



AUTHORIZED ENGLISH TRANSLATION

Act 60 of 1994
March 24, 1994

Source:
The Republic of Latvia Saeima and Cabinet Reporter
No. 9 (1994), pp. 813-839

LAW
"On Forest Management and Utilization"

The Saeima has adopted and the President of State promulgates the following Law:

Terms used in the Law:

- [1] **Forest category** is a unit of classification which specifies the classification of forests in accordance with their main functions or their significance to the economy and ecology.
- [2] **Protected forests** are forests meant primarily to ensure environmental protection.
- [3] **Restricted management forests** are forests which must be managed retaining an equal balance between environmental protection and timber production.
- [4] **Exploitable forests** are forests primarily intended for timber production.
- [5] **Land category** is a unit of classification which specifies the classification of land according to the type of its use for management of the forest.
- [6] **Forest lands** are rural and urban lands which carry forests, or land which does not carry forests but is designated for forest cultivation, in accordance with the form of land utilization set in the State Land Cadastre documents.
- [7] **Non-forest land** is rural and urban land which is not carrying forests and is not designated for forest cultivation but has been allocated to land utilizers or owners whose main objective for land use is forestry.

-
- [8] **Main felling** is the system of cutting for the harvest of the main standing crop.
- [9] **Intermediate felling** is a form of felling to gather intermediate wood harvest.
- [10] **Silvicultural thinning** is a system of intermediate cutting to modify the composition, constitution or landscape of the forest.
- [11] **Sanitation felling** is a form of intermediate cutting for the removal of trees damaged by pathogens, pests, animals or otherwise damaged, and the removal of dry trees, as well as trees uprooted and broken by wind.
- [12] **Reconstructive felling** is a form of intermediate cutting to clear forest stands of poor quality.
- [13] **Other cutting** is a mode of felling used for clearing of trees and shrubs outside of areas, in clearing non-forest land of forest areas of tree and shrub cover, or for the transformation of forest land into non-forest areas.
- [14] **Clear cutting** is a system of felling for clearing of such tree stands, after which the compartment shall be transferred into the non-forest land.
- [15] **Selective cutting** is a method of felling for such selection of trees in the tree stand, after which the category of compartment land is not changed.
- [16] **Allowable annual cut** is a selected cut for a given year.
- [17] **Cutting age** is the age by reaching which the tree stand acquires the conditioned ripeness for cutting.
- [18] **Felling ticket** is a document of a unified standard which is a license for preparing timber.
- [19] **Forest protection** is a system of measures to avoid forest pathogens, pests, damages arising from the actions of animals, and other damages.
- [20] **Forest preservation** is a system of measures against violations of forest fire resistance and violations of regulations for forest utilization and other actions, which damage the forest and the environment, or cause losses to forestry.
- [21] **Reforestation** is a system of forest cultivation in land areas which are not carrying forest.
- [22] **Afforestation** is a system of forest cultivation in land areas which have never previously carried forest.
- [23] **Forest tending** is a system of measures for forest cultivation after its reforestation (afforestation).
-

[24] **Forest quality** is the evaluation of a forest's ecosystem depending on the productivity and stability of the tree stands.

[25] **Forest products** are all acquired forest resources.

[26] **Forest productivity** is the annual increase in the volume of tree growth in cubic meters per hectare.

[27] **Forest increment** is the increase in the total volume of tree growth in a tree's life span.

[28] **Forest resources** include timber and forest by-products prior to their acquirement.

[29] **Forest stability** is the ability of a forest as an ecosystem to balance the random changes of various affecting factors and to maintain the existing condition of the forest.

[30] **Forest permit** is a document of a unified standard which is a license to obtain resin, sap, stumps, bast, bark, branches, tree verdure, Christmas trees, birch-boughs and other forest by-products.

[31] **Forest materials** include wood (logs and branches), resin and sap, stumps, bast, bark, Christmas trees, tree verdure, birch-boughs and other decorative plant materials. Prior to acquirement they are considered as forest resources, after acquirement — forest products.

[32] **Compartment** is the basic forest inventory unit which, according to its area, forest inventory indicators and its economic significance, encompasses a uniform territory with the same forest management regime.

[33] **Dominant species** is the tree species with the highest volume in the forest compartment.

[34] **Age class** is a unit by age to classify stands according to their age. The age class of coniferous trees is 20 years. The age class of deciduous trees is 10 years and that of white alders is 5 years.

CHAPTER ONE GENERAL REGULATIONS

Article 1. Objectives of the Law

[1] The objectives of the Law "On Forest Management and Utilization" are:

- 1) to ensure the protection of the forest as an ecosystem, and reforestation of forest resources;
- 2) to regulate basic principles for forest management and utilization;

- 3) to protect the rights of forest managers and utilizers.

[2] Forest management is the utilization of land for forest cultivation on rural and urban land, which has been allocated for use or transferred into ownership for forestry or for the pursuit of the same purpose on individual plots of land that have been allocated for other uses or ownership.

[3] Forest utilization is the use of the forest's ecological characteristics and the acquisition of forest resources.

Article 2. Forest fund

[1] The forest fund of the Republic is comprised of:

- 1) forest land and non-forest land allocated for use or transferred into ownership for the purposes of forestry;
- 2) forest land that is situated on land allocated for use or transferred into ownership for other purposes.

