

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

FORESTRY ACT

Promulgated Izvestija No. 89/1958

Amended State Gazette No. 26/1968; 44/1977; 36/1979 & 55/1994

1. This Act makes provision for the planning, managing, use and protection of forests and lands of the national forest stock aimed at increasing the productivity and improving the soil protective, water protective and other useful properties thereof.

I. NATIONAL FOREST STOCK

2. All forests and lands of the national forest stock are public property.

3. Forest within the meaning of this Act is any land exceeding 1 decare, covered or planted with forest trees or brushwood and located outside the boundaries of settlements.

The national forest stock encompasses all forests including glades, pastures, cuttings, rocks, moraines, lakes, burnt out areas, barrens and screes within the boundaries thereof.

4. The national forest stock does not include:

- a) single trees or clumps of forest trees amidst the farm lands in settlements, those alongside of irrigation canals, mill-streams, railways, roads, highways, lanes and boundary strips;
- b) parks and afforested areas adjacent to monuments and cemeteries outside the boundaries of forests irrespective of the area thereof;
- c) forest shelter belts on lands owned by cooperative farms and state farms and forest stands planted by enterprises, organizations or cooperative farms on the lands they own or state-owned lands handed over to them for use.

5. Forests are divided into two groups according to the purpose thereof: industrial purpose forests and special purpose forests.

Industrial purpose forests are used predominantly for timber production and they are managed and used with a view to their water protection, protective and other functions.

Special purpose forests are: protective forests, resort forests, green zones, forest reserves, state forest shelter belts and flood plain forest lands. These forests are managed with a view to the specific functions thereof.

Forests shall be categorized by the Minister of Forests and Forestry in coordination with the ministries and departments concerned.

6. The Ministry of Forests and Forestry shall plan forests and other lands of the national forest stock, establish their boundaries in settlements and keep records of the forest stock.

All statements establishing the national forest stock lands pursuant to the procedure repealed hereby shall remain effective and may be amended under this Act.

7. To protect settlements and farm lands from harmful environmental effects and erosion, to maintain waters in dams and rivers and to meet the demand of the national economy for timber, the following minimum percentage of afforestation shall be maintained for the different territories: in mountainous areas and dam river catchments - 60%; in foothills and hilly areas - 25%; in purely field areas - 5%.

8. By decision of the Council of Ministers upon proposal of the Ministry of Forests and Forestry included in the forest stock may be farm and other lands, excluded from the forest stock may be forests and lands intended for transformation into other kind of stock, and forest areas may also be provided to other ministries, departments and cooperative farms for management and use.

(Paragraph 2, new, SG, No. 44 of 1977)

Investors shall remit contributions for the national forest stock areas allotted for construction, for mines and quarries to the fund "Forest Development Activities and Building of Forest Roads" with the Ministry of Forests and Forestry, unless they are exempted from payment thereof.

(Paragraph 3, new, SG, No. 44 of 1977)

The amount of contributions and the cases when investors are exempted from payment shall be determined by regulations of the Council of Ministers.

(Paragraph 4, new, SG, No. 44 of 1977)

The land shall be occupied after remitting the contributions.

9. The Minister of Forests and Forestry may exclude from the national forest stock areas of up to 10 hectares and may allot areas from the national forest stock to other ministries, departments and public organizations to meet their special demands, but without the right to use the timber thereof.

II. MANAGEMENT AND STRUCTURE OF NATIONAL FOREST STOCK

10. The Ministry of Forests and Forestry shall manage and tend the national forest stock.

The Ministry of Forests and Forestry shall supervise the management, use and protection of forests allotted to other ministries, departments and cooperative farms.

11. Supreme Forest Management Board shall be set up to discuss main issues concerning the management, protection and development of forestry. It shall include prominent specialists from the Ministry of Forests and Forestry, the

Bulgarian Academy of Sciences, the Ministry of Construction and Architecture¹, higher educational institutions, etc., the membership being determined by the Minister of Forests and Forestry.

