements of this Act, scientifically substantiated quotas of use of objects of wildlife, efficient, sustainable use of wildlife and ensuring of reproduction;

d) efficient use of products and useful qualities of vital activity of wild animals;

e) paid use of objects of wildlife;

f) regulation of quantity of wild animals with the purpose of avoiding the damage being caused to public health and environment;

g) taking into account the possible influence of activities on the objects of wildlife during the process of issuing environmental permission on those activities.

## CHAPTER II. DEMARCATION OF JURISDICTION IN THE FIELD OF PROTECTION OF THE WILDLIFE AND USE OF ITS OBJECTS

### ARTICLE 10. JURISDICTION OF SUPREME BODIES OF GEORGIA'S STATE AUTHORITY IN THE FIELDS OF PROTECTION OF WILDLIFE AND USE OF ITS OBJECTS

In the field of wildlife protection and use of its objects Georgia's supreme bodies have the following authorities:

- a) determination of state policy in the field of wildlife protection and use of its objects;
- b) coordination of activities of state authority bodies in the field of wildlife protection and use of its objects;
- c) organization of wildlife protection, regulation and state control of use of the objects of wildlife;
- d) establishment of the procedure on issuing license on the use of the objects of wildlife and the issue of license in accordance with this procedure;
- e) establishment of the procedure of protection of wildlife, bringing into and taking abroad of their derivatives, and the production, obtained from them, issuing license for these activities;
- f) establishment of the procedure of determination of payment on use of objects of wildlife;
- g) conducting a single scientific-technical policy, working out and confirmation of normative-methodological documentation, organization and financing of fundamental and applied scientific-research works in the field of protection, reproduction of wildlife and use of objects of wildlife;
- h) restoration of habitat of wildlife, damaged from ecological catastrophes, epidemics and other reasons;
- l) conduct of Red List and Red Book of Georgia;
- j) creation of protected territories;
- k) organization of single state system of accounting of use of wildlife and its objects, establishment and conduct of wildlife protection monitoring and state cadaster;
- l) formation of specially authorized state bodies of regulation and control of wildlife protection and use of its objects;
- m) establishment of the procedure of conduct of state standards, rules, quotas and state statistics of wildlife protection, reproduction and use of the objects of wildlife;
- n) signing of international treaties and agreements in the field of wildlife protection and the use of its objects;



ARTICLE 11. JURISDICTION OF STATE AUTHORITIES OF GEORGIA'S  
AUTONOMOUS REPUBLICS IN THE FIELD OF WILDLIFE PROTECTION AND USE  
OF ITS OBJECTS

State authorities of the autonomous republics of Georgia participate in protection, reproduction and regulation of the use of objects of wildlife, preservation and restoration of its habitats within their jurisdiction in accordance with the procedure set in accordance with Georgian legislation.

ARTICLE 12. JURISDICTION OF GEORGIA'S BODIES OF SELF-  
GOVERNMENT IN THE FIELD OF WILDLIFE PROTECTION AND USE OF ITS  
OBJECTS

Georgian bodies of self-government participate in protection, reproduction and regulation of use of objects of wildlife, preservation and restoration of habitats of wild animals within their jurisdiction in accordance with the procedure, set by the legislation of Georgia.

ARTICLE 13. PARTICIPATION IN THE FIELD OF WILDLIFE PROTECTION  
AND THE USE OF ITS OBJECTS OF THOSE CITIZENS, WHOSE ACTIVITIES ARE  
TRADITIONALLY CONNECTED WITH WILDLIFE

Citizens of Georgia, whose existence is traditionally connected with wildlife, may be given special rights, along with main rights, in the field of protection, reproduction of wild animals and the use of objects of wildlife, preservation and restoration of habitats of wild animals in accordance with the article 40 of this Act.

ARTICLE 14. PARTICIPATION OF PHYSICAL AND JURIDICAL PERSONS IN  
WILDLIFE PROTECTION AND THE USE OF ITS OBJECTS, PRESERVATION AND  
RESTORATION OF HABITATS OF WILD ANIMALS

1. Physical and juridical persons ( including public unions and religious institutions), participate in wildlife protection, reproduction and use of objects of wildlife, preservation and restoration of habitats in accordance with the procedure, set by the legislation of Georgia.

2. Physical persons are obliged:

- a) to protect wildlife;
- b) to contribute to state authorities and public institutions in the implementation of measures of wildlife protection;
- c) to inform corresponding bodies about violation, known to them, of the legislation on the wildlife protection.

3. In the field of protection, reproduction of wildlife and the use of objects of wildlife, preservation and restoration of habitats of wild animals physical and juridical persons have the right:

- a) to receive timely, objective and exhaustive information about the condition of wildlife and habitats of wild animals;
- b) to bring a suit against those subjects, who will be caught in illegal activity against wildlife and habitats of wild animals;
- c) to contribute to the realization of corresponding state programs;
- d) to take direct part in wildlife protection works;
- e) to make proposals on improvement of protection of wildlife.

4. In the field of wildlife protection and use of its objects, preservation and restoration of habitats of wild animals in the process of implementation of their rights the state authorities must take into account the proposals and recommendations of the citizens and public institutions.

5. With the purpose of public control of protection, reproduction of wildlife and use of objects of wildlife, preservation of habitats of wild animals public inspectorates of protection of wildlife may be created.

6. The rights and obligations of the public inspectorates and inspectors in the field of wildlife protection and use of its objects, preservation and restoration of habitats of wild animals are determined by the provision "On the Rights and Obligations of Public Inspections, Created with the Purpose of Public Control of Wildlife Protection, Use of Its Objects, Preservation of Habitats of Wild Animals", which is worked out and approved by the Ministry.

## II. MAIN PART

### CHAPTER III. PROTECTION OF WILDLIFE

#### ARTICLE 15. FINANCING AND PLANNING OF MEASURES OF PROTECTION OF WILDLIFE

1. The measures of the protection of the wildlife are financed from the budget of the State of Georgia.

2. The planning of the measures of protection of the wildlife is implemented on the basis of the strategy of sustainable development, national program on environmental protection activities, regional, departmental and local environmental protection management plans for different activities in accordance with Georgian laws and other legislative acts and statutes "On Environmental Protection". Terms and procedure of the development of strategy on sustainable development, national program environmental

protection activities, regional, departmental and local environmental protection management plans for activities objects environmental protection management plans are determined by the corresponding legislation of Georgia.

3. Planning of the measures for the protection of wildlife includes working out and integration of these measures with:

- a) management plans of protected territories;
- b) long-term (management) plans of organization and leading of silviculture;
- c) schemes of administrative and territorial units (regions);
- d) settlement and development plans and projects;
- e) infrastructure projects;
- f) breeding and sectoral development plans;
- g) the plans, projects and programs on the protection, use and consumption of water, forest, land, fossil and other natural resources existing in the territory of Georgia.

4. Planning of the measures of the protection of wildlife in hunting areas is implemented by means of the development of hunting management long-term (ten years) plans;

5. During the planning and implementation of the measures of the protection of wildlife fulfillment of the following main requirements must be ensured:

- a) preservation of species diversity of wild animals in natural conditions;
- b) protection of habitats, reproduction areas, survival stations, migration and water-reaching ways and watering places of wild animals;
- c) preservation of diversity of species of wild animals;

6. One of the component parts of the planning of the measures for the protection of the wildlife is preliminary allotment of hunting areas for the creation of hunting economy ( in accordance with the requirements of paragraphs 2 and 3 of article 29 of this Act), which is implemented by the Ministry.

7. The planning of the measures of the protection of wildlife within protected territories is implemented on the basis of the Act "On the System of Protected Territories" of Georgia.

## ARTICLE 16. ENSURING OF PROTECTION OF WILDLIFE

1. With the purpose of protection of the wildlife the state is ensuring:

- a) in-situ and ex-situ conservation of wildlife;
- b) establishment of rules of in-situ and ex-situ protection (conservation) and increase of wildlife;
- c) setting of prohibition and limitation of use of objects of wildlife;
- d) protection of habitats, reproduction area, survival stations, migration ways, water-reaching ways and watering places of wild animals.

2. With the purpose of protection of wildlife the state:

- a) creates reserves, national parks, preservations and other categories of protected territories;
- b) finances the creation and functioning of gene-pool reserves (ex-situ conservation) of endangered species;
- c) protects the wildlife from self-willed use and other violations;
- d) with the purpose of avoiding the destruction of wild animals, conducts an examination, with the help of experts, of the projects of construction, industrial, or technological processes, implementation of which may damage the wildlife;

- e) regulates extraction of objects of wildlife from nature, including that for zoological collections;
  - f) conducts prophylactic measures for avoiding the destruction of wild animals, caused by their diseases, natural disasters and other reasons;
  - g) finances scientific research, the purpose of which is to develop and improve methods of the protection of wildlife;
  - h) establishes the status of well-being of individual species;
  - l) propagandizes the protection of wildlife by means of mass media.
3. In order to stimulate the protection of the wildlife physical and juridical persons receive financial and moral encouragement in accordance with the legislation of Georgia;
4. In exceptional cases with the purpose of preservation and increase of individual objects of wildlife the Ministry is eligible to restrict or prohibit the use of objects of wildlife in the whole area of spread or in the part of it.
5. The restriction or prohibition of the use of objects of wildlife in the whole area of spread or in the part of it with the purpose of preservation and increase of individual objects of wildlife in exceptional cases is regulated by the provision " On the Restriction or Prohibition of the Use of Objects of Wildlife in the Hole Area of Spread or in Part of It with the Purpose of Preservation and Increase of Individual Objects of Wildlife In Exceptional Cases".