[2] The state forests of the Republic of Latvia are comprised of:

- 1) the land which was at the disposal of the Forestry Department of the former Republic of Latvia Ministry of Agriculture on July 21, 1940;
- 2) the land of the forest fund regarding which ownership rights of other persons are not renewed or which are not transferred into ownership of physical persons in the procedure stipulated by the land legislative acts after November 21, 1990.

Article 3. Trees and shrubs that are not included in the Republic of Latvia forest fund

[1] The Republic's forest fund does not include the trees and groups of trees that are situated on the land:

- 1) allocated for the construction and maintenance of power and communication transmission lines, transportation and other communication systems, and for the construction and maintenance of state borders;
- 2) allocated for the construction and maintenance of streets, squares, gardens, parks, cemeteries, sanitation facilities and other facilities for public use;
- 3) allocated for the construction and maintenance of residential buildings, summer cottages and garages; and
- 4) allocated for gardening societies.

[2] The forest fund also does not include trees and groups of trees which encompass an area less than 0.5 hectares, or which shelter and/or line fields, railroads and roads, as well as all shrubs, regardless of their location and area.

[3] The procedure for the management of trees which are not included in the forest fund is determined by local governments upon coordination with the State Forest Service. The procedure for the utilization (cutting) of these trees is determined by the Cabinet of Ministers.

Article 4. Payments for forest management and utilization

[1] The payments for utilization of ecological characteristics and forest resources are calculated in accordance with the Republic of Latvia Law "On State Income from the Sale of Forest Resources". Land tax is not paid for lands of the forest fund allocated for use.

[2] The land tax for lands of the forest fund transferred into ownership shall be paid in the amount and procedure determined in the tax legislative acts.

[3] The payments for utilization of ecological characteristics and forest resources in forests transferred into ownership are determined by relevant owners or their authorized representatives.

Article 5. Administration of the forest fund

[1] The forest fund is supervised by the Saeima, the Cabinet of Ministers and its institutions, as well as by local governments, within their jurisdiction.

[2] The state forest use (property) shall be managed by the State Forest Service and its institutions.

Article 6. Jurisdiction of the Saeima in regulating forest management and utilization

In regulating forest management and utilization, the Saeima:

- 1) determines the principal directions for the united policy of forest management and utilization;
- 2) determines procedures for forest administration and organization of control;
- 3) according to the proposal submitted by the Cabinet of Ministers, approves the prescribed cut for the forthcoming five years in the entire state;
- 4) determines the procedure for forest privatization and for the transferal of ownership rights;
- 5) restricts forest utilization rights, if it is necessary, due to interests of environmental protection.

Article 7. Jurisdiction of the Cabinet of Ministers in regulating forest management and utilization

In regulating forest management and utilization, the Cabinet of Ministers:

- 1) develops the main measures for a unified policy of forest management and utilization;
- 2) organizes the control over forest management and utilization, and administration of the state forests;
- 3) determines the procedure for organization the state forest survey and the State Forest Cadastre;
- 4) determines the organizational procedures of forest monitoring;
- 5) determines the procedure for forest subdivision into categories;
- 6) determines the amount and procedure for financing reforestation and forest cultivation, as well as for the improvement of forest productivity and quality;
- 7) determines the amount and procedure for receiving payments for every form of forest utilization in the state forests and forests allocated for use;
- 8) determines the amount and procedure for the reimbursement of damages and losses to forestry, forest managers and utilizers;
- 9) limits the state forest utilization rights, if it is necessary in the interests of the State or environmental protection;
- 10) organizes staff training and the scientific and informative provisions for forest management and utilization;
- 11) in accordance with its authority, signs international agreements in the field of the state forest management and utilization.

Article 8. Jurisdiction of cities and rural districts local governments in regulating forest management and utilization

The jurisdiction of cities and rural districts local governments in regulating forest management and utilization is determined by laws on local governments.

**CHAPTER TWO
TRANSFERRING OF LANDS OF THE FOREST FUND
INTO OWNERSHIP OR FOR USE, ALIENATION, TRANSFORMATION,
CONSTRUCTION AND UTILIZATION FOR RESEARCH PURPOSES**

Article 9. Transferring of the land of the forest fund into ownership or for use

The land of the forest fund is transferred into ownership or for use, in accordance with the procedure determined by the land legislative acts.

Article 10. Lease of land of the forest fund

[1] The land users, who have been allocated land of the forest fund for permanent

use or for permanent use with the right to transfer utilization rights to other persons, may lease their land to physical persons or legal entities for purposes which may or may not be related to forest management or utilization.

[2] If the land of the forest fund is leased for purposes related to forest management and utilization, then the leaseholder is granted the rights of priority (without the right to transfer them to another individual) in order to implement all forms of forest utilization set in Article 33 of this Law, excluding collection of berries, fruits, nuts, mushrooms and medicinal plants found in the wild.

[3] If the land of the forest fund is leased for purposes which are not related to forest management or utilization (for excavation of sand, gravel, peat and other natural resources), then:

1) the land can be leased on a short-term (up to 5 years) or a long-term (over 5 years) basis;

2) the leaseholder must recultivate and afforest the land before it is given to the lessee, unless otherwise set in the leasing contract; and

3) if the leaseholder fails to cultivate the leased land within two years or otherwise violates the liabilities set in the leasing contract, the land leasing contract may be terminated by the land user.

[4] The land of the forest fund must not be leased for the construction of roads, ditches, canals, pipelines, and power and communication transmission lines, as well as for the construction of buildings for production, public and private use.

[5] The land owners may lease the land of the forest fund in the procedure determined by legislative acts.