12. (Amended, SG, No. 55 of 1994). The direct management of the national forest stock shall be exercised by forest-range administrations who are the local authorities of the forestry department. The forest-range administrations are corporate bodies which shall organize and exercise the rehabilitation, management, use, protection and conservation of the lands of the national forest stock.

13. To engineer-forester and technologist-forester positions in the forest-range administration shall be appointed only persons with relevant qualifications.

14. A forest management project shall be drawn up for each forest stock, which shall be approved by the Minister of Forests and Forestry.

In all forests shall be organized predominantly high forest stocks. Sprouting and branch-cutting forest stocks shall be limited and preserved only where they are related to the livelihood of the population.

15. The cycle of felling rotation for high forests, except for poplar and acacia forests, may not be less than 60 years and for sprouting forests - 15 years.

III. MANAGEMENT AND USE OF NATIONAL FOREST STOCK

16. The national forest stock shall be managed and used on the basis of the state economic plan aimed at raising the forest productivity, meeting the demands of the national economy in timber and enhancing the water protection, protective, anti-erosion, sanitary and decorative functions of forests.

The type of felling, the manner of timber removal and the time frame for reforestation shall be as specified in the Regulations on the Enforcement of this Act.

17. The total quota for the use of root wood from the forests shall be within the limits of the use by individual forest stocks as specified in the forest management projects. This quota shall represent the annual felling amount.

The quota for the use of the forests specified in the forest management projects may not be exceeded.

As an exception, the specified quota for the use of the forests may be exceeded by decision of the Council of Ministers to meet extra demands of the national economy. Such extra quota shall be deemed emergency. The resulting reduction of the wood stock shall be restored within the subsequent five years by reducing the volume of annual use.

18. High forests shall be felled all year round and sprouting forests from September 1 to April 1.

In the event of delayed vegetation in sprouting forests, the Minister of Forests and Forestry may extend the felling period up to April 30 and the removal up to May 15.

Sprouting forests to be used for production of leaf fodder shall be felled from August 1, and those for production of bark and bast up to May 31. Thorns and inferior brushwood may be cut all year round.

To preserve young growth in some high forests, felling may be forbidden there from April 1 to October 1.

19. Removal of produced timber from the felling area to temporary storehouses shall be permitted throughout the whole year but not later than April 1 of the following year for high forests, and from September 1 to May 1 for the sprouting forests.

Removal of leaf fodder is permitted from August 1 to May 1.

Beech timber felled from April 1 to October 1 shall be removed within one month of the felling.

20. The trees chosen for felling in high forests shall be marked with identification forest marks and consecutive numbers.

Felling of unmarked trees is forbidden.

21. The Council of Ministers shall establish enterprises, organizations and individuals licensed to use root wood from the national forest stock.

The rights and obligations of the users of root wood and their relations with the forest stock authorities shall be as specified in the Regulations on the Enforcement of this Act.

22. Timber required for performing activities in the forests, for forest facilities, telephone lines, research work and other needs of forest and hunting stocks, for erecting alpine shelter belts, drinking pools, etc. shall be cut with no payment of charges according to the established procedure, beyond the annual plan for the forest stock.

Timber required for making triangular and other geodetic signs in the forests, for geologic and mine exploration, for restoration of road facilities, telephone lines, etc. damaged or destroyed as a result of natural calamities shall be provided beyond the annual plan against payment of the charges due when the facilities are located in forests.

23. Timber may be felled and removed only by written permissions issued by forest-range administration.

Use of root wood and other wood by-products is liable to a charge paid in the amount approved by the Council of Ministers.

Root wood and some wood by-products may be used free of charge by decision of the Council of Ministers.

24. The management, use and protection of the forests provided to other ministries, departments or public organizations shall be exercised pursuant to this Act.