#### ARTICLE 17. PROTECTION OF HABITATS, REPRODUCTION AREAS, SURVIVAL STATIONS, MIGRATION AND WATER-REACHING WAYS AND WATERING PLACES

1. Any activity, which has an effect upon the condition of wildlife, habitats, reproduction areas, survival stations, migration and water-reaching ways and watering places of wild animals, must be implemented in accordance with those requirements, which ensure their protection.
2. During the designing, arranging, constructing of populated areas, enterprises, buildings and other installations, the perfecting of existing ones and implementation of new technological processes, the getting of virgin lands, overhumid territories, coastal territories and territories, covered by bushes into economic circulation, land reclamation, use of forests, the fulfilling of geological research works, the mining of minerals, the determining of pastures and driving places of agricultural animals, the working out of tourist routes and arranging of recreational paragraphs the measures for preservation of habitats and reproduction areas, survival stations, migration and water-reaching ways, watering places of wild animals must be taken into account and implemented. Also, inviolability of parts of especial value for normal existence of wild animals must be ensured.
3. During the designing, arranging, also, constructing of railways, highways, pipelines and other transport mains, electricpower and communication lines, also, channels, dams and other hydrotechnic buildings, the allotting of pastures and arable lands, the measures, which ensure preservation of migration and water-reaching ways, reproduction areas, survival stations and watering places of wild animals must be worked out and implemented.

4. The Ministry, according to the procedure, set by the legislation, stops or prohibits activities of all types ( including that, noted in paragraphs 1, 2 and 3 of this article), which may have an effect upon wildlife, habitats, reproduction areas, survival stations, migration and water-reaching ways and watering places of wild animals, and, which is fulfilled without environmental permission on activities, or is violating legislative rules on environmental protection.

#### ARTICLE 18. AVOIDANCE OF DESTRUCTION OF WILD ANIMALS DURING ACTIVITIES AND OPERATION OF TRANSPORT MEANS

State authority bodies, physical and juridical persons are obliged to implement the measures of avoidance of destruction of wild animals during activities ( including that of agricultural, silvicultural, timber production and other types), also, during operation of transport means.

#### ARTICLE 19. PROTECTION OF WILDLIFE IN PROTECTED TERRITORIES

1. Protection of wildlife on protected territories is implemented in accordance with the act "On the Protected Territories System".

2. Hunting, fishing, catching of water invertebrates and marine mammals, also, other type use of objects of wildlife and other activity incompatible to designation of this category of protected territories is prohibited in natural reserves, natural monuments and zones of strict protection of nature of national parks. Only the use of non-manipulative scientific techniques and methods, having inconsiderable influence, is permitted.

3. The catching of wild animals for the purpose of rescue of endangered species, creation of gene-pool reserve, or for veterinary purpose within the limits of implementation of measures, combating natural disasters and catastrophes in national reserves, natural monuments and zones of stringent protection of nature of national parks is regulated on the grounds of provision " On the Catching of Wild Animals with the Purpose of Rescue of Endangered Species, Creation of Gene-pool Reserve, or for veterinary purpose within the limits of implementation of Measures, Combating Natural Disasters and Catastrophes in National Reserves, Natural Monuments and Zones of Stringent Protection of Nature of National Parks", which is developed by protected territories service and is approved by the Ministry.

4. According to the legislation, related to preservations and other categories of protected territories ( protected landscape, territory of multilateral use), certain types of the use of objects of wildlife and other activities, which are incompatible to legislative norms of requirements of wildlife protection, may be prohibited or restricted.

5. Protection of wildlife within the limits of category, having the status of protected territories, included into international net ( biosphere reserve, kingdom inheritance area, overhumid territory of international importance) is implemented with corresponding regime of protected territory or territories, amalgamated in it.

## ARTICLE 20. PROTECTION OF ENDANGERED ANIMAL SPECIES

1. For the evaluation of the condition of endangered species, subspecies and other taxonomic units (further - taxons) and giving to them the status of protection, the Red List and Red Book are being formed.

2. The giving of the status of endangered animal species and protection occurs according to the following categories:

a) Extinct Taxon ( Extinct - EX). A taxon is regarded as extinct, when the last individual is killed;

b) Taxon, Extinct in the Wild ( Extinct in the Wild - EW). A taxon is regarded as extinct in the wild, when it is known, that individuals of this species are only left in captivity;

c) Critically Endangered Taxon ( Critically Endangered - CR ). A taxon is regarded as critically endangered, when it, being in present conditions, is facing a great danger of extinction in the nearest future;

d) Endangered Taxon ( Endangered - EN ). A taxon, which is not facing a great danger, but may become endangered in the nearest future;

e) Vulnerable Taxon ( Vulnerable - VU) A taxon is not facing a danger, but may be facing it in the nearest future.

f) Lower Risk Taxon ( Lower Risk - LR ). The taxon does not meet the criteria of endangered and vulnerable categories. This taxon may be divided into three subcategories:

--- Conservation Dependent Taxon (CD);

--- Near Threatened Taxon (NT). A taxon, which does not approximate the conservation dependent one, but is near to the vulnerable one;

--- Less Concern Taxon. A taxon, which approximates neither the conservation dependent one, nor that, being near the vulnerable one;

g) Data Deficient Taxon ( Data Deficient - DD). A taxon, information available about which is not sufficient for direct or indirect evaluation of its extinction risk;

h) Not Evaluated Taxon ( Not Evaluated - NE). A taxon belongs to this category, when it can not be evaluated by any criteria.

3. Protection and restoration of the taxons, entered into Georgia's Red List and Red Book, is implemented in accordance with the rules of practical measures of rescue of endangered species on the grounds of provision " On the Rules of Practical Measures of Rescue of Endangered Species", which is worked out and approved by the Ministry.

4. Action, which may be followed by destruction of endangered species, reduction of their number, or disturbance of their habitats, reproduction areas, survival stations, migration ways, water-reaching and watering places, is punished by Georgian legislation.

5. Catching of endangered animal species for the purpose of their increase in specially created conditions and, then, release into natural environment, also, for veterinary (curing) purposes is regulated by the provision "On the Catching of Endangered Animal Species for the Purpose of Their Increase in Specially Created Conditions and, then, Release into Natural Environment, Also, for Veterinary (Curing) Purposes", which is worked out and confirmed by the Ministry.

6. The catching of endangered animal species is only permitted by the Ministry license for their increase in specially created conditions and for release into natural environment, also, for veterinary (curing purposes).

7. Legal relationships, related to the composition of the Red List and Red Book of Georgia, are regulated by corresponding legislation of Georgia.

#### ARTICLE 21. CAPTIVITY, EX-SITU CONSERVATION OF WILD ANIMALS, ZOOLOGICAL COLLECTION, CREATION AND FILING OF ZOOLOGICAL COLLECTIONS

1. For the purpose of preservation of those endangered animal species, reproduction of which is impossible by the protection in natural conditions, the gene-pool reserve (ex-situ conservation) of endangered animal species is created. Practical measures for creation of gene-pool of endangered animal species and their restoration in nature are implemented in accordance with the rule, established by legislation of Georgia by competent service, authorized for this.

2. Creation and filling of zoological collections (zoos, Oceanariums and other) and gene-pool reserves of endangered species by the extraction of wild animals from environment is permitted by the license, except for amateur zoological collections.

3. Procedure of issuing the license on creation of zoological collections by extracting of wild animals from environment is regulated on the grounds of provision "On Creation and Filling of Zoological Collections (Zoos, Oceanariums, Endangered Species Reserves) by the Extraction of Wild Animals from Environment", which is worked out and approved by the Ministry.

4. Filling of the zoological collections available in the private property of physical persons and creation of new collections by them is permitted only by hunting, fishing and other forms of use of wildlife in correspondence with rules, set by the legislation.

5. Zoological collections, which have scientific, gene-pool preservation, cultural, educational, teaching or aesthetic value, are subject to the state registration. Privatization of the state zoological collections is prohibited.

6. The list of those species of wild animals, zoological (amateur) collection of which, created by means of their extraction from the nature, don't require the license, is created and confirmed by the Ministry with the decree "On the List of Those Species of Wild Animals, Zoological (Amateur) Collection of Which, Created by means of Their Extraction from the Nature, don't Require the License".

7. The list of those wild animals, capture of which, keeping in semi-free conditions and captivity of which is prohibited for physical and juridical persons, is established and confirmed by decree of the Ministry "On the list of those wild animals, capture of which, keeping in semi-free conditions and captivity of which is prohibited for physical and juridical persons".

8. Physical and juridical persons are permitted to have exotic animals, if

a) these persons have appropriate conditions of keeping the wild animals;

b) these wild animals don't endanger those around one;

c) these wild animals are introduced in accordance with article 50 of this Act.

9. Capture and keeping in captivity of wild animals by physical and juridical persons is permitted by the Ministry license in correspondence with the rules, set by the legislation, if:

a) these persons have appropriate conditions of keeping wild animals;

b) these wild animals are introduced in accordance with article 50 of this Act.

## ARTICLE 22. PROTECTION OF WILDLIFE FROM THE USE OF THE MEANS OF PLANT PROTECTION AND OTHER PREPARATIONS

1. During the use of the means of plant protection, stimulators of their growth, mineral fertilizers and other preparations used in agriculture and silviculture, the requirements of the protection of the wildlife and their habitat area must be taken into account. The use of chemical means of plant protection and other preparations, for the purpose of reduction of their harmful effect upon the wildlife must be combined with implementation of agrotechnic, selection, genetic, biotechnic, biotechnological and other measures.

2. For the purpose of avoidance of the destruction and worsening of habitats of wild animals, physical and juridical persons are obliged to observe the rules of transportation, keeping and use of noted preparations, set by the legislation.

3. During the creation of new preparations for plant protection the norms of their maximum permissible concentrations in environment and of the use of chemical means in environment must be worked out in correspondence with the rules, set by the legislation, which ensure the protection of their habitat area, breeding areas, survival stations, migration and water-reaching ways and watering places.

4. The rules of the use of chemical means of plant protection, growth stimulators, mineral fertilizers and all types of other preparations ( chemical means), used in agriculture and silviculture, and also, legal relationships, connected with determination of the list of the noted preparations, are regulated by the legislation of Georgia.

5. Procedures of the use of biological means of plant protection are regulated by the provision “ on the rules of use of biological means of plant protection”, which, on the basis of an agreement with the Ministry is worked out and confirmed by the Ministry of Agriculture and Food of Georgia. The list of biological means of plant protection (including the introduction ) on the basis of an agreement with the Ministry is worked out and confirmed by the Ministry of Agriculture and Food by the order “ on biological means of plant protection”.