Article 11. Allocation of the land of the forest fund for partial utilization

The land of the forest fund may be allocated for partial utilization only for the installation and maintenance of farm drainage canals.

Article 12. Alienation and transfer of the land of the forest fund for other purposes

[1] The forest fund lands are alienated from their utilizers in the event of the expiration of land ownership rights in the procedure set in Article 33 of the Law "On Land Use and Land Survey".

[2] Forest lands allotted for purposes other than forest management or utilization are transferred in accordance with the procedure set in Article 31 of the Law "On Land Use and Land Survey".

Article 13. Tree cutting, if forest lands are leased, alienated or transferred for purposes not related to forest management or utilization

[1] If forest land is leased, alienated or transferred for purposes which are not

related to forest management or utilization, the local State Head Forestry and institutions of environmental protection issue its recognition concerning the preservation or cutting of a tree group or individual trees.

[2] In case of a dispute, the matter is resolved by the State Forest Service.

[3] Physical persons and legal entities who have been allocated or leased land for utilization without license to cut trees, must ensure the preservation and cultivation of the existing tree groups, in accordance with the requirements of Articles 3 and 20 of this Law.

Article 14. Construction and arrangement of facilities, buildings, structures and communication systems related to forest management on the land of the forest fund

With the institutions of the State Forest Service's permission, physical persons and legal entities, who have been allocated a forest for management, may construct facilities, structures, buildings and communication systems necessary for forest management within their forest fund lands, without reimbursing losses caused to forestry.

Article 15. Location, design, construction, arrangement and transferring for use of facilities, buildings, structures and communication systems which effect the forest condition

[1] When designing, constructing or arranging facilities, structures, buildings or communication systems, or when determining their location, or bringing into application new technology which may negatively affect the forest condition, measures must be foreseen and applied to preserve the forest from excessive flooding and bogging, as well as from the harmful effects of sewage, smoke gas, toxic substances, industrial and public waste, as well as wastes and refuse. It is illegal to use technology or facilities, if the abovementioned measures are not taken.

[2] When designing, constructing or utilizing recreational facilities within the land of the Republic's forest fund, or when determining the location of these facilities, measures for forest preservation must be foreseen and applied.

[3] The location, construction plans and building permits of facilities, structures, buildings and communication systems, which affect the forest condition, must be approved by the institutions of the State Forest Service.

Article 16. Research work conducted in the land of the forest fund

The rights and obligations of legal entities and physical persons involved in research work in geology, geodesy and other fields of research conducted on the land of the forest fund, are determined by Articles 34 and 35 of the Law "On Land Use and Land Survey".

CHAPTER THREE FOREST CATEGORIES

Article 17. Designation of forests into categories

All the forests are divided into three forest categories, in accordance with their

significance to the ecology and the economy, or their main assignment (function):

[1] Category I — protected forests (forests in nature reserves, national parks, multifunctional nature reserves and wildlife parks, anti-erosion forests, as well as forest parks in the green zone);

[2] Category II — restricted management forests (forests in protected landscape areas, exploitable forests in the green zone and other forests which are significant to environmental protection);

[3] Category III — exploitable forests (all other forests).

Article 18. Forest classification procedure

[1] The procedure for forest classification into categories is determined by the Cabinet of Ministers. Forest classification into categories must be reviewed before fulfilling current forest management planning.

[2] The procedure for management of specially protected nature territories is determined by regulations on their protection and utilization, and plans on nature protection.

[3] If the Saeima or the Cabinet of Ministers adopts a resolution on the inclusion of natural, cultural-historical and other particularly protected objects into the forest fund, then the resolution must determine the category designation of the forests included within the object. The owner of the forest has the right on compensation in the procedure determined by the Cabinet of Ministers, if the change of forest category causes material losses to him/her in management or utilization of the forest.

[4] The boundaries between forests of different categories are determined by the State Forest Survey service.

Article 19. Specially protected forest areas

[1] Specially protected forest areas can be designated within restricted management forests and exploitable forests with special regulations of management and utilization.

[2] Nomenclature of specially protected forest areas and norms of their allocation are determined by the Cabinet of Ministers.

[3] The State Forest Service designates specially protected forest areas, in accordance with the proposals submitted by State institutions, local governments or citizens considering the nomenclature and norms for allocation determined by the Cabinet of Ministers.

[4] The owner of forest has the right on compensation in the procedure determined by the Cabinet of Ministers, if designation of the specially protected forest area causes material losses to him/her in management or utilization of the forest.

**CHAPTER FOUR
FOREST MANAGEMENT. RIGHTS
AND OBLIGATIONS OF FOREST MANAGERS**

Article 20. Forest management

Taking into account the ecological and economic importance of a forest, and irrespective of who has been assigned to manage the forest, forest management includes:

- 1) water conservation, climate regulation and the strengthening of other ecological characteristics for the improvement of the condition of the environment;
- 2) reforestation, forest tending and the improvement of its productivity and quality;
- 3) forest protection from pathogens, pests and other damages;
- 4) forest protection from fires and unauthorized forest utilization;
- 5) the construction and maintenance of facilities necessary for forest management.

Article 21. Forest managers

[1] The management of the Republic's forest fund is conducted by physical persons and legal entities who have been allocated land for utilization or transferred into ownership, in accordance with the Law "On Land Reform in the Republic of Latvia Rural Regions", the Law "On Land Use and Land Survey", the Law "On Land Reform in the Republic of Latvia Cities" and the Law "On Land Privatization in Rural Regions".