The management, use and protection of forest stands planted by enterprises, organizations and cooperative farms on the lands they own or on state lands handed over to them for use under Article 4 (c) hereinabove and Article 33 hereinafter shall be regulated pursuant to the Regulations on the Enforcement of this Act.

25. Construction of wood-cutting and other industrial enterprises for processing timber and other wood products in the forests or at a distance of 1,000 m from their boundaries as well as cutting rides intended for building and widening

¹ Ministry of Construction and Architecture is closed (SG, No. 39 of 1977)

forest highways and railways, stable rope-ways, power transmission lines, telegraph-telephone- and radio-lines, etc. shall be agreed to with the Ministry of Forests and Forestry.

26. Erection in the forests or outside them at a distance less than 100 m of residential, farm or other buildings, sheds, dairy farms, pens, lime kilns, charcoal kilns, etc. as well as building, extending and restoring temporary storehouses, loading platforms, working platforms, sled runners, block and cart roads, rope-ways and temporary telephone lines, etc. shall be performed with the permission of the forest-range administration.

Building of saw mills or installation of woodworking machines in craft workshops in the forest areas established by the Ministry of Forests and Forestry shall be permitted by the authorities concerned upon the written consent of the forest-range administration.

27. The grazing of cattle, goats and sheep, haymaking, resin extraction, recovery of bark and bast in the national forest stock as well as the gathering fruits, seeds, herbs, mushrooms, etc., when these represent economic activity, constitutes incidental use of forests.

The incidental use of the national forest stock shall be permitted by the forest-range administration.

28. To provide for reafforestation, to protect forest stands from damage and destruction, grazing shall be forbidden in protective and resort forests, flood plain forest lands, forest reserves and state forest shelter belts, in forest plants, unwooded cutting areas and natural reforestation areas with saplings up to 1.5 m high for sheep and pigs and up to 3 m high for cattle.

Grazing goats in forests shall be forbidden except for established sparse plantations and forests in poor condition subject to restoration.

29. Grazing cattle, goats and sheep in the national forest stock shall be performed according to an annual plan approved by the Minister of Forests and Forestry. The areas where grazing is permitted as well as the quantity and type of livestock let to graze, shall be determined annually by the state-range administration pursuant to provisions of the forest development projects and the condition of the plantations.

30. Grazing cattle, goats and sheep in the national forest stock shall be carried out only upon the written permission issued by the forest-range administration on payment of the charges due.

Grazing shall be permitted only in the areas indicated in the permission. Cattle, goats and sheep let to pasture shall be escorted by a herdsman. Night grazing of pigs and goats shall be forbidden.

31. Works and activities related to the exploration and operation of mines and quarries in the national forest stock shall be performed upon prior agreement with the Ministry of Forests and Forestry.

IV. AFFORESTATION AND SOIL CONSERVATION

32. The afforestation in the national forest stock shall be organized and performed by the forest-range administrations in accordance with the state economic plan and pursuant to the provisions of the forest development and technical projects.

The forest development and technical projects for facilities where hydro- meliorative works by other ministries and departments are permitted shall be agreed upon with these ministries and departments prior to the approval thereof.

33. Unwooded, eroded, desolate and other forest areas may be allotted by the Ministry of Forests and Forestry to state enterprises and public organizations for afforestation and free use of forest stands planted by them.

34. Afforestation and engineering fortification works in dam catchments of the national forest stock shall be carried out by the forest-range administrations.

V. PROTECTION OF NATIONAL FOREST STOCK

35. The conservation and protection of the national forest stock shall be exercised by the forest-range administrations and shall cover: protection of the forests from illegal cutting and pasture and other violations therein, fire protection of the forests and protection of the forests from diseases, insects and other pests.

36. The national forest stock shall be divided into protective areas to be managed by forest-guards and senior forest-guards. In performing their official duties forest-guards must wear uniform and have the right to carry arms. The rights and obligations of forest-guards as well the cases when they have the right to use arms shall be regulated by the Regulations on the Enforcement of this Act.