## ARTICLE 23. TRANSLOCATION AND HYBRIDIZATION OF WILD ANIMALS

1. Self-willed movement of wild animals to new habitats and introduction of species, alien to Georgian wildlife by physical and juridical persons is prohibited, except for the cases, noted in articles 5 and 22 of this Act.

2. Hybridization of wild animals is permitted by rule, established by the legislation of Georgia for scientific institutions by the competent authorities, specially authorized by the Ministry.

3. Release of hybrid forms into nature is prohibited, except for the case, noted in articles 5 and 22 of this Act.

4. Legal procedure of hybridization of wild animals is set by this Act and other normative acts.



## ARTICLE 24. RESTRICTION OF RIGHTS OF USERS OF NATURAL RESOURCES AND THEIR OBLIGATIONS IN THE FIELD OF ANIMAL WORLD PROTECTION

Proceeding from the interests of protection and regeneration of wildlife, the rights of users of land, forest, water and other natural resources and of private owners may be restricted, if their activity harms directly or indirectly the number, habitats, reproduction, rest, watering and wintering places, migration and water-reaching places and survival stations of wild animals. Legal relationships, connected with restriction of the rights, are regulated by Georgian legislation.

## CHAPTER IV. THE USE OF OBJECTS OF WILDLIFE

### ARTICLE 25. TYPES OF THE USE OF OBJECTS OF WILDLIFE

1. The use of objects of wildlife includes:
  - a) hunting;
  - b) fishing, including the catching of water invertebrates and marine mammals;
  - c) the catching of those objects of animal world, which don't belong to hunting and fishing objects;
  - d) use of helpful features and products (honey, wax, and etc.) of vital activity of wild animals (soil makers, plant pollinators, biofiltrators and others);
  - e) scientific investigation of wildlife and other type of use of the objects of animal kingdom for cultural, educational, recreational, aesthetic purposes with or without extraction of wild animals from habitats;
  - f) catching of wild animals for the purpose of their preservation, reproduction in captivity or semi-free conditions;
  - g) creation of zoological collections.
2. Other types of the use of objects of wildlife may be taken into account by Georgian legislation.
3. The use of wildlife occurs with or without extraction of the objects of wildlife from their habitats.
4. The objects of wildlife may be given out for use in correspondence with the rule, set by this Act, only on the grounds of appropriate license, except for the cases, noted in article 26 of this Act.

## ARTICLE 26. COMMON USE OF THE OBJECTS OF WILDLIFE

1. For the purpose of satisfaction of personal (individual) consumption, aesthetic, recreational, health and other demands Georgian citizens have the right on the common use of the objects of wildlife.

2. Common use is implemented without imposing any damage on wildlife and extracting its objects from natural environment (except for the case, given in paragraph 6 of article 21 and in paragraph 3 of article 30). These are: the use of the objects of animal world for scientific, cultural, educational, recreational, restoration, veterinary purposes, also for the purpose of creation of amateur collections.

3. During the common use of the objects of animal world the killing of wild animals, destruction of their dwellings (burrows, houses, lairs, nests and others), disturbing of habitats and conditions of reproduction of wild animals is prohibited.

4. The common form of the use of objects of wildlife is free of charge and does not require licensing.

## ARTICLE 27. SPECIFIC USE OF THE OBJECTS OF WILDLIFE

1. All types of use of objects of wildlife, living in natural environment belongs to the special use of animals, which is implemented by means of their extraction from natural environment (except for the cases, given in paragraph 6 of article 21 and paragraph 3 of article 30).

2. Use of wild animals for the purpose of getting the products of vital activity is permitted only in the conditions of their reproduction in captivity, in correspondence with the rule, set by the legislation.

3. The special use of animals is permitted only under a special permission (license).

4. These requirements also affect the owners and users of land, whose plots of which are inhabited by animals.

5. The procedure of the determination of the list of animals of special use of wildlife is established by provision "on the procedure of determination of the list of animals of special use of wildlife", which is worked out and confirmed by the Ministry. The list of animals of special use of wildlife is established by the Ministry by means of order "on the list of animals of special use (including those of local importance ) of wildlife".

6. The rules, terms and list of weapons and technology, permitted for the catch of animals, is determined on the grounds of the provision "On the Rules, Terms and List of Weapons and Technology, Permitted for Catching of Animals, According to Their Species", which is worked out and approved by the Ministry.

## ARTICLE 28. HUNTING

1. Hunting is the special type of use of wild animals, for the purpose of satisfaction of financial, recreational and other demands of physical and juridical persons.

2. Hunting is permitted in correspondence with the rule, set by Georgian legislation, on the basis of license, in the form of amateur and sporting hunting.

3. The rule of determination of the list of those animals, which, proceeding from their status, number, use customs, type and quality of obtained product, belong to the objects of hunting, is set by the provision "on the rule of determination of the list of those animals, which, proceeding from their status, number, use customs, type and quality of obtained product, belong to the objects of hunting", which is worked out and confirmed by the Ministry. The list of those animals, which belong to the objects of hunting, is determined by the Ministry by the order "on the list of animals, belonging to the objects of hunting".

4. Hunting is permitted only in the territories, specially allotted for it - hunting economies (except for migratory birds - quail, duck and others), preservations and zones of other categories of protected territories, specially allotted for it, in cases, established by law.

5. Hunting with any type of explosive and other means, which causes suffering to a wild animal, is prohibited.

#### ARTICLE 29. HUNTING ECONOMY AND TERRITORIES, SPECIALLY DETERMINED FOR HUNTING

1. Physical and juridical persons may be given the right of creation and management of hunting economy for the purpose of protection, regeneration and catching of wild animals ( except for the subjects, given in paragraph 2 of article 37).

2. For the purpose of creation of hunting economy, hunting lands may be allotted, only after preliminary ecological, biological, economic research, full-fledged accounting of animals and fixing of a situation, establishment of regeneration and catching norms, registered as a conclusion of the Ministry and represents the framework of consideration of the issue of creation of a hunting economy. Preliminary allotting of hunting lands takes place by the consent of land, water and forest owners.

3. The procedure of preliminary ecological, biologic and economic research, full-fledged accounting of animals and fixing of a situation, establishment of norms of regeneration and catching of animals and issuing a conclusion on the creation of hunting economy, is determined by the provision "on the procedure of preliminary ecological, biologic and economic research, full-fledged accounting of animals and fixing of a situation, establishment of norms of regeneration and catching of animals and of issuing a conclusion on the creation of hunting economy, for the purpose of creation of hunting economy for the allotting of hunting lands", which is worked out by the Ministry.

4. The owners of hunting economy have the right to give out one-time license, inscribed with the owner's name, in correspondence with the established rule, on the use of animals within the limits of hunting economy.

5. The license for the creation of hunting economy and the hunting within it is given out by the Ministry.

6. The procedure of creation, management of hunting economy and of issuing of a one-time license, inscribed with the owner's name, within its limits is determined by the provision " on the procedure of creation, management of hunting economy and of issuing of the one-time license, inscribed with the owner's name, within its limits', which is worked out and confirmed by the Ministry.

7. In preservations and the zones, allotted specially for this, of other categories of protected territories allotted specially for this the hunting is regulated by the provision " on the procedure of use of animals in preservations and the zones, of other categories of protected territories", which is worked out by the protected territories service and is approved by the Ministry.

### ARTICLE 30. THE FISHING

1. The catch of fish, water invertebrates and marine mammals, as well as, amateur and sports fishing (including underwater fishing) is regarded as the fishing.

2. Physical and juridical persons have the right to wage the commercial fishing and catching of the invertebrates in the commercial sections of fishing reservoirs in correspondence with special use form. Surface and territorial sea waters, which are used (may be used) for the commercial catching of either fish or other objects of water wildlife, or have certain importance for their regeneration, also Georgia's continental shelf and waters of special economic zone belong to the commercial sections.

3. Physical persons have the right to wage amateur and sport fishing ( including underwater hunting) and the catching of water invertebrates for personal (individual) use with the observance of the established rules of fishing and water use in correspondence with common use form in all reservoirs of common use, except for the reservoirs and reservoir sections, which are occupied by reserves or special water-use objects (fish farms, puddles, other cultural fish economies and etc.) in accordance with Georgian legislation.

4. Catching of small whales, except for the cases, mentioned in article 34 of this Act.

5. Underwater hunting for marine mammals is prohibited.

6. Amateur and sport fishing (including underwater hunting) and catching of water invertebrates in the reservoirs and reservoir section, which is an object of special water use, takes place under the permission of the owner of this object and payment of the cost, established by him, in accordance with Georgian legislation.

7. In individual cases the amateur and sport fishing of individual objects of water wildlife and the catching of the invertebrates may be allowed by the decision of the Ministry in correspondence with special use form.

8. In preservations and in the zones of other categories of protected territories, allotted specially for this, the fishing is regulated by the provision "on the rules of the use of the objects of wildlife in preservations and the zones of other categories of protected territories", which is worked out by the service of protected territories and is confirmed by the Ministry.

9. Legal relationships, connected with fishing issues, are regulated by this Act and other normative acts.

### ARTICLE 31. OBTAINING OF OBJECTS OF WILDLIFE, WHICH DON'T BELONG TO THE OBJECTS OF HUNTING AND FISHING

1. Physical and juridical persons have the right to obtain in accordance with special use form the objects of animal world, which don't belong to the objects of hunting and fishing.

2. The list of the objects of wildlife, which don't belong to the objects of hunting and fishing and the obtaining of which takes place by special use form on the basis of permission (license), given out by the Ministry, is determined on the grounds of the statutes, given in paragraph 5 of article 27 of this Act.

### ARTICLE 32. USE OF HELPFUL FEATURES OF VITAL ACTIVITY OF WILD ANIMALS

Physical persons have the right to use the helpful features of vital activity of wild animals (soil-making, natural sanitation of environment, plant pollination and others) in accordance with general use form of the objects of wildlife, except for those cases, which are determined by the procedure, set by Georgian legislation. In such cases the license is given out by the Ministry.