[2] A forest cannot be transferred for management without allocating the land for utilization or transferring into ownership.

Article 22. Rights and obligations in forest management

[1] Legal entities and physical persons who have been allocated forests for management are entitled to priority rights on all forms of forest utilization as set in Article 33 of this Law, excluding collection of berries, fruits, nuts, mushrooms, medicinal plants found in the wild. The procedure for utilization of the state forests is determined by the Cabinet of Ministers.

[2] Forest managers have the following obligations:

- 1) to ensure the fulfillment of the requirements set in Article 20 of this Law;
- 2) to hire a specialist-forester in the procedure determined by the Cabinet of Ministers, if the forest area exceeds 1,000 hectares and if the manager or his/her members of family have not forester's qualification;

3) to pay for consultations and services rendered by institutions of the State Forest Service, if the forest area does not exceed 1,000 hectares and if the manager or members of his/her family have not forester's qualification;

4) to report once a year to local institutions of the forest service on his/her intentions in forest management and their implementation.

[3] If the forest manager does not meet the demands for forest management, he/she is deprived of the utilization rights on that particular plot of land upon the decision of the institution which has allocated the land. If losses or damages have been caused to forestry or to other forest managers, they must be reimbursed in accordance with the procedures set by Chapter XVI of this Law.

[4] State and local government institutions are prohibited to interfere with the activities of forest managers, unless the latter violate Republic of Latvia legislative acts on land and forests. The employees of the State Forest Service and the sworn foresters are liable financially for sequels of consultations or services given incorrectly within three years after their implementation.

CHAPTER FIVE REFORESTATION, FOREST TENDING AND THE IMPROVEMENT OF FOREST PRODUCTIVITY AND QUALITY

Article 23. Forms and methods of reforestation

[1] In clear cuts and burns, forests have to be regenerated and in areas where new forests are to be created, afforestation is required.

[2] A forest is reforested and established artificially (by establishing plantations) or naturally (with or without the assistance of forest management).

Article 24. Reforestation goals and procedures

[1] Reforestation of the forest shall promote the total productivity of the forest lands by using the most proper species of trees corresponding to the ecological significance and significance for national economy of the specific forest.

[2] The forestry requirements for reforestation are determined by the State Forest Service.

[3] Procedures for preparation, upbringing, utilization and sale of reproduction material are determined by the State Forest Service.

[4] The areas designated for artificial reforestation are to be seeded or planted no later than three years after cutting (the year of cutting, inclusive).

[5] The forest is considered reforested of forest plantations or the area of natural reforestation are transferred into the land carrying the forest.

[6] If the forest manager does not fulfill instructions and recommendations for reforestation and afforestation given by the State Forest Service, institutions of the State Forest Service shall ensure their fulfillment for the expenses of the manager in the procedure determined by the Cabinet of Ministers.

Article 25. Forest harvesters' obligations in reforestation

[1] If the forest manager has not provided otherwise, the forest harvester must establish plantations and forest management measures for natural reforestation.

[2] A reforestation fund is established to finance reforestation work in state forests from the resources of the forest harvesters. The procedures for the formation of this fund are provided for by the Cabinet of Ministers.

Article 26. Tending of young stands

[1] When tending young stands, a species composition and number of trees must be established to ensure the creation of high quality forest stands in accordance with the objectives of forest management.

[2] The tending of young stands must be conducted with methods which are not harmful to the environment.

[3] If the forest manager does not fulfill instructions and recommendations of the State Forest Service for tending of young stands, institutions of the State Forest Service shall ensure their implementation for the expenses of the manager in the procedure determined by the Cabinet of Ministers.

Article 27. Measures for increasing forest productivity and quality

The principle measures for increasing forest productivity and quality include:

- 1) the utilization of selected reproductive materials for reforestation and afforestation;
- 2) forest tending;
- 3) the reconstruction of low value stands;
- 4) the construction of drainage systems and roads within forests;
- 5) forest fertilization;
- 6) scientific researches and implementation of their results.

Article 28. Procedure for increasing forest productivity and quality

[1] Forest managers shall introduce measures to increase forest productivity and quality, in accordance with forest management plans.

[2] Measures to increase forest productivity and quality in the state forests shall be introduced for the development of forestry fund resources. Resources of the fund are formed in the procedure stipulated by law and utilized in the procedure determined by the Cabinet of Ministers.

[3] The owners of forests can create their forestry development funds for introducing the measures to increase forest productivity and quality by joining voluntary payments from the forests' income.

CHAPTER SIX FOREST PROTECTION AND PRESERVATION

Article 29. Forest managers' obligations in forest protection and preservation

[1] Forest managers' obligations in forest protection are as follows:

- 1) to regularly monitor forest phytopathological conditions and to extinguish forest pathogens in due time;
- 2) to regularly monitor forest entomological conditions and take measures to avert damages caused by insects and animals;
- 3) to observe forest sanitation regulations; and
- 4) to inform, in due time, the State Forestry Service and local government of the possible spread of any forest pathogens, the increases in the population of harmful insects and the appearance of other damages.

[2] Forest managers' obligations in forest preservation are as follows:

- 1) to protect the forest from violations of forest utilization regulations and to avert actions which are harmful to the forest and the environment and cause damage to forestry;
- 2) to protect the forest against fires in accordance with forest fire prevention regulations; and
- 3) to guard the boundaries and boundary markings of the lands of the forest fund.