37. All timber, prior to its removal from cutting areas or temporary storehouses in the forests, shall be marked with identification forest marks by the forest-range administration or, when the timber has been produced by a woodworking company, it shall be marked with the company's trademark by the management thereof.

The sale, purchasing, processing and transportation of timber not marked according to the foregoing procedure and not accompanied by a permission or other document establishing the legal origin thereof shall be forbidden.

Trees or timber obtained from the forests for personal needs may be sold or disposed of upon permission of the forest-range administration.

38. The forest-range administration authorities shall have the right to check all documents permitting felling and removal of timber from the forests, grazing, fishing, gathering fruits, herbs and other forest products. They shall have the right to stop and check all vehicles which transport timber or other forest products.

To control the removal of timber from the forests, the forest-range administration shall set up the relevant forest check points.

Drivers of motor and other vehicles which transport timber or other forest products from the forests must stop their vehicles for check at the forest check points and other places established by the forest-range administrations.

39. In the event of a forest fire, the local population and forest officers shall forthwith take part in fire extinguishing.

The Minister of Forests and Forestry shall determine annually the fire hazard season for the forests.

40. Imported or exported forest seeds, grafts, saplings and timber shall be checked by the quarantine authorities to prevent appearance and spread of diseases and pests.

41. Town (district) councils and municipalities and the Ministry of Internal Affairs shall provide assistance to the forest-range administration authorities in protecting the forests by organizing fighting against fire, diseases, pests and in conducting other activities in the forests.

VI. PENAL PROVISIONS

42. (Amended, SG, No. 26 of 1968; emended, No. 55 of 1994). Whoever cuts, takes or removes from the national forest stock any trees, brushwood or parts thereof without valid written permission or with valid permission but beyond the specified therein locations, time periods, quantities and trees, he shall be liable to pay a fine of up to 4,000 levs but not less than the amount of the damage incurred, when the amount of the damage is less than 2,000 levs.

(Repeals Paragraph (2), SG, No. 26 of 1968).

43. (Amended, SG, No. 26 of 1968; emended, No. 55 of 1994). Whoever conceals, sells or transports timber illegally obtained from somebody else, he shall be liable to pay a fine from 500 to 5,000 levs in the cases pursuant to Article 42.

44. (Emended, SG, No. 55 of 1994). Whoever transports legally obtained but not marked timber or, albeit marked, fails to show the relevant documents, he shall be liable to pay a fine from 300 to 3,000 levs.

45. (Amended, SG, No. 26 of 1968; emended, No. 55 of 1994). Whoever destroys or damages by any means forest trees, saplings, young growth, forest cultures or forest seed-beds, he shall be liable to pay a fine from 2,000 to 10,000 levs, when the amount of the damage is less than 1,000 levs.

(Repeals Paragraph (2), SG, No. 26 of 1968).

46. (Emended, SG, No. 55 of 1994). Whoever builds in the national forest stock or beyond thereof at a distance less than 100 m from it a building, shed, pen, dairy, lime kiln, charcoal kiln or other similar structures, he shall be liable to pay a fine from 1,000 to 10,000 levs.

The same penalty shall be imposed on any person who develops or uses a forest area, clears areas in the national forest stock for temporary storehouses or willfully builds such warehouses, erects a building, fence or other such structure without permission by the forest-range administration.

47. (Emended, SG, No. 55 of 1994). Whoever builds in the national forest stock a power transmission line, telegraph-telephone line, rope-way, road, bridge, canal or other similar structure or extends existing structures without permission of the Ministry of Forests and Forestry, he shall be liable to pay a fine from 5,000 to 12,000 levs, unless a more severe penalty is envisaged.

48. (Emended, SG, No. 55 of 1994). Whoever damages, destroys or shifts a forest border of other sign, fence, warning inscription or marks on trees in the national forest stock, he shall be liable to pay a fine from 1,000 to 5,000 levs.