### ARTICLE 33. USE OF PRODUCTS OF VITAL ACTIVITY OF WILD ANIMALS

1. The use of the products of wild activity of wild animals (honey, wax of wild bee and others) is permitted in accordance with both the common and special use form, without extraction of wild animals from habitats, their destruction, disturbance or worsening of their habitats.

2. The rules of the use of products of vital activity of wild animals, including those of special use, are established and approved by the Ministry.

### ARTICLE 34. THE USE OF THE OBJECTS OF WILDLIFE FOR SCIENTIFIC, CULTURAL, EDUCATIONAL, RECREATIONAL, AESTHETIC AND VETERINARY PURPOSES

1. The use of the objects of wildlife for scientific, cultural, educational, recreational, aesthetic and veterinary purposes is permitted both by general and special use form.

2. The use of the objects of wildlife (except for the cases, noted in paragraph 6 of article 21 and in article 30 of this Act) for scientific, cultural, educational, recreational, aesthetic and veterinary purposes (by means of various types of observation, marking, photographing, etc.) by general use form is permitted without extraction (including the temporary extraction) of the objects of wildlife from natural environment, unless this damages the wildlife and its habitats and disturbs the rights of those, using wildlife, land and water, land owners, the rights of owners of land and forest fund.

3. Temporary extraction of the objects of wildlife from natural environment in accordance with the by common use form for veterinary purpose is permitted.

4. The use of the objects of wildlife for scientific, cultural, educational, recreational and aesthetic purposes is permitted also by way of extraction of these objects from the environment in accordance with special use form.

5. Physical and juridical persons, who are engaged in the extraction of the objects of wildlife from the natural environment, are obliged to ensure a complex use and preservation of objects of wildlife for the purpose of further scientific study of obtained zoological material.

6. The procedure of the use of the objects of wildlife for scientific, cultural, educational, recreational, aesthetic and veterinary purposes, including the procedure of special use, is determined by the provision “on the procedure of the use of the objects of wildlife for scientific, cultural, educational, recreational, aesthetic and veterinary purposes, including the procedure of special use”, which is prepared and approved by the Ministry.

7. In case of necessity the Ministry can restrict, prohibit temporarily or constantly the use of objects of wildlife for scientific, cultural, educational, recreational, aesthetic and veterinary purposes.

#### ARTICLE 35. CATCHING OF WILD ANIMALS FOR THE PURPOSE OF THEIR PRESERVATION AND REPRODUCTION IN CAPTIVITY OR SEMI-FREE CONDITIONS

1. Physical and juridical persons have the right to catch (obtain) wild animals, in captivity or semi-free conditions for the purpose of their preservation and reproduction, the obtaining of products of their vital activity, or other purposes.

2. Wild animal, which, on the grounds of license and in correspondence with established procedure are extracted from natural surroundings, represent the property of physical and juridical persons, who have a license ( except for the wild animals, included into Georgia’s Red List and Red Book).

3. Wild animals, in captivity or semi-free conditions which are preserved by physical or juridical persons without the license on their extraction from natural environment and other document, confirming the legality of their catching, are considered as illegally caught.

4. The obtaining of wild animals from the physical and juridical persons, which don’t have the license of their catching or the documents, confirming the legality of their catching or the documents, confirming the legality of their obtaining, is prohibited.

5. The procedure of the determination of the list of wild animals, preservation and reproduction of which in captivity or semi-free conditions is permitted, the demands

for their protection, use and preservation is established by the Ministry by the provision “on the procedure of determination of the list of wild animals, preservation and reproduction of which in captivity or semi-free conditions is permitted, the demands for their protection, use and preservation”. The list of wild animals, preservation and reproduction of which in captivity or semi-free conditions is permitted, is established by the Ministry by order “on the list of wild animals, preservation and reproduction of which in captivity or semi-free conditions is permitted”.

#### ARTICLE 36. REGULATION OF THE NUMBER OF WILD ANIMALS

1. For the purpose of avoiding of the harm to public health, agriculture and domestic animals, natural environment and economic activities, the measures for regulation of the number of individual species of wild animals are implemented.

2. The measures for regulation of the number of individual species of wild animals must be implemented by humane methods, which exclude harming the other species of wild animals and ensure the preservation of habitats of wild animals.

3. Existence of bonus system on catching the individual species of wild animals is prohibited.

4. The procedure of determination of the list of the species of wild animals, the number of which is subject to regulation and the procedure of conducting the measures of regulation is determined by the ministerial provision “on the procedure of determination of the list of the species of wild animals, the number of which is subject to regulation”, and “the procedure of conducting the measures of regulation of wild animals”. The list of the species of wild animals, the number of which is subjects to regulation, is prepared and confirmed by the Ministry by way of order “on the list of the species of wild animals, the number of which is subjects to regulation”.

5. During the determination of the species of the wild animals, being subject to regulation, the conclusions of correspondent scientific organizations and state departments must be taken into account.

#### ARTICLE 37. USER OF THE OBJECTS OF WILDLIFE

1. User of the objects of wildlife may be a physical or juridical person, including a citizen of another country, in spite of the type of property, in correspondence with the rule, set by Georgian legislation.

2. The person, using the objects of animal world can not be executive authority state department of Georgia and self-government local body, unless something else is not set by the legislation.

3. Any physical person, who is 18 years old and has the permission on the use of weapons, necessary for hunting, is given the right of hunting.

4. The user of objects of wildlife uses all rights, enumerated in license and is liable for the observance of its conditions.

## ARTICLE 38. RIGHTS OF USER OF OBJECTS OF WILDLIFE

1. The user of objects of animal world kingdom has the right to:
  - a) use the objects of wildlife by general use form;
  - b) use the objects of wildlife by special use form in correspondence with established procedure;
  - c) have the objects of wildlife, obtained with observance of legislation and use the production and manufactures, got from them;
  - d) carry out the realization of produced production and manufactures (except for the objects of wildlife, obtained by special use form, which may be realized because of their nourishing values) in correspondence with procedure, set by Georgian legislation;
  - e) participate in consideration and solution of issues of the protection of wildlife and use of the objects of wildlife, living within the limits of hunting and fishing reservoirs, available for the user;
  - f) Give out one-time, inscribed with the owner's name, license of use of objects of wildlife, living within the limits of hunting and fishing reservoirs, available for him, within the limits of norms, quotas and limits, established by the Ministry;
  - g) conclude a deal with physical and juridical persons on the use of objects of wildlife, during the giving out of one-time, inscribed with the owner's name, license;
  - h) address the Ministry to alter the conditions, determined by the license, if, due to circumstances beyond their control, substantially different situation has been created;
  - l) use the land plot in the territory, given out, to carry out the activities, in correspondence with the procedure, set by Georgian civil, land, water and forest legislation;
  - j) erect constant or temporary constructions, build roads in correspondence with established procedure on obtained land plot, which are necessary for economic activity, connected with use of the objects of wildlife;
  - k) in correspondence with the procedure, set by the legislation, bring a lawsuit to reimburse the damage, caused by illegal activities of physical and juridical persons, which resulted in destruction of objects of wildlife on their habitats;
  - l) in correspondence with the set procedure appeal decisions of the state administration bodies and officials, which violate his right on the use of objects of wildlife.
2. The user of the objects of wildlife has also other rights of use, which are taken into account by Georgian legislation.
3. According to Georgian legislation, the rights of the user of the objects of wildlife may be extended or restricted.

## ARTICLE 39. OBLIGATION OF THE USE OF OBJECTS OF WILDLIFE



1. The user of the objects of wildlife is obliged:
  - a) to use only those types of use of the objects of wildlife, which are given in the license;
  - b) to protect the established rules, terms and quotas of the use of the objects of wildlife;
  - c) to use the objects of wildlife only by those methods, which don't disturb natural integrity and which ensure the preservation of wild animals, the use of which is not permitted;
  - d) not to allow the disturbance or worsening of habitats of the objects of wildlife;
  - e) to use rationally the objects of wildlife, and to use environmentally friendly technologies during the economic activities;
  - f) to register the amount of the used objects of wildlife, assess their condition, habitats and present it to the Ministry in correspondence with the established procedure and terms;
  - g) to carry out the complex measures for the purpose of reproduction of the objects of wildlife, preservation and improvement of their habitats;
  - h) to assist state bodies in the matter of the wildlife protection and carry out the measures to fulfill state, regional and local programs, connected with the wildlife protection;
  - l) to let the Ministry representatives without delay visit the areas, where he preserves, processes and sells the objects of wildlife, to fulfill their legal demands and orders in time;
  - j) to ensure the protection of wildlife, fulfill the protection regime of the species of wild animals, which belongs to the endangered objects of wildlife, is inserted into Georgia's Red List and Red Book;
  - k) to inform without delay the Ministry, veterinary, sanitary and epidemiological services about incidence of wild animals, worsening of their habitats, and increased threat of their destruction and the destruction of the species of wild animals themselves; to carry out complex measures of prophylactics of diseases and struggle with them;
  - l) to cease independently the use of the objects of wildlife in case of worsening of their state and inhabiting conditions, reduction of reproduction ability and rise of a threat of destruction of wild animals; to take measures for avoiding the negative influence on animals and their habitats without delay.
2. The user of the objects of wildlife is obliged to fulfill also other requirements of protection, reproduction and use of animals, set by Georgian legislation.

#### ARTICLE 40. THE RIGHT ON THE PRIORITY USE OF ANIMALS

1. Georgian citizens and their unions, whose ancestors and their native habitat and traditional right of life is connected with animals, have the right on the priority use of the objects of animals in the territories, where they are traditionally settled and lead economic activities.
2. The right on the priority use of animals includes:
  - a) the primary right to choose in the first place the wildlife hunting lands and to create the hunting economy in its limits;
  - b) exceptional right to get certain animals and products of their vital activity.