[3] Forest managers are liable for their activity or inactivity in forest protection and preservation, if losses occurred to other forest managers due to their activity (inactivity). The procedure for reimbursement of losses is determined by the Cabinet of Ministers.

Article 30. Tasks of the Cabinet of Ministers and local governments in forest protection and preservation

The Cabinet of Ministers and local governments participate in the implementation of forest protection and preservation measures, and involve residents and employ technical

equipment, transportation vehicles and State resources in the distinguishing of forest fires. If necessary, they may prohibit persons from entering the forest either by foot or by any transportation vehicle.

Article 31. Tasks of the State Forest Service in forest protection and preservation

[1] Institutions of the State Forest Service carry out measures of forest protection and preservation in the state forests, render practical assistance for pay to other forest managers, coordinate their mutual activities in the forest protection and preservation issues.

[2] The State Forest Service regularly informs the public on the condition of the forest.

**CHAPTER SEVEN
FOREST UTILIZATION. RIGHTS
AND OBLIGATIONS OF FOREST UTILIZERS**

Article 32. Forest utilization

[1] Forest utilization is the utilization of a forest's ecological characteristics for residents recreation and health improvement, and the acquisition of forest resources to meet the material and other needs of the public. Forest utilization must be sustainable and rational and it must not exhaust forest resources.

[2] Restrictions of forest utilization depend only on the forest's ecological and economic importance. The restrictions may never depend on the legal entity or physical person who has obtained forest utilization rights.

Article 33. Forest utilization forms

[1] Forms of forest utilization include:

1) the preparation of forest products:

[1] — preparation of timber (trunks and brushwood);

[2] — acquisition of resin and sap;

[3] — acquisition of stumps, bast, bark, branches, tree verdure, buds, Christmas trees, birch-boughs and other decorative forest materials;

2) the secondary utilization of the forest;

[1] — preparation of hay;

[2] — cattle grazing;

[3] — sites for apiaries;

[4] — collection of forest seeds for the needs of reforestation;

[5] — collection of berries, fruit, nuts, mushrooms, medicinal plants and other raw materials found in the wild;

[6] — collection of moss;

[7] — forest utilization for research purposes;

[8] — forest utilization for recreational and health rehabilitation purposes of residents;

[9] — forest utilization for hunting purposes;

[10] — forest utilization for purposes of State security.

[2] The procedure for the preparation of forest products and the secondary utilization of forests is determined by the legislative acts on forests.

Article 34. Forest utilizers

Forest utilizers may be physical persons or legal entities.

Article 35. Rights and obligations of forest utilizers

[1] The forest manager, i.e. the land user or owner, has priority rights on every form of forest utilization, excluding collection of berries, fruits, nuts, mushrooms, medicinal plants found in the wild.

[2] The forest manager may transfer his/her forest utilization rights to other physical persons or legal entities, without granting land utilization rights or transferring the land into ownership.

[3] The forest managers are obliged to utilize the forest in a such manner not to cause harm to the forest or agricultural lands and roads lied beside. If forest harvesting is connected with utilization of agricultural lands or roads, then forest harvesters shall sign special contracts, prior to commencement of activities, with permanent users of agricultural lands or roads on their utilization and putting in order after completing their activities.

[4] In accordance with the form of forest utilization, the rights and obligations of the forest utilizers are set by this Law and other legislative acts on forests.

Article 36. Commencement of forest utilization

[1] Forest utilization in the state forests and in forests on lands granted for use may commence after a felling ticket or forest permit has been received from the State Forestry. Other written or verbal permission for forest utilization is illegal, irrespective of who has issued the permission.

[2] It is necessary to receive a felling ticket in order to prepare timber in the state forests and forests on lands granted for use. Shrubs and trees with a diameter of up to 12 cm and at breast height are permitted to be cut without a felling ticket in the following cases:

- 1) for purposes of cultivating afforestation areas until their transformation into areas fully covered with forests;
- 2) in non-forest land; or
- 3) in land, allocated for other land utilization purposes.

[3] A forest permit in the state forests and forests on lands granted for use is necessary:

- 1) in the acquisition of resin, sap, stumps, bast, bark, branches, tree verdure, buds, Christmas trees, birch-boughs and other decorative forest materials for sale;
- 2) in the acquisition of medicinal plants, moss and other raw materials;
- 3) in the preparation of hay, cattle grazing and location of apiaries, provided that these activities are not performed by the forest manager;
- 4) in the collection of forest seeds and berries, fruit, nuts and mushrooms found in the wild, in order to sell;
- 5) in forest utilization for research purposes;
- 6) for hunting;
- 7) for forest utilization with purposes of national defense in areas existing outside of land allocated for national defense purposes.

[4] The following activities are permitted without a forest permit:

- 1) the acquisition of sap, branches, Christmas trees, birch-boughs and other decorative forest materials for personal use;
- 2) the preparation of hay, cattle grazing and the location of apiaries, provided that these activities are performed by the forest manager;
- 3) the collection of berries, fruit, nuts and mushrooms found in the wild and necessary for personal use;
- 4) forest utilization for recreational and health rehabilitational purposes.

[5] The forest owners commence forest utilization without the felling ticket or

forest permit and timber preparation according to the forest management plan or the single-use permit of the state forester. The forest owner shall inform the local state forester in written about the commencement of clear cutting not later than three weeks prior. The clear cutting can be commenced if the state forester did not raise objections or issue permit on earlier commencement of the clear cutting.

