

LAW OF GEORGIA

ON THE MANAGEMENT OF FOREST FUND

Law of Georgia No 4419 of 11 March 2011 – website, 17.3.2011

Chapter I - General Provisions

Article 1 - Purpose of the Law

The purpose of this Law is to regulate matters related to the management of the forest fund, which shall be performed by the legal entity under public law called the National Forestry Agency ('the Agency') within the system of the Ministry of Environment and Natural Resources Protection of Georgia.

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Article 2 - Legal grounds for the activities of the Agency

The legal grounds for the activities of the Agency are the Constitution of Georgia, the treaties and international agreements of Georgia, this Law, as well as other legislative and subordinate normative acts, and the statute of the Agency.

Article 3 - Definition of terms used in this Law

For the purposes of this Law the terms used herein have the following meanings:

- a) forest fund - the state forest fund except for the protected territories of the state forest fund, forests of local significance and forest funds located in the territories of the Autonomous Republics of Abkhazia and Adjara ;
- b) monitoring of the forest fund - a system of the assessment of the forest fund, of the continuous observation, analysis and forecast of the dynamics of the condition of forest fund;
- c) plantation forestry - long-term forest use which involves the cultivation of plants in the territory of the forest fund in order to produce wood and its products. Areas which carry out plantation forestry shall be selected in low density stands of the forest fund and in areas not covered by forest. The possible purposes for carrying out plantation forestry shall be to:
 - c.a) make profit from the production of forest plant products;
 - c.b) maintain and improve the environmental condition;
- d) forest use for agricultural purposes - the use of the forest fund for mowing, pasturing, ploughing, constructing temporary shelters and other structures for live-stock, for plant-growing and producing live-stock products, and for developing plantation forestry and fish farming;
- e) forest maintenance - a system of forestry measures aiming at creating sustainable and highly productive forest stands, and improving the useful natural properties and sanitary condition of the forest, and protecting the forest fund from fire, pests and phyto diseases;
- f) reforestation - a multi-year cycle of forestry measures aiming at the restoration of the natural reforestation of areas not covered by forest, and low density and degraded forest stands, and at afforestation and the long-term maintenance of cultivated plants;
- g) forest resources - a fertile layer of soil within a forest fund, the products of woody and non-woody plants, non-woody resources, and the secondary materials of wood except for pine cones, snowdrop bulbs and cyclamen tubers;
- h) timber - wood resources in the territory of the forest fund;
- i) service fee - an amount set by an ordinance of the Government of Georgia that shall be payable to the Agency for rendering an appropriate service;
- j) contract on forest use - an administrative contract provided for by the General Administrative Code of Georgia;
- k) (deleted - 25.3.2013, No461).

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Law of Georgia No 4679 of 17 May 2011 - website, 1.6.2011

Law of Georgia No 5201 of 8 November 2011 – website, 14.11.2011



Chapter II - Main Provisions

Article 4 - (Deleted)

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Article 4¹ - The legal status of the Agency

The Agency is a legal entity under public law within the Ministry of Environment and Natural Resources Protection of Georgia, and it is established on the basis of this Law.

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Article 5 - Main goals and objectives of the Agency when managing the forest fund

1. The main goals of the Agency when managing the forest fund shall be:

- a) forest maintenance and reforestation;
- b) the sustainable use of components of biological diversity in the territory of the forest fund.

2. The main objectives of the Agency when managing the forest fund shall be to:

- a) facilitate the determination and delineation of the borders of the forest fund;
- b) manage the forest fund;
- c) regulate forest use;
- d) implement measures for forest maintenance and reforestation;
- e) supervise the territory of the forest fund.