3. If two or more groups of population, which have the right on the priority use of animals, are traditionally settled and lead traditional economic activity in the same territory, the sphere of the use of this right is determined on the grounds of mutual agreement among the mentioned groups of population.

4. Transmission of the right on the priority use of animals to a physical or juridical person, which is not noted in paragraph 1 of this article, is prohibited.

5. The list of the district and population areas, where the priority right on the use of animals may be implemented, is determined by the Ministry order "on the list of populated areas and regimen of priority right on the use of animals".

#### ARTICLE 41. REFUSAL TO GIVE THE RIGHT ON THE USE OF ANIMALS

The right on the use of animals is not given, unless:

- a) an application on its reception is presented with the violation of the established requirements;
- b) an applicant presented false information about himself;
- c) an applicant didn't or can't present a document, that he/she has or will have necessary financial or technical means for effectiveness of the activities;
- d) an applicant has not presented environmental permission on the activity.

#### ARTICLE 42. RECOGNIZING INVALID THE RIGHT ON THE USE OF ANIMALS

The right on the use of animals is recognized invalid under:

- a) rough violation of the conditions of contest and auction;
- b) refusal of an applicant to pay tax, stipulated by the license;
- c) violation of the requirements of Georgian anti-monopoly legislation;
- d) establishment of the transaction fact for the purpose of illegal liberalization of the conditions of the license of animals use;
- e) granting an applicant illegal privileges;
- f) violation of environmental legislation;
- g) existence of other grounds, reasons envisaged by Georgian legislation.

#### ARTICLE 43. GROUNDS OF TERMINATION OF THE RIGHT OF USE OF ANIMALS

1. The right of the use of animals must cease completely or partially if:
  - a) the use is not necessary any more;
  - b) established term of the use has expired;
  - c) for the purpose of wild animals protection the extraction of animals has to be ceased;

d) liquidation of the activities of juridical persons and physical persons, who were granted the right of use, takes place.

e) the user has not started to use animals in accordance with the established terms and requirements;

f) in case of creation of emergency ( natural disaster, military operations, incidence of wild animals, threat of their destruction and others).

2. The right of the use of animals may cease also in case if the user systematically violates the rules, quotas and other requirements of the protection and use of animals.

3. Georgian legislation may envisage also other reasons for the cease of the right of animals use.

#### ARTICLE 44. CESSATION OF THE RIGHTS ON THE OWNERSHIP OF ANIMALS

1. The right of private ownership on the animals must cease:

a) in case of cruel treatment of wild animals;

b) in case of prohibition of existence of individual animals in private ownership by Georgian legislation.

2. The cessation of the right on the ownership of animal takes place also in other cases, envisaged by Georgian legislation.

3. The cessation of the right of ownership of animals in case, noted in account by subparagraph a of paragraph 1 of this article, takes place in correspondence with the procedure, established in accordance with the law by the court.

#### ARTICLE 45. CESSATION OF THE RIGHT ON THE USE OF THE OBJECTS OF WILDLIFE

1. In cases, given in subparagraphs a, b, c, d and f of paragraph 1 of article 43, the cessation of the right on use of animals must take place simultaneously with the rise of mentioned conditions.

2. In cases, given in subparagraph e of paragraph 1 and paragraph 2 of article 43, decision on cessation of the right of use of the objects of wildlife is taken two months after written notification to the user about violations, committed by him and having neglected the measures for eradication of these violations.

3. The right on the use of the animals may cease before the deadline by the initiative of the user, about which the Ministry must be informed in writing at least six months before.

4. If the reason and conditions, causing partial cessation of the right on the use of the objects of wildlife has been eradicated, this right may be restored completely.

5. The cessation of the right use of the objects of wildlife takes place by the cancellation of the license by the Ministry.

6. The cessation of the right on the use of the objects of wildlife does not excuse the user from the responsibility of reimbursement of damage, which has been caused as a result of violation of the legislation on the protection of wildlife and use of the objects of wildlife.

7. The decision on the cessation of the use of objects of wildlife may be appealed in court in correspondence with procedure, established by the legislation.

## ARTICLE 46. THE LICENSE OF USE OF THE OBJECTS OF WILDLIFE

1. The license of use on the use of the objects of wildlife represents the only official document, confirming the right of the use of the objects of wildlife.

2. The license on the use of the objects of wildlife defines the terms and conditions of the use of wildlife. It may be completed by other conditions, which don't contradict this Act and other normative acts.

3. The following types of the license on the use of the objects of wildlife are permitted:

- a) the general license;
- b) one-time, inscribed license.

4. The license on the use of the objects of wildlife is given out personally to the user of the objects of wildlife, who is forbidden to give to somebody else general and one-time, inscribed license.

5. The general license is given out by the Ministry to physical or juridical person for hunting within the limits of hunting lands, creation of hunting economy and use of special type of the objects of wildlife within the limits of inner reservoir of fishing economy for a long time.

6. The general license on the use of the objects of wildlife must include:

- a) data of the user on the objects of wildlife;
- b) permitted species of the use of the objects of wildlife;
- c) the list of the objects of wildlife, on which the license is given out;
- d) validity of license;
- e) area of the territory or reservoir, allotted for the use of the objects of wildlife, boundaries (coordinates) and its name;
- f) the conditions of the use of the objects of wildlife, allotted territories and reservoirs;
- g) maximum values of quotas and limits of the use of the objects of wildlife;
- h) the amount of payment and procedure of paying for the use of the objects of wildlife.

7. One-time, inscribed license is given out to physical and juridical persons for special use of the objects of wildlife, for certain territories (including preservations and zones of other categories of protected territories, specially allotted for this), for a certain term and for commercial fishing - in Georgia's territorial Waters, continental shelf and special economic zone.

8. One-time, inscribed license of the use of the objects of wildlife must include the data, determined by paragraph 6 of this article according to the types of use.

9. Within the boundaries of hunting territories, also other territories, which have already been transmitted for the use of the objects of wildlife the one-time, inscribed license is given out in these territories by the users of the general license on the use of the objects of wildlife in correspondence with the procedure, established by the Ministry and outside the boundaries, in Georgia's territorial waters, continental shelf and special economic zone - by the Ministry.

10. The license goes into effect on the day of its state registration.

#### ARTICLE 47. THE TERMS OF THE USE OF THE OBJECTS OF WILDLIFE

1. The right to use the objects of wildlife is given only for a certain term.

2. The term of the use of the objects of wildlife is established in correspondence with individual species of the use of the objects of wildlife, the objects of wildlife, geographic spread and types of license.

3. The general license of the use of the objects of wildlife is given out for no less than 10 years.

4. The dates of beginning and the end of the hunting and fishing are prepared, adopted and published by the Ministry by the decree "on the dates of the beginning and the end of the hunting and fishing".

#### ARTICLE 48. PROCEDURE OF ISSUING THE LICENSE

1. The general license on the use of the objects of wildlife is given out in correspondence with the auction and contest procedure, with the observance of anti-monopoly legislation.

2. The terms, procedure and conditions of conducting the contest and auction for the use of the objects of wildlife are determined by the provision "on terms, procedure and conditions of conducting the contest and auction for the use of the objects of wildlife", which is prepared and confirmed by the Ministry.

3. The subject, interested in getting the general license on the use of the objects of wildlife must address the Ministry with application, containing:

- a) data of juridical and physical persons, using the objects of wildlife;
- b) data about the leaders or owners of juridical persons, who represent it, when obtaining the license.
- c) types and parameters of the use of the objects of wildlife;
- d) approximate term of the use of the objects of wildlife;
- e) areas and boundaries of territories, necessary for the use of the objects of wildlife;

f) financial, technical and technological abilities of applying juridical and financial persons;

g) information on the previous activities of the juridical person;

h) proposals of the applying physical and juridical persons on the conditions of the use of the objects of wildlife;

l) general information about the required territories ( geographic and administrative and territorial location, description of agricultural and forest lands, brief ecological and zoological and geographic description and others).

4. The applicant, who satisfies the conditions of the contest and represents corresponding, economically acceptable and the most justified decision, is regarded as a winner of the contest. In the case if there is only one application in the contest, the license on the use of the objects of wildlife may be given to him on the grounds of announced conditions of the contest.

5. The contest shall be regarded as failed, unless any applicant satisfies the presented conditions;

6. The auction takes place, if the projects, presented in contest by the applicants, equally satisfy the conditions of the contest.

7. During the auction of a license issue the applicant, who satisfies the conditions of the contest and offers the state the largest sum for obtaining the general license on the use of the objects of wildlife, is regarded as a winner.

8. One-time, inscribed license on the use of the objects of wildlife in Georgia's territorial water, continental shelf and special economic zone is given to juridical persons in correspondence with the procedure and conditions, set in this article, besides the requirement, mentioned in subparagraph l of paragraph 3 of this article.

9. In all other cases one-time, inscribed license is given out to physical and juridical persons on the grounds of application, containing:

a) data on juridical and physical persons;

b) type and parameters of the use of the objects of wildlife;

c) the list of the objects of wildlife;

d) terms of the use of the objects of wildlife;

e) the technical and other means of the applicant, which are necessary for the use of the objects of wildlife and the documents, confirming their possession.