[6] Violation of the requirements of this Article is considered as illegal forest utilization.

Article 37. Suspension of forest utilization

If a forest utilizer violates forest utilization and reforestation regulations, then, until the effects of the violation have been eliminated, forest utilization is suspended, in accordance with the procedure set by the legislative acts on forests.

Article 38. Termination of forest utilization rights

[1] Forest utilization rights are terminated if:

- 1) forest managers change;
- 2) a forest utilizer voluntarily refuses to further utilize the forest;
- 3) the term of forest utilization expires;
- 4) forest utilization does not correspond to the permitted form of utilization.

[2] In all other cases, forest utilization rights may be terminated only upon the consent of the forest utilizer and upon compensation of losses caused to him/her.

CHAPTER EIGHT PREPARATION OF FOREST PRODUCTS

Article 39. Forms, regulations and methods of cutting

[1] Timber on the lands of the forest fund and other lands is prepared by applying main felling, intermediate cutting and other cutting methods.

[2] Pre-stands, mature and over-grown stands of all forest categories to be cut in the clear cutting or selective cutting are included in main felling. Main felling is prohibited in forest reserves.

[3] Intermediate cutting includes tending cutting, sanitation cutting, and reconstructive cutting methods. Intermediate cutting is prohibited in the zones of forest reserves which are under strict control.

[4] Clearing of tree and shrub outside of the forest fund, clearing non-forest land of the forest fund of tree and shrub cover and for the transformation of forest land into non-forest land is included in other cutting. Clear cutting and cutting of separate trees are used in other cutting.

[5] Main felling, intermediate cutting and other cutting regulations are drafted and approved by the State Forest Service in coordination with environmental protection institutions.

Article 40. Rotation age

[1] The following rotation ages have been determined in the Republic of Latvia:

Dominant species in the forest stand	Rotation age (in years)	
	In restricted management forests	In exploitable forests
Pine, larch, oak	121	101
Spruce, ash	101	81
Birch, black alder, linden	81	71
Aspen, poplar	51	51
White alder, willow	31	31

[2] Individual rotation age is applied to each specific forest stand in the protected forests by the State Forest Survey Service which depends on the target function of the protected nature territory, biological qualities of tree species and condition of the stand.

[3] The rotation ages for forest stands of a plantation type are determined by the State Forest service.

Article 41. Prescribed cut and quota

[1] The prescribed cut is the maximum amount of timber permitted for cutting in one year.

[2] The prescribed cut for main felling and intermediate cutting for a period of 10-15 years is separately calculated by the State Forest Survey Service for each forest manager's forest occupying 50 and more hectares, according to forest categories and tree species. The calculations of the prescribed cut are approved by institutions of the State Forest Service.

[3] The total prescribed cut for the state is obtained by counting up the prescribed cuts for forest managers in rural districts and districts. The prescribed calculations are approved by the Saeima for the following five years on the proposal of the Cabinet of Ministers.

[4] Cuts chosen for previous years but not fulfilled are allowed for cutting in the frame of the prescribed cut of the respective years.

[5] The cutting quota is the annual optimal extent for issuing the timber. It is determined by the forest valuer or the state forester by stock taking of the forest manager's forest up to 50 hectares and considering the age structure and condition of the specific stand. The cutting quota may be exceeded in separate years, however, it may not be exceeded in the frame of survey of intermediate felling project.

Article 42. Preparation, distribution and change of the allowable annual cut

[1] The allowable annual cut consists of cutting areas prepared for main felling, intermediate cutting and other cutting for each year.

[2] The allowable annual cut is prepared according to the relevant regulations approved by the State Forest Service.

[3] The procedure for distributing the allowable annual cut is determined by the confirmed regulations for wood distribution approved by the Cabinet of Ministers.

[4] The State Forest Service can authorize a change in the allowable annual cut in the state forests and in forests allocated for use.

Article 43. Distribution and realization of timber in the forest

[1] Timber is distributed according to the area, number of trees or the amount of cut.

[2] Timber can be realized in the forest:

- 1) by leasing the cutting rights for the specific period of time;
- 2) by sale of tree on stump;
- 3) by sale of the prepared timber (trunk or articles)..

[3] The procedure for realization of timber to be acquired in the state forests is determined by the Cabinet of Ministers.

Article 44. Collection of resin

The forest stands which are allocated for the collection of resin, according to specific procedures, must be tapped before main cutting.

Article 45. Collection of sap

The forest managers can permit the industrial collection of tree sap in the forest stands designated for cutting, no earlier than five years before cutting. areas for industrial sap collection are designated by state forestries or by the forest owner.

Article 46. Collection of stumps

Areas and methods of stump collection are determined by state forestries or by the forest owner.

Article 47. Collection of bast, bark, branches, tree verdure and buds

Bast, bark, branches, tree verdure and buds can only be collected from the trees that have already been cut. It is prohibited to cut trees specifically for this purpose. Areas for the collection of bast, bark, branches, tree verdure and buds are designated by a forest manager.

Article 48. Collection of Christmas trees, birch-boughs and other decorative forest materials

[1] Areas for cutting Christmas trees, birch-boughs and collecting other decorative forest materials for personal needs are designated by forest manager.

[2] Areas for cutting christmas trees, birch-boughs and other decorative forest materials for sale are designated by state forestries or by the forest owner.