The same penalty shall be imposed on any person who breaks up timber stored in a cutting area or a temporary storehouse.

49. (Emended, SG, No. 55 of 1994). Whoever illegally makes use of the established identification forest mark to mark standing or fallen trees, timber or trees from the national forest stock, he shall be liable to pay a fine from 1,000 to 5,000 levs.

To the same penalty shall be liable he whoever marks trees or timber from the national forest stock by a counterfeit or disused forest mark or a mark belonging to another department.

50. (Emended, SG, No. 55 of 1994). Whoever puts into operation in forest areas established by the Ministry of Forests and Forestry a saw mill or installs in a craft workshop a woodworking machine like a saw, band-saw, circular saw, wood-turning lathe or other such machines without relevant permission, he shall be liable to pay a fine from 5,000 to 12,000 levs and the machines shall be sealed.

51. (Emended, SG, No. 55 of 1994). A proprietor or manager of a saw mill or any other woodworking facility who allows to saw or process illegally obtained timber, shall be liable to pay a fine from 500 to 5,000 levs and the timber shall be confiscated.

Whoever deliberately saws or processes such timber, he shall be liable to pay a fine of up to 10,000 levs.

52. (Emended, SG, No. 55 of 1994). Whoever lets cattle, goats and sheep to graze on the national forest stock without legal written permission or with legal permission but beyond the locations specified therein, time frame, kind and quantity of livestock or unescorted by a herdsman, he shall be liable to pay a fine of up to 3,000 levs.

(Amended, Paragraph (2), SG, No. 26 of 1968). When the amount of the damage exceeds 2,000 levs, the offender shall be liable to pay a fine of up to 5,000 levs.

The penalty under the preceding Paragraphs herein shall be imposed on any person who lets pigs or goats to graze in the forest at night.

53. (Emended, SG, No. 55 of 1994). Whoever makes a fire during the fire hazard season outside specified locations in the forest or outside the forest at a distance less than 50 m from it without the permission of the forest-range administration, he shall be liable to pay a fine from 1,000 to 10,000 levs.

54. (Emended, SG, No. 55 of 1994). Whoever is appointed by the town (district) council and municipality authorities to participate in fire fighting in the forests and fails to report at the specified time and place or, having reported, fails to participate in fire fighting, he shall be liable to pay a fine of up to 2,000 levs.

55. A manager of an enterprise, department or organization who deliberately allows a deed to be committed under Articles 42, 45, 46, 47 and 52 of this Act, shall be liable to a penalty provided for the deed committed.

56. A parent or a guardian who deliberately allows a deed under this Chapter to be committed by a juvenile or a teenager, shall be liable to a penalty provided for the deed committed.

57. The offenders who committed the deeds under this Chapter, shall be liable to pay indemnification for the damage incurred.

The amount of the damage incurred in the deeds under Articles 42, 45, 46 and 52 hereinabove shall be determined on the basis of the rate approved by the Council of Ministers.

Indemnification for the remaining cases shall be determined on the basis of the expenses required for restoration of the damaged facilities.

58. (Amended, SG, No. 55 of 1994). Timber and other forest products obtained in violation of this Chapter shall be seized and tools for cutting or damage, motor-powered cutting machines and vehicles, used to commit the deed shall be confiscated.

Where it is impossible to seize illegally obtained timber or forest products, apart from due indemnification the cost thereof shall be paid.

(Amended, SG, No. 55 of 1994). Culprits who committed the deeds under Article 46 and 47 of this Act shall be dismissed through administrative procedure by the forest-range administration with the assistance of national police, town (district) councils and municipalities. In such cases buildings, timber or harvest shall be confiscated provided that the structures are not demolished or the timber and the harvest are not gathered in the term established by the forest-range administration.