#### ARTICLE 49. THE FORM OF THE LICENSE

1. a) The license on the use of the objects of wildlife is a ¼ format paper. On the first page of the license Georgia's national coat of arms is depicted. Under the coat of arms there are inscriptions made: "Georgia", "The license on the use of the objects of wildlife".

b) The general license has the following form:

national coat of arms

Georgia

The license on the use of the objects of wildlife

series Error! Bookmark not defined. n Error! Bookmark not defined.umber Error! Bookmark not defined. Error! Bookmark not defined. Error! Bookmark not defined. Error! Bookmark not defined. t Error! Bookmark not defined.ype Error! Bookmark not defined. Error! Bookmark not

defined. Error! Bookmark not defined. Error! Bookmark not defined. Error! Bookmark not defined.

dated Error! Bookmark not defined. of the license state registration \_\_\_\_\_  
year " \_\_\_\_\_ " \_\_\_\_\_

is  
given \_\_\_\_\_

\_\_\_\_\_ name of physical or juridical person, who/which has been given the license,  
\_\_\_\_\_

\_\_\_\_\_ information about him/her/it, the type of use of the object of wildlife,  
\_\_\_\_\_

\_\_\_\_\_ main objectives, procedure of carrying out the works \_\_\_\_\_ of  
for the purpose

\_\_\_\_\_

\_\_\_\_\_ name, coordinates of the location, district, village of hunting economy or water  
installations

\_\_\_\_\_ area of allotted territory or water unit

\_\_\_\_\_ hectares

\_\_\_\_\_ amount of resources ought to be extracted according to the  
species \_\_\_\_\_ (verbally)

\_\_\_\_\_

(resource or name, amount and terms of extraction of resources)  
validity of license \_\_\_\_\_

(start-date)

\_\_\_\_\_ (finish-date)

\_\_\_\_\_ payments for use of resources according to the type

\_\_\_\_\_ name of resource, cost

\_\_\_\_\_ license \_\_\_\_\_ levy

\_\_\_\_\_ for use of resources according to the  
type \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ forest land, water installation, land area

19 \_\_\_\_\_ ” \_\_\_\_\_ ”

by \_\_\_\_\_ the \_\_\_\_\_ decree

of \_\_\_\_\_

(name of state body)

the borders of this territories are marked on topographic map, enclosed to the license.

additional \_\_\_\_\_ conditions \_\_\_\_\_ of \_\_\_\_\_ the license \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(name of the user of the objects of wildlife)

is obliged:

--- to use only the type of use of the objects of wildlife, which are paragraphed at in the license;

--- to observe established rules, quotas and terms of use of the objects of wildlife;

--- to use the objects of wildlife by the methods, which don't disturb natural integrity and ensure preservation of the wild animals, the use of which is not permitted;

--- not to allow the disturbance or worsening of habitats of the objects of wildlife;

--- to use the objects of wildlife efficiently, using the technologies, acceptable from the environmental standpoint;

--- to account the amount of used objects of wildlife, assess their condition, habitats and present to the Ministry in correspondence with established procedures and terms;

--- to implement complex measures for the purpose of regeneration of the objects of wildlife, preservation of the objects of wildlife, preservation and improvement of their habitats;

--- to assist state authorities in the cause of protection of wildlife and implement the measures for fulfilling the national, regional and local programs, connected with protection of wildlife;

--- to allow the Ministry representatives without delay to the installation, where the objects of wildlife are preserved, processed and sold; to fulfill their legitimate demands and orders in time;

--- to ensure the protection of wildlife, fulfill the regimen of protection of the wild animals species, which belong to rare and endangered species, is included in Georgia's Red Book and Red List;

--- to inform the Ministry, veterinary, sanitary and epidemiological services without delay about illness of wild animal, rise of the threat of worsening, destruction of their habitats conditions and the killing of wild animals; to implement the complex measures of prophylactics of diseases and of struggle with them;



--- to cease the use of the objects of wildlife independently in case of worsening of their conditions and habitats, reduction of regeneration ability and rise of the threat of destruction of wild animals; take measures to avoid the negative impact on objects of wildlife and their habitats;

The user of the objects of wildlife is obliged to fulfill also other requirements of wildlife protection, regeneration and use of the objects of wildlife, taken into account by Georgian legislation.

The Minister of Environment, or the  
conditions  
authorized representative of the Minister  
to fulfill:

I familiarized myself with  
of the license and pledge

\_\_\_\_\_  
signature  
juridical or physical person,

signature of  
receiving the license

For the fulfillment of above-mentioned obligations the juridical and physical persons bear criminal, administrative and other-type responsibility in accordance with Georgian legislation.

2. The form of one-time, inscribed license according to the types of use of the objects of wildlife is established and confirmed by the Ministry.

## ARTICLE 50. THE TRADE IN WILD ANIMALS, THEIR DERIVATIVES AND PRODUCTS OF VITAL ACTIVITY

1. The trade in wild animals, their derivatives and products of vital activity takes place in accordance with provisions of this Act, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the requirements, established by Georgian legislation on their grounds.

2. For export, import, reexport and transit of a wild animal, its derivatives, the permission is necessary. The permission on export, import, reexport and transit is given by the Ministry only during observance of the following conditions:

a) corresponding scientific body of the exporter and importer country comes to a conclusion, that such export doesn't threat the mentioned species of wild animals;

b) corresponding administrative body of the exporter and importer country becomes convinced that a wild animal hasn't been obtained through the violation of the law;

c) corresponding administrative body of the exporter and importer country becomes convinced, that any living wild animal will be prepared and sent in such a way, that the risk of harm, threat to health or cruel treatment will be minimized.

d) corresponding administrative body of the country becomes convinced, that a receiver of a living wild animal has necessary conditions for its preservation and care;

e) corresponding administrative body of the country becomes convinced, that the permission on the import of the wild animal has been given;

f) the permission on export, import, reexport and transit of endangered species is given only in the case, if the corresponding administrative body of the country is convinced, that a wild animal won't be used for commercial purposes.

3. The ministerial license is necessary on export, import, reexport and transit of the products of vital activity of wild animals, which is given only in the case, if there are following conditions satisfied:

a) if the obtaining of the product hasn't resulted in damage or death of a wild animal;

b) if the license on obtaining of the product has been given.

## V. THE ECONOMIC REGULATION OF THE PROTECTION OF WILDLIFE AND THE USE OF ITS OBJECTS

### ARTICLE 51. OBJECTIVES AND TASKS OF THE ECONOMIC REGULATION OF THE PROTECTION OF WILDLIFE AND THE USE OF ITS OBJECTS

The economic regulation of the protection of wildlife and the use of its objects includes the following concepts:

a) determination and regulation of economic relationships in the field of the protection of wildlife and the use of its objects, including the relationships between state authorities and nature users;

b) formation of payment system for the use of the objects of wildlife;

c) economic protection of the users of wildlife.

### ARTICLE 52. THE MECHANISM OF ECONOMIC REGULATION OF THE PROTECTION OF WILDLIFE AND ITS OBJECTS

1. The mechanism of the economic regulation of the protection of wildlife and its objects is determined by paragraph 2 of this article.

2. The mechanism of the economic regulation of the protection of wildlife and its objects includes:

a) accounting and economic assessment of the objects of wildlife;

b) economically substantiated payment system of the wildlife use;

c) financing the measures of wildlife protection and regeneration from the budget;

d) economically substantiated fine system for the violation of Georgian legislation on the wildlife protection and wildlife objects use;

e) purposeful use of illegally got wildlife objects, weapons withdrawn in correspondence with the certain procedure, determined by Georgian legislation, transport and the money got by the sale of the production, also voluntary contribution of physical and juridical persons.

#### ARTICLE 53. THE PAYMENTS FOR THE USE OF THE OBJECTS OF WILDLIFE

1. The payments for the use of the objects of wildlife include:
  - a) payments for special use of the objects of wildlife;
  - b) license dues for the special use of the objects of wildlife.
2. Payments and dues for the use of the objects of wildlife and the fine doesn't excuse the user from the obligation of fulfilling the measures of protection of their habitats and the reimbursement of damage, caused to them.
3. The payment for the use of the objects of wildlife is paid beginning from the day of giving the license for the use of the objects of wildlife during the whole term of the license validity.

#### ARTICLE 54. PRIVILEGES IN THE PAYMENTS FOR THE USE OF THE WILDLIFE OBJECTS

The Georgian Parliament may free completely or partially the individual categories of the users from the payment for the use of the wildlife objects.

#### ARTICLE 55. LICENSE DUES

1. License dues is a one-time payment. It consists of the costs of organizational and material and technical supply, necessary for the preparation of contest and auction for the giving of the license for the use of wildlife objects (contest or auction dues ) and the dues for the right on the use of wildlife objects.
2. Contest or auction dues is paid separately by individual participants in the contest and auction, announced by the Ministry. The document, confirming the payment of the sum is presented to the Ministry 10 days before conducting the contest or auction.
3. The dues for the right on the use of wildlife objects is paid by the winner participant in contest or auction, announced by the Ministry and the user of one-time, inscribed license, given by the Ministry. Noted dues is used for material and technical

supply of works, necessary for giving the license, salary and financial encouragement of the Experts Council members and the licensing service collaborators and others.

4. The owners of the general license give out one-time, inscribed with its owner's name, license at the price established by them.

5. The amount of the license dues and the payment procedure is determined by Georgian legislation.

6. The license dues is not subject to taxation.

#### ARTICLE 56. THE ECONOMIC STIMULATION OF THE PROTECTION OF WILDLIFE AND THE SUSTAINABLE USE OF ITS OBJECTS

The economic stimulation of the protection of the wildlife and the use of its objects includes:

a) provision of the payment and other privileges to the physical and juridical persons, who ensure an efficient protection, reproduction and sustainable use of the wildlife, protection of the habitats and improvement of the situation;

b) giving the privileged state credits to juridical persons for conducting the works, necessary for wildlife protection and reproduction;

c) financial encouragement and awarding the representatives of authorities and the citizens for their special contribution in the field of protection of wildlife, courage showed against the violators of the legislation in the field of the protection of the wildlife and the use of its objects.

#### VI. THE STATE MANAGEMENT OF THE PROTECTION OF THE WILDLIFE AND ITS OBJECTS

##### ARTICLE 57. THE STATE MANAGEMENT OF THE PROTECTION OF THE WILDLIFE AND ITS OBJECTS

1. For the purpose of carrying out the single national policy in the field of the protection of the wildlife and the use of its objects, there is a single state system of the administration ( management ) of the protection of the wildlife and the use of its objects acting in Georgia. The objective of the system is:

a) ensuring the practical implementation of the national policy of protection, regeneration of wildlife and sustainable use of the objects of wildlife;

b) ensuring the equal conditions of wildlife objects use for all physical and juridical persons;

c) development of international contacts in the field of the protection, reproduction of the animals and the use of the objects of wildlife and regulation of the trade in their derivatives, including import and export, in correspondence with the Georgian legislation and the international agreements and treaties;

d) conducting an anti-monopoly policy in the field of the use of the objects of wildlife;

e) coordination and protection of the interests of the users of the wildlife objects and the local population;

f) informing the society about the existing situation in the field of the protection of the wildlife and the use of the wildlife.