CHAPTER NINE SECONDARY UTILIZATION OF FORESTS

Article 49. Preparation of hay and cattle grazing

The preparation of hay and cattle grazing is permitted upon the consent of the forest manager, if it does not cause any damage to the forest stands.

Article 50. Location of apiaries

The forest manager allocates sites for the location of apiaries, without the right to cut the forest, clear its areas or erect buildings.

Article 51. Collection of forest seeds, wild berries, fruits, nuts, mushrooms, medicinal plants and other raw materials of the forest

[1] Areas for collecting forest seeds and methods are determined by State Forestries.

[2] Legal entities and physical persons can collect wild berries, fruits, nuts, mushrooms, medicinal plants and other raw materials of the forest, as they choose, if the State Forest Service, the environmental protection institutions or the local governments have not determined another procedure in the state forests or forests granted for use or the forest owner — in the forests of his/her ownership.

[3] The collection of wild berries, fruits, nuts, mushrooms, medicinal plants and other raw materials of the forest must be done without causing damage to the forest.

[4] The right to collect wild berries, fruits, nuts, mushrooms, medicinal plants and other raw materials of the forest on plantations established for that particular purpose belongs to the plantation manager, or, upon his/her consent, to other legal entities and physical persons.

Article 52. Collection of moss

Collection of moss is permitted if it does not damage the forest. Areas for moss collection are designated by the forest manager.

Article 53. Forest utilization for research purposes

[1] Upon agreement with the forest manager, research institutions can allocate forests for research purposes.

[2] Forest areas allocated for research purposes must be utilized in accordance with the research plans.

Article 54. Forest utilization for recreational and health rehabilitational purposes

[1] Upon the approval of the forest manager, a forest can be utilized for public recreation.

[2] Legal entities and physical persons interested in the organization of public recreation, may facilitate forest areas designated for recreation and ensure that the needs of the public are met. When utilizing a forest for such purposes, the forest利用者 must ensure that the forest's environment and natural landscape are preserved. The procedures, according to which a forest may be utilized for the organization of public recreation and health rehabilitation, are determined by the forest manager upon coordination with the local government.

Article 55. Forest utilization for hunting purposes

The procedure of forest utilization for hunting purposes is determined by the Hunting Law.

Article 56. Forest utilization for state defense purposes if the forest is situated outside the territories allocated for defense purposes

[1] Army units, military enterprises and military organizations may use, for their purposes, the forests of other forest managers upon agreement with the manager and the local government.

[2] When utilizing the forests of other managers for national defense purposes, it is prohibited to cut, dig out or otherwise damage the trees and shrubs, damage drainage systems and other technical facilities, conduct any excavation or inflict any other harm to the forest environment.

CHAPTER TEN PUBLIC ACCESS TO FORESTS

Article 57. Rights of the public to enter a forest

[1] The public has free access to the state forest.

[2] Accession of public to other forests is regulated by their manager.

[3] Upon the suggestion of the State Forest Service or the environmental protection institution, and with the decision of the local government, the public may be restricted entry into the forest in the interests of fire prevention and the protection and preservation of wild plants and animals and in the interests of state security in the procedure determined by legislative acts.

[4] Decisions shall be announced in the mass media.

Article 58. Obligations of the public during their stay in the forest

[1] While in the forest, the public is obliged to observe fire prevention regulations, not to cut and damage trees and shrubs, not to litter, damage birds' nests and ant-hills or otherwise harm wild plants and animals.

[2] The obligation of the public is to observe the regulations for visiting specially protected nature areas and specially protected forest areas, as well as the established procedure for the utilization of recreational areas.

CHAPTER ELEVEN SUPERVISION OF FOREST MANAGEMENT AND UTILIZATION

Article 59. Objectives of supervising forest management and utilization

The supervision of forest management and utilization must ensure that legislative acts on forests is applied.

Article 60. Institutions which conduct the supervision of forest management and utilization

The supervision of forest management and utilization is conducted by:

- 1) the State Forest Service and the State Forest Inspection;
- 2) the local governments;
- 3) environmental protection institutions.

Article 61. Rights of supervising institutions

[1] Supervising institutions have the right to demand and obtain verbal or written information from forest managers and utilizers, as well as to examine the condition of the forest on location, unimpeded, in order to perform their specific duties.

[2] Supervising institutions have the right to terminate activities that contradict the requirements of the legislative acts on forests, to impose fines and take other measures which correspond to their duties.

[3] Supervisory institutions can terminate the activities, which have been undertaken by legal entities and physical persons, due to them the harm is caused to the forest or to agricultural lands and roads lied beside (if specific contracts with the permanent land or road users on their utilization and putting to order after completing the activities are not signed).

CHAPTER TWELVE STATE FOREST SERVICE

Article 62. State Forest Service — composition and responsibilities

The composition and structure of the State Forest Service are determined by the Cabinet of Ministers. The State Forest Service is responsible for the unified forest management and utilization policy in all forests.

Article 63. Obligations and rights of State Forest Service employees

[1] The obligations of State Forest Service employees are to ensure the management of all forests according to the requirements of legislative acts on forests, to terminate and prevent violations of forest management and utilization regulations and to prevent the utilization of the lands of the forest fund for unauthorized purposes, as well as to terminate and prevent any other activities endangering the forest or the environment, to organize and conduct the quenching of forest fires involving necessary institutions. State Forest Service employees must wear uniforms when performing their official duties.

[2] State Forest Service employees shall render advises and services to forest managers for pay in the procedure determined by the Cabinet of Ministers.