59. Paragraph 59 is repealed (SG, No. 55 of 1994).

60. (Amended, SG, No. 55 of 1994). Violations of this Act shall be documented by the forest-range administration.

Documenting violations, issuing statements and appealing thereof shall be pursuant to the Administrative Offence and Penalty Act.

61. On the basis of the statement, the forest stock manager shall issue a ruling pursuant to the Administrative Offence and Penalty Act if the deed committed is punishable by a fine.

When the deed committed is subject to a more severe penalty, the ruling shall be sent to a public prosecutor for instituting prosecution. The ruling shall be accompanied by a civil claim stating the amount of the damage inflicted on the national forest stock.

(Emended, SG, No. 55 of 1994). When the prosecution is abandoned by the prosecutor's office on grounds that the deed has been committed by imprudence, the forest stock manager shall issue an ruling, whereby the offender shall be liable to pay the relevant fine and the due indemnification. When the amount of the inflicted damage exceeds 3,000 levs, the ruling shall impose the fine only and a civil action shall be instituted before court.

62. The ruling shall impose fine, confiscation, indemnification, seizure of illegally obtained timber or forest products and confiscation of tools for cutting and damage used to commit the deed.

63. The ruling may be appealed against through the forest-range administration before court within 7 days of the presentation thereof.

(Amended, SG, No. 55 of 1994). The ruling may not be appealed against if the fine and indemnification do not exceed a total of 1,000 levs.

64. (Emended, SG, No. 55 of 1994). Effective rulings and issued writs of execution shall be implemented by the financial departments with the municipal councils when the fine and the indemnification separately do not exceed 3,000 levs and by executive magistrates when they exceed this amount.

The moneys derived from indemnification and sale of confiscated timber and other forest products shall be remitted to the national budget: 80% of fines shall be remitted to the budget of the municipal council concerned and 20% to the extra-budgetary account for offering incentives to forest-guards.

When seized timber and forest products are prone to rapid degradation or there are no conditions for the storage and protection thereof, they may be sold even before the ruling or sentence will have come into force.

In this event the derived moneys shall be deposited in the Bulgarian National Bank and shall be repaid to rightful claimants should they be exonerated from civil or penal prosecution.

65. (Emended, SG, No. 55 of 1994). The forest stock manager may terminate transcription on rulings involving minor breaches of this Act if the amount of the damage incurred does not exceed 200 levs.

66. When livestock is caught on pasture unescorted by a herdsman or a proprietor or when the latter are aliens who are unwilling or unable to identify themselves, it shall be detained in cattle-sheds of the nearest town (district) council or municipality and disposed of pursuant to Article 13 of the Decree on the Protection of Agriculture².

67. The forest-range administration authorities shall have the right to search courtyards, farm buildings, etc. when they entertain grounded suspicions that illegally obtained timber or other forest products are stored therein.

The searches in courtyards, structures, storehouses, etc. shall be conducted in the presence of a representative of the town (district) council or municipality or, when the search is conducted outside a settlement, in the absence of a representative of the town (district) council or municipality but in the presence of at least one witness.

68. For all violations committed in forest shelter belts or in forest stands planted pursuant to Article 4 b) of this Act, the offenders shall be liable to penalties under this Chapter and the due indemnification shall be awarded to the proprietor of the plantation.

GENERAL PROVISIONS

69. This Act is hereby assigned for enforcement to the Council of Ministers which shall issue Regulations on the Enforcement thereof.

² Decree on the Protection of Agriculture was repealed by the Protection of Agricultural Property Act (SG No. 54 of 1974)

70. This Act shall enter into effect one month after the promulgation thereof and shall repeal all provisions inconsistent therewith.

TRANSITIONAL PROVISION

71. (Amended, SG, No. 55 of 1994). This Act shall be brought in conformity with Article 9 Paragraph 2 of the Law on Regulatory Acts and Article 27 of Decree No. 883 on the Application of the Law on the Regulatory Acts.