2. In Georgia the state administration of the protection of the wildlife and the use of its objects is carried out by the Ministry of Environment and the Services of the Protected Territories and Forestry of Georgia within their terms of reference.

3. The state administration of the protection of the wildlife and the use of its objects is carried out by means of physical protection, accounting, monitoring, licensing, control and supervision.

#### ARTICLE 58. THE TASKS OF THE STATE ADMINISTRATION OF THE USE OF THE WILDLIFE

1. The task of the state administration of the use of the objects of wildlife is the protection of the wildlife and the sustainable use of the wildlife objects, the state regulation of the relationships, arisen in the process of the use of the objects of wildlife.

2. For the purpose of fulfilling the task of the state administration of the use of the objects of wildlife is the protection of the wildlife and the sustainable use of the wildlife objects, the state regulation of the relationships, arisen in the process of the use of the objects of wildlife:

a) definition of the specie of the wildlife allowed for the use;

b) determination of allowed quotas of the use of the objects of wildlife;

c) determination of the territories and hunting lands, permitted for the use of the objects of wildlife;

d) determination of the duration of time for the use of the objects of wildlife.

#### ARTICLE 59. THE STATE SYSTEM OF ACCOUNTING AND THE CADASTRE

1. For ensuring the protection of the wildlife and the control of the qualitative and quantitative changes in wild animals (including endangered species), the state accounting of the objects of wildlife and their use is being carried out, on the grounds of which the state cadastre of the wildlife is created.

2. The state cadastre of wildlife includes the information, reflecting the geographic spread of the species of the wildlife, their number and state, description of

their contemporary use and areas, necessary for the existence of wild animals, also, other necessary data. This activity is coordinated by the Ministry.

3. The state accounting of the wildlife and its objects, creation the cadastre is financed by the state budget.

4. All physical and juridical persons, the users of the wildlife, are obliged to transmit all kind of the information on the objects of wildlife, at their disposal, to the single state fund of the Ministry in accordance with the form prepared and confirmed by the Ministry.

5. The rules of the state accounting of the wildlife and its objects, the creation of the state cadastre of the wildlife, the determination of the list of the groups of species, which are subject to introduction into the state cadastre, as well as the rules of the presentation of the data necessary for the accounting and composing the cadastre are confirmed by the Ministry by the provision "on the rules of the state accounting of the wildlife and its objects, the creation of the state cadastre of the wildlife, the determination of the list of the groups of species subject to the introduction into the state cadastre, also on the rules of the presentation of the data necessary for the accounting and creation of the cadastre".

6. The list of the groups of species of the wild animals subject to the state accounting and introduction into the state cadastre, is defined by the Ministry by the decree "on the list of the groups of species of wild animals subject to the state accounting and introduction into the state cadastre".

## ARTICLE 60. THE WILDLIFE PROTECTION

### MONITORING

1. The monitoring of the protection of wildlife represents the single system of observation of the condition of wildlife and the analysis of the obtained information.

2. The legal procedure of the monitoring of the protection of wildlife is determined by Georgian legislation.

## ARTICLE 61. ORGANIZED ENSUREMENT OF THE STATE SYSTEM OF LICENSING THE USE OF THE OBJECTS OF WILDLIFE

1. The state system of the licensing the use of the objects of wildlife is ensured by the Ministry, where the Interdepartmental Experts Council on the Use of the Objects of Wildlife is functioning.

2. The function of the Experts Interdepartmental Council on the use of the objects of wildlife is to consider and assess the applications, projects and other documents presented for the obtaining the license for the use of the objects of wildlife and make an appropriate decision, which is registered in the minutes of the Council's meeting.

3. The Experts Interdepartmental Council on the use of the objects of wildlife is staffed with the representatives of the Ministry of Environment, the Ministry of Economy, the Services of Forestry and Protected Territories, the State Department of Land,

Scientific and Research Institutions, non-governmental environmental organizations and communities and other competent persons.

4. The representatives of the users of the wildlife can not be the members of the Experts Interdepartmental Council.

5. On the basis of the decision of the Experts Interdepartmental Council the license is prepared, registered, or is taken away and removed from the state registration, or given by the Ministry. The right of licensing the objects of wildlife of local importance may be transmitted by the Ministry to its regional bodies ( including the Ministries of Environment of Adzharia and Abkhazia autonomous Republics). These Ministries on the basis of the decision of the Regional Expert Commissions on the Use of the Objects of Wildlife give out the licenses within the limits of the established quotas in correspondence with Georgian legislation.

6. The agenda of the Experts Interdepartmental Council and the regional Experts Commissions is determined by the provision “on the Agenda of the Experts Interdepartmental Council and the Regional Experts Commissions”, which is prepared and approved by the Ministry.

7. The staff of the Experts Interdepartmental Council and the regional Experts Commissions is confirmed by the Ministry by the decree “on the Staff of the Experts Interdepartmental Council and the Regional Experts Commissions”.

#### ARTICLE 62. THE STATE CONTROL AND SUPERVISION OVER THE PROTECTION OF THE WILDLIFE AND USE OF ITS OBJECTS

1. The task of the state control and supervision over the protection of the wildlife and use of its objects is to ensure the fulfilling of obligations of the protection of wildlife by all physical and juridical persons, the observance of the rules of the use of objects and the protection of wildlife and other regulations, established by the legislation.

2. Any action of a user, which is connected with the use of the objects of wildlife, is subject to the state control and supervision over the protection of wildlife and use of its objects.

3. The state control and supervision over the protection of wildlife and use of its objects is directed by the Ministry, and within the limits of their terms of reference by the Forestry and Protected Territories Services.

4. The Ministry controls and arranges the observance of the rules, quotas, terms and other requirements of the protection of wildlife and its objects, also, the correctness and timelines of the preparation and implementation of the measures of definition and protection of habitats, breeding areas, migration and water-reaching ways and watering places.

5. The Ministry has the right:

a) to terminate self-willed use of the objects of wildlife, also, the violation of established rules, terms, quotas and other requirements of the protection of wildlife and use of its objects;

b) to give the orders on the eradication of violation of the rules, quotas, terms and other requirements of the protection and use of wildlife;

c) to stop such works, during the implementation of which the rules, quotas and other requirements of the protection of wildlife, the rules of the protection of habitats, reproduction areas, survival stations, migration and water-reaching ways and watering places protection are systematically violated, until these violations have been eradicated.

6. On the forest lands belonging to the state and under the management of the Forestry Service, physical protection of the wildlife is ensured by the state bodies of forest economy.

7. In the limits of protected territories the practical measures of physical protection are carried out by the Services of the Protected Territories.

## CHAPTER VII. RESPONSIBILITY FOR THE VIOLATION OF THE ACT ON THE PROTECTION OF THE WILDLIFE

### ARTICLE 63. RESPONSIBILITY FOR THE VIOLATION OF THE "ACT ON THE PROTECTION OF WILDLIFE"

1. Self-willed yielding of the right on the use of the objects of wildlife, also other transactions, which violate the right of the state ownership of the wildlife, by obvious or hidden form, is invalid (except the case noted in paragraph 3 of article 6 of this Act).

2. Physical and juridical persons, who are guilty for the violations, noted in paragraph 1 of this article, or if they:

a) used without permission the use form on the objects of wildlife;

b) violated the hunting, fishing and other rules of the use of the wildlife;

c) violated the rules of the protection of habitats, survival stations, migration and water-reaching ways and watering places;

d) carried out the resettlement, translocation and hybridization of wild animals without permission;

e) violated the rules of the use of the means of the protection of plants, stimulators for their growth, mineral fertilizers and other preparations;

f) violated the rules of creation of zoological collections, the rules of taking the objects of the wildlife abroad, or the trade rules;

g) violated the rules of the protection of endangered animals;



h) keep the wild animals in such conditions, which may create hazard to their life or health, or create hazard for people, are placed criminal, civil and administrative responsibility on in correspondence with the Georgian legislation.

3. Responsibility in the field of the protection of wildlife and the use of the objects of wildlife may also be placed on for other types of violations of the legislation.

4. Physical and juridical persons are obliged to reimburse the damage caused by the violation of the Act on the Wildlife in correspondence with the amount and procedure established by Georgian legislation.

5. Illegally caught wild animals, their derivatives and product acquired from them, are subject to confiscation in correspondence with the rules established by the Georgian government.

6. Responsibility placed on the violator doesn't release him from the reimbursement of the damage caused by the violation of the Act on the Protection of Wildlife in correspondence with the established amount and rule.

#### ARTICLE 64. SOLUTION OF THE DISPUTE ABOUT THE ISSUES OF USE OF THE OBJECTS OF WILDLIFE

The dispute connected with the use of the objects of wildlife is solved by court in correspondence with procedure, established by Georgian legislation.

### CHAPTER VIII. INTERNATIONAL AGREEMENTS AND TREATIES OF GEORGIA IN THE FIELD OF THE PROTECTION OF WILDLIFE AND USE OF ITS OBJECTS

#### ARTICLE 65. INTERNATIONAL AGREEMENTS AND TREATIES OF GEORGIA IN THE FIELD OF THE PROTECTION OF WILDLIFE AND USE OF ITS OBJECTS

If the international agreements and treaties of Georgia envisage the rules, different from the Georgian legislation on wildlife and it doesn't contradict the Constitution of Georgia, then the rules of international agreements and treaties are used.