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Article 6 - Powers of the Agency when managing the forest fund

When managing the forest fund the Agency shall have powers to:

- a) monitor the forest fund and create a database on the basis the results of monitoring;
- b) carry out forest maintenance and reforestation works, and improvement felling for these purposes;
- c) participate in the implementation of emergency measures during natural disasters in the territory of the forest fund;
- d) observe the rules for the protection from fire and in the case of fire hazard, take appropriate liquidation measures and immediately notify relevant bodies about the hazard;
- e) issue a ticket for timber harvesting;
- f) issue a ticket for using forest resources;
- g) prepare a licence area;
- h) transfer the forest fund with the right to use and prepare appropriate documentation;
- i) draw up reports of administrative offences and protect the forest from illegal cutting;
- j) issue documents for the extraction of objects of fauna (except for migrating birds) intended for hunting;
- k) provide other services in accordance with the Statute and goals of the Agency;
- l); timber harvesting;
- m) provide natural and legal persons with timber for the purposes and in the amount determined by an individual administrative legislative act of the



Law of Georgia No 3789-LHG I, No 61 of 28 October 2010, Art. 378

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Law of Georgia No 4679 of 17 May 2011 - website, 1.6.2011

Article 7 - Head of the Agency

The Agency shall be managed by the head of the Agency who shall be appointed to and may be dismissed from the position by the Minister of Environment and Natural Resources Protection of Georgia ('the Minister').

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Article 8 - The statute and structure of the Agency

The statute and the structure of the Agency shall be approved by the Minister.

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Article 8¹ - Integrated automated management devices

1. The Agency shall be entitled to use the software and integrated automated management devices for the purposes of record-keeping and for ensuring access to information.
2. The Agency shall be entitled to receive, publish or issue any information and/or document using integrated automated management devices.
3. The Agency shall be entitled to keep an electronic copy of and issue any document prepared by or deposited with it.
4. (Deleted - 21.04.2017, No 658)
5. Data may be included in a document published or issued by the Agency manually and/or electronically.

Law of Georgia No 5645 of 27 December 2011 – website, 9.1.2012

Law of Georgia No 658 of 21 April 2017 – website, 10.5.2017

Article 9 - (Deleted)

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Article 10 - Financing of the Agency

1. The financing sources of the Agency shall be:
 - a) target funds allocated from the State Budget of Georgia;
 - b) target grants;
 - c) income received from work performed (to be performed) on a contractual basis;
 - d) service fees provided for by this Law and annual fees for forest use (final price at an auction);
 - e) other revenues permitted by the legislation of Georgia.
2. Funds and revenues provided for by paragraph 1 of this article shall only be used for achieving the goals and performing the functions of the Agency.

Article 11- State control over the Agency

State control over the Agency shall be provided by the Ministry of Environment and Natural Resources Protection of Georgia (the Ministry).

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Chapter III - Regulation of Use of Forest Fund

Article 12 - Ticket for timber harvesting

A ticket for timber harvesting shall be issued to produce timber in the territory of the forest fund.

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Article 13 - Preparing a licence area

The preparation of the licence area shall include a description of the area, a determination of the place of timber harvesting, the species of woody plants, the assumed amount of timber to be harvested, particular procedures for use, mandatory requirements for the entities carrying out activities, as well as procedures for developing the hunting industry, and defining the quantity, quality and periods of use relating to objects of fauna, and the preparation of appropriate documents for the registration of the licence areas with the Public Registry.

Article 14 - Types of forest use

1. Forest users shall be entitled to:

a) harvest timber;

b) use forest resources;

c) use forest for agricultural purposes;

d) use forest for non-agricultural purposes;

e) hunt;

f) develop a hunting industry;

g) create animal shelters and plant nurseries;

h) conduct any other activities determined by the Ordinance on Forest Use (Procedures for Forest Use) of the Government of Georgia approved in accordance with the Forest Code of Georgia.

2. The activities specified in paragraph 1 of this article may be performed simultaneously.

3. The right of forest use in the particular territories of the forest fund on the basis of issued licences as provided for in paragraph 1 of this article may be granted on the basis of a decision of the Agency.

4. It shall not be permitted to grant a right of forest use in the same territory of the forest fund and with the same purpose, and/or to grant a right of forest use that essentially prevents the exercise of another's right of forest use as granted by a valid licence.

5. The preparation of documents in relation to an object to be transferred with the right to use shall include a description of the area, a determination of particular procedures for use, mandatory requirements for the entities carrying out the activities, and the preparation of appropriate documents for the registration of objects to be transferred with the right of use with the Public Registry.