[3] Upon detecting a forest violation, State Forest Service employees have a right to detain the violator, identify him/her, impose and collect a fine or officially register the violation, as well as submit materials on the violation to law enforcement institutions in order that the violator may be charged in accordance with the procedure set by law.

[4] State Forest Service employees are entitled to receive a uniform, in gratis, carry a registered weapon to purchase timber for personal needs for the reduced price and rent land up to 10 hectares. Activities of the State Forest Service is financed from the state budget

[5] State Forest Service employees are prohibited to engage in any entrepreneurial activity associated with preparation of timber.

CHAPTER THIRTEEN STATE FOREST CADASTRE AND FOREST MONITORING

Article 64. , Essence, contents and objectives of the State Forest Cadastre

[1] The State Forest Cadastre is a compilation of information on the legal, natural and economic status of forests which is necessary for the economy.

[2] The State Forest Cadastre includes the register of forest managers, cartographical materials, registration data of the forest fund and forest assessment.

[3] The objectives of the State Forest Cadastre are to provide for the implementation of measures related to forest management, forest management planning and the forest's legal protection and to issue materials necessary for statistics, utilization of forest resources and estimation of forest income.

Article 65. Arrangement and financing of the State Forest Cadastre

[1] The State Forest Cadastre is arranged by the State Forest Survey Service in cooperation with the local governments according to the procedure set by the Cabinet of Ministers.

[2] Activities related to the State Forest Cadastre are financed by the state budget.

Article 66. Forest monitoring and its objectives

[1] Forest monitoring is an informative system which includes stationary observations, the analysis of acquired data and the elaboration of forecasts concerning the influence of the environment on the forest's condition and development.

[2] The objectives of forest monitoring are as follows:

- 1) to conduct complex and long-term stationary observations of the forest condition, the pollution level and changes in productivity;
- 2) to store and analyze the acquired observation data;
- 3) to forecast the direction of changes in the forest condition, pollution level and the productivity and to make recommendations to prevent pollution.

Article 67. Arrangement and financing of forest monitoring

[1] The Ministry of Environmental Protection and Regional Development together with the State Forest Service regulates organization and operation of the forest monitoring system.

[2] Activities of the forest monitoring system is financed from the state budget.

CHAPTER FOURTEEN STATE FOREST SURVEY

Article 68. Forest survey

[1] Forest survey is a system of State and economic measures created to regulate forest relations, and to submit territorial and economic proposals on the reasonable management and utilization of the lands of the forest fund, the improvement of the forest's productivity, quality and condition.

[2] Forest survey includes the following:

- 1) the control of the legal status of the forest managers' territories and the borders of the lands of the forest fund;
- 2) the elaboration of proposals for the rearrangement of the internal organization of the forest managers' territories;
- 3) the specification of forest categories and borders of specially protected forest areas and the elaboration of proposals for changes in these specifications;
- 4) the inventory of the lands of the forest fund and forest stands;
- 5) the establishment of prescribed forest cuts for main felling and intermediate cutting, and the forms, methods and locations of cutting;
- 6) the establishment of forms, methods, areas and locations of reforestation;
- 7) the elaboration of proposals for the secondary utilization of forests;
- 8) the planning of measures for forest preservation and protection;
- 9) the planning of hunting districts;
- 10) the elaboration of plans for forest management;
- 11) the planning and forecasting of the development and utilization of forest resources;
- 12) the provision for establishing and the operation of the data base "The Forest Fund";
- 13) the implementation of forest inventory, and topographical and geodesic activities, as well as other measures of forest monitoring and research;
- 14) the issue of cartographical materials on the forest fund.

[3] According to the content of activities, the forest survey is subdivided into the forest inventory and the forest planning.

Article 69. Forest management plan

[1] The results of forest inventory are compiled to form the forest management plan which is drawn up for each forest manager whose forest occupies a territory of 10 or more hectares.

[2] This plan is the basic document for forest management and utilization.

[3] The procedures for the evaluation, coordination and approval of the forest management plan are determined by the Republic of Latvia Council of Ministers.

[4] The State Forest Survey Service ensures that the forest management plan is precisely implemented according to the plan.

Article 70. Implementation of forest survey

[1] The forest inventory (the basic survey) is implemented according to the unified system established by the State Forest Service once within 10-15 years. The basic survey is mandatory in all forests, it is financed from the state budget resources and carried out by the State Forest Survey Service regardless of the forest managers' wishes.

[2] Compilation of the forest management plans and the forest inventory in the intermediate planning of the basic survey are carried out by the State Forest Survey Service or sworn forest evaluators according to the request of forest managers and for their expenses.

[3] Other physical persons and legal entities utilize forest management plans and other materials of the forest survey for pay.

CHAPTER FIFTEEN SETTLEMENT OF FOREST DISPUTES

Article 71. Forest disputes

Forest disputes are disputes on forest management and utilization issues which arise among physical persons, among physical persons and legal entities and among legal entities.

Article 72. Examination of forest disputes

[1] Disputes among physical persons and legal entities concerning forest management and utilization issues are reviewed by institutions of the State Forestry Service according to their competence.

[2] If a complaint concerning forest dispute is submitted, then all further forest management or utilization is suspended until the complaint is reviewed.

Article 73. Procedure for reviewing forest disputes

[1] Forest disputes are reviewed after one of the parties has submitted a substantiated application along with all documents necessary for the investigation of the dispute.

[2] Both parties must appear at the hearing of the forest dispute