### III. CONCLUSION

#### CHAPTER IX. CONCLUDING PROVISIONS

ARTICLE 66. NORMATIVE ACTS OF GEORGIA, WHICH BECOME INVALID  
FROM THE INSTANCE OF THE ACT "ON WILDLIFE " COMING INTO EFFECT

The following normative acts of Georgia are regarded invalid from the instance of the Act "On Wildlife" coming into effect:

a) Act "On the protection and Use of Wildlife" of Georgian SSR of 19 June, 1981 (Agencies of the Supreme Soviet of Georgia, 1981, No. 7, article 132);

b) Decree "On the Introduction of the Rule for Operating the Act On Protection and Use of Wildlife of Georgian SSR" of 19 June 1981 of the Supreme Soviet of Georgian SSR (Agencies of the Supreme Soviet of Georgian SSR, 1981, No. 7, article 132);

c) Decree No. 178 of the Soviet of Ministers of Georgia SSR of 3 April, 1978 "On the Introduction of the Changes into the charter of "Monkavshiri" union of hunters and fishermen" ( the collection of the decrees of the government of Georgian SSR, 1978, No. 2, article 25);

d) Decree No. 361 of the Soviet of Ministers of Georgian SSR of 11 July, 1968 "On the Condition of Hunting Economy and its Further Improvement Measures in the Georgian SS Republic (the collection of the decrees of the government of Georgian SSR, 1968, No. 4, article 55);

e) Decree No. 161 of the Soviet of Ministers of Georgian SSR of 9 March, 1982 "On the Approval of the Provision of the Hunting Reservations" (the collection of the decrees of the government of Georgian SSR, 1982, No. 2, article 21).

f) Decree No. 536 of the Soviet of Ministers Georgian SSR of 10 August, 1963 "On Measures of Further Improvement of Hunting Economy in Georgian SS Republic" (the collection of the decrees of the government of Georgian SSR, 1963, No. 4, article 139).

g) Decree No. 302 of the Soviet of Ministers of Georgian SSR of 12 April, 1982 "On the Approval of the Provision of Hunting and Hunting Economy in Georgian SS Republic" (the collection of the decrees of the government of Georgian SSR, 1982, No. 2, article 33);

h) Decree No. 674 of the Soviet of Ministers of Georgian SSR of 1 October, 1982 "On the Approval of the Provision of the Service of State Hunting Supervision of Georgian SSR" (the collection of the decrees of the government of Georgian SSR, 1982, No. 5, article 71);

l) Decree No. 69 of the Soviet of Ministers of Georgian SSR of 9 February, 1968 "On the Measures of Further Improvement of the Conditions of Taking Care and Protection of State Reserves of Georgian SSR" ( the Collection of the Decrees of the Government of Georgian SSR, 1968, No. 1, article 17);

j) Decree No. 842 of the Soviet of Ministers of Georgian SSR of 17 December, 1982 "On Strengthening of the Struggle against the Harmful Beasts of Prey in the Territory of Georgian SSR" (the Collection of the Decrees of Government of Georgian SSR, 1982, No. 6, article 84);

k) Decree of Georgian Parliament of Georgian SSR of 2 March, 1993 "On State Reserves and Hunting Economies" (Bulletin of Georgian Parliament, 1993, No. 5, article 35);

l) Decree No. 294 of Cabinet of Ministers of the Republic of Georgia of 12 May, 1994 "On the Measures of Further Improvement of Activities of the Hunters' Union of

Georgia” (the Collection of the Decrees of the Government of Georgia, 1994, No. 5, article 294).

ARTICLE 67. CHANGE OF THE STATUS OF STATE HUNTING ECONOMY IN CONNECTION WITH COMING INTO EFFECT THE ACT “ON WILDLIFE” OF GEORGIA

1. Proceeding from the requirements of this Act, state hunting economies, existing before coming the Act into effect, are abolished.

2. In connection with the abolition of state hunting economies, existing before the coming the Act into effect , the reserves are created on their basis (in existing geographic boundaries).

3. In connection with the abolition of state hunting economies the management plans of the reserves, created on their basis, must be prepared in correspondence with the Act of Georgia “On the System of Protected Territories”.

CHAPTER X. PUTTING INTO EFFECT THE ACT OF GEORGIA “ON THE WILDLIFE”

ARTICLE 68. THE TERMS OF PUTTING INTO EFFECT THE ACT OF GEORGIA “ON THE WILDLIFE”

The Act of Georgia “On Wildlife” be put into effect from August 1 , 1997.

IV. TRANSITIONAL PART

CHAPTER XI. TRANSITIONAL PROVISIONS, CONNECTED WITH THE PUTTING INTO EFFECT THE ACT “ON THE WILDLIFE” OF GEORGIA

ARTICLE 69. NORMATIVE ACTS, APPROVAL OF WHICH IS NECESSARY IN CONNECTION WITH THE ACT “ON THE WILDLIFE” OF GEORGIA

1. In connection with the Act “On the Wildlife” of Georgia the Decree of the President “On the Ratification of Management Plans of the Reserves, Created on the basis of State Hunting (Forest and Hunting) Economy”.

2. It is necessary to adopt the following statutes in connection with the Act “On Wildlife” of Georgia:

a) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On Determination of the List of the Objects of Wildlife, Permitted for Private Property, Form, Content and Issue Procedure of the Documentation, Confirming the Legality of Their Ownership”

b) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the List of the Objects of Wildlife, Permitted for Private Property”.

c) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Rights and Obligations of Public Inspectorates of Protection of Wildlife, Created for the purpose of Protection of Wildlife, Use of its Objects, Public Control of Preservation of Habitats of Wildlife”.

d) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On Restriction and Prohibition of the Use of the Objects of Wildlife in the Whole Area or its Part for the Purpose of Preservation and Increase of Number of Individual Objects of Wildlife in Exceptional Cases”;

e) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Catching of Wild Animals in the Limits of Implementation of Natural Disaster and Catastrophe Liquidation Measures in National Reserves, Natural Monuments and Natures of National Parks for the purpose of Survival, Creation of Gene Pool Reserves, also for Veterinary Purpose”;

f) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Rules of Practical Measures of Survival of Endangered Species”;

g) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Catching of Endangered Species for their Increase in Specially Created Conditions and Further Release into the Natural Environment, also for the Veterinary Purposes”;

h) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Creation and Filling of the Zoological Collections ( Zoos, Oceanariums, Reservations of Gene Pools of Endangered Species) by way of Extraction of Wild Animals from Environment”;

l) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the List of the Species of Wild Animals, the Zoological Collections, Created by Extraction of Which from Environment do not Require License”;

j) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the List of Wild Animals, the Capture and Keeping in Semi-Free Conditions of Which is Prohibited for Juridical and Physical Persons”;

k) Decree of the Minister of Agriculture and Food concerning the confirmation of the provision “On the Rules of the Use of Biological Means of Plants Protection;

l) Decree of the Minister of Agriculture and Food concerning the confirmation of the provision “On the List of Biological Means of Protection of Plants Being Subject to Use”;

m) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Procedure of the Determination of the List of the Objects of Special Use by Wildlife”;

n) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the List of the Objects (Including Those of Local Importance) of Special Use of the Wildlife”;

o) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the List of the Rules, Terms and Tools and Equipment Permitted for the Catching of the Objects of Wildlife in accordance with the Types of Species”;

p) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Procedure of the Determination the List of the Objects of Wildlife Belonging to the Objects of Hunting”;

q) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the List of the Objects of Wildlife Belonging to the Objects of Hunting”;

r) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Preliminary Ecological, Biological and Economical Research necessary for the Allocation of Hunting Lands for the Creation of Hunting Economy, Full-fledged Account and Fixing of the Conditions of the Objects of Wildlife, Establishment of Norms of Reproduction and Catching of Wild Animals and the Procedure of the Issuing of the Conclusion on the Creation of Hunting Economy”;

s) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Procedure of the Creation, Management of Hunting Economy and the Issuing in Other Territories of One-time, inscribed License”;

t) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Rules of Use of Objects of Wildlife in Reservations and Zones of Other Categories”;

u) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Rules of Use of the Objects of Wildlife for Scientific, Cultural, Educational, Recreational, Aesthetic and Veterinary Purposes, Including the Rules of Special Use”;

v) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Procedure of the Determination the List of Wild Animals, Permitted for Conservation and Reproduction in Captivity or Semi-free Conditions and the Requirements Concerning Their Protection, Use and Preservation”;

w) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the List of Wild Animals Permitted for Conservation and Reproduction in Captivity or Semi-free Conditions”;

x) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Procedure of the Determination the List of the Species of Wild Animals subject to Regulation”;

y) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Procedure of the Regulation of Wild Animals”;

z) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the List of the Species of Wild Animals subject to Regulation”;

aa) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the State Account of Wildlife and Its Objects, Creation of the State Cadastre of Wildlife, the Procedures of the Determination the List of the Species Groups subject to the State Account and Including into the State Cadastre, Also the Procedure of Presentation of the Data Necessary for the Account and Creation of the Cadastre”;

ab) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the List of the Groups of Species of Wild Animals subject to the State Account and being Included into the State Cadastre”;

ac) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Agenda of Wildlife Objects Use Interdepartmental Examination Council and Regional Examination Commissions”.

ad) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Composition of Wildlife Objects Use Interdepartmental Examination Council and Regional Examination Commissions”;

ae) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the List of the Priority Districts and Populated Areas for the Right of the Wildlife Objects Use .

af) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On the Terms, Rules and Conditions of Conducting a Contest and Auction for the Use of the Objects of Wildlife”;

ag) Decree of the Minister of Environment of Georgia concerning the confirmation of the provision “On Dates of the Beginning and Finishing of Hunting and Fishing”.

#### ARTICLE 70. TIME LIMITS FOR THE ADOPTION OF THE NORMATIVE ACTS IN CONNECTION WITH THE WITH THE APPROVAL OF THE ACT “ON THE WILDLIFE” OF GEORGIA

1. The Ministry of Environment of Georgia and the Ministry of Agriculture and Food of Georgia, taking into account the requirements of Georgian legislation must prepare and adopt the normative acts given in paragraph 2 of article 69 before July 1, 1997;

2. The amending of mentioned normative acts is conducted on the grounds of the general situation of the protection of the wildlife and use of its objects.

3. Deadline of putting into effect the normative noted in paragraph 2 of article 69 of this Act is August 1, 1997.

The President of Georgia

Eduard  
Shevardnadze

Tbilisi  
December 26, 1996