Article 15 - Obligations of forest users

Forest users are obliged to:

a) only perform activities specified by a licence, a contract on forest use, and tickets of for timber harvesting, only in the places, during the periods and in the volume specified therein;

b) try not to impede the implementation of measures of forest maintenance and reforestation as a result of its activities;

c) observe the rules for the protection from fire and in the case of fire hazard, take appropriate liquidation measures and immediately notify relevant bodies about the hazard;

d) perform works in such forms, and using such methods and means as do not result in soil erosion, and which limit or exclude any negative impact on the environment, on the forest condition, or on reforestation, which might be caused by forest use;

e) care for the forest, and protect its resources and natural features;



- f) observe safety rules for forest use;
- g) prevent instances of illegal forest use within its capability, and immediately notify relevant authorities about such instances;
- h) not impede the access of the public and other persons who have been granted the right to use the forest in accordance with the procedures established by law ;
- i) pay property and other taxes provided for by law;
- j) protect the forest fund which has been transferred with the right to use from any illegal use.

Chapter IV - Service Fees

Article 16 - Types of services and fees

The types of and fees for services provided by the Agency shall be specified by an ordinance of the Government of Georgia.

Law of Georgia No 4679 of 17 May 2011 - website, 1.6.2011

Article 17 - Procedures for transferring forest fund with the right to use

1. Forest fund shall be transferred with the right to use on the basis of an auction.
2. The right to use the forest fund as provided for by this Law shall be granted by the Agency. The Agency may delegate this right to its territorial bodies.
3. The forest fund may be transferred with the right to use for no more than 49 years.

Article 18 - Annual initial auction price

The annual initial auction price shall be set depending on the types of activities in accordance with the procedures for forest use.

Chapter V- Rights to Apply Physical Coercion, and to Use Service Weapons and Special Equipment

Article 19 - The right to use physical coercion

1. During the performance of official duties, employees of the Agency shall be authorised to use physical coercion, service weapons, and special equipment within the scope of their powers in accordance with the procedures established by the legislation of Georgia. They shall warn a person in advance and give sufficient time to comply with legal requirements, except where delay may endanger the life or health of a citizen or an employee of the Agency, or may cause other severe consequences, or where the situation does not allow for such warning.
2. The intensity of physical coercion and types of special equipment used shall be determined on the basis of the particular situation and the nature and particularities of the offence.
3. Employees of the Agency are obliged to provide first aid to a person injured due to the application of physical coercion or the use of special equipment, and to call a physician if needed; and they should immediately notify their direct superior and a prosecutor if a person has been injured or wounded as a result of applying physical coercion or using special equipment.
4. It shall not be permitted to apply physical force or to use special equipment with respect to persons who have distinct signs of pregnancy, or are minors, or have signs of disability or are elderly, except if they are armed or are carrying out a group attack, or an armed resistance to employees of the Agency, which poses a threat to the lives and health of citizens and employees of the Agency, and if such attack can not be repelled by any other means and methods.

Article 20 - The right to use service weapons

1. The employees of the Agency shall be authorised to store, carry and use service weapons in accordance with the procedures established by the legislation of Georgia.
2. A targeted shot shall be construed as the use of a service weapon.
3. The employees of the Agency shall be authorised to use service weapons as a self-defence measure or as an extreme measure in order to:



a) protect citizens and/or themselves from a danger which threatens their life or health;

b) prevent the seizure of firearms;

c) send an alarm signal or to call supporting forces.

4. The use of service weapons shall be preceded by a verbal warning about its use; a warning shot may be fired where necessary.

5. Service weapons may be used without a warning only in the case of an armed attack by any transportation or mechanical means.

6. It shall be prohibited to use service weapons in places where the access of other persons is allowed, as well as in places with fire and arson hazards, and with respect to persons who have distinct signs of pregnancy, or are minors, or have signs of disability or are elderly, except if they are armed or are carrying out a group attack, or an armed resistance to employees of the Agency, which poses a threat to the lives or health of citizens or employees of the Agency, and if such attack can not be repelled by any other means or methods.

7. The employees of the Agency are obliged to immediately notify the relevant authorities of the Prosecutor's Office of Georgia and the Ministry of Internal Affairs of Georgia, as well as their direct superior, about the use of a service weapon.

8. A list of service weapons and ammunition in the inventory of the Agency shall be approved by the Minister.

Article 21 - The right to use special equipment

1. The employees of the Agency shall be authorised to use the following special equipment during the performance of their official duties within the scope of their power: handcuffs and other means of restraint, rubber batons:

a) handcuffs and other means of restraint - against a person who has committed an offence and who resists or may resist an employee of the Agency or who tries to escape, or against a person who is subject to coercive measures as provided for by the legislation of Georgia;

b) rubber baton - for repelling an attack on an employee of the Agency, upon the detention of an offender if his/her disobedience with legal requirements of an employee of the Agency is intentional.

2. Agency-owned vehicles shall be equipped with special signals.

Article 22 - Employees of the Agency

1. The employees working during irregular hours shall have another regime for appearing at work, the procedures and conditions of which shall be determined by the Head of the Agency.

2. The employees of the Agency shall have special uniforms with distinguishable signs, official identity cards and a seal, the samples of which shall be approved by the Minister.

3. When performing their official duties, the employees of the Agency shall use vehicles which have appropriate identification signs, including a logo of the Agency.

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Chapter VI - Transitional and Final Provisions

Article 23 - Transitional provisions

1. This Law shall apply to:

a) holders of special licences for timber harvesting and the hunting industry, issued before the entry of this Law into force;

b) persons performing their activities in the territory of the forest fund.

2. Persons whose communications facility was installed in the territory of the forest fund before the entry of this Law into force, are obliged to sign a contract with the Agency on forest use and pay an appropriate fee within three months from the entry of this Law into force.

3. Persons who own a land plot in the territory of the forest fund and whose rights were registered with the Public Registry before the entry into force of this Law, are obliged to sign a contract with the Agency and to transfer the fees for forest use under contract to the account of the Agency within three months from the entry of this Law into force.

4. Within two months from the entry of this Law into force, the Minister of Environment and Natural Resources Protection of Georgia shall:

a) approve the statute of the Agency and appoint the head of the Agency;

b) ensure the implementation of measures regarding the reorganisation of the state sub - agency of the Ministry of Environment and Natural Resources Protection of Georgia called the Forestry Department.



5. The Ministry of Economy and Sustainable Development of Georgia shall ensure the transfer of the property necessary for the operation of the Agency in accordance with the procedures established by the legislation of Georgia, within one month from the appointment of the head of the Agency.
6. The state sub-agency of the Ministry of Environment and Natural Resources Protection of Georgia called the Forestry Department shall be reorganised and a legal entity under public law called the Forestry Agency shall be established.
7. The legal entity under public law called the Forestry Agency shall be construed as a legal successor of the state sub-agency of the Ministry of Environment and Natural Resources Protection of Georgia called the Forestry Department, except for the exclusion provided for by paragraph 8 of this article.
8. The Ministry of Environment and Natural Resources Protection of Georgia shall be construed as a legal successor of the state sub-agency of the Ministry of Environment and Natural Resources Protection of Georgia called the Forestry Department, in respect of the financial obligations which arose during 1998-2003 (relating to labour remuneration, other goods and services, and social security).

Law of Georgia No 4129 of 17 December 2010 - LHGI, No75, 27.12.2010, Art. 478

Law of Georgia No 4419 of 11 March 2011 - website, 17.3.2011

Law of Georgia No 461 of 25 March 2013 - website, 5.4.2013

Article 24 - Entry into force of the Law

1. This Law, except for Article 16(1)(a-d), shall enter into force from 1 August 2010.
2. Article 16(1)(a-d) of this Law shall enter into force from 1 January 2011.

President of Georgia

M. Saakashvili

Tbilisi,

6 July 2010

No 3345-~~6~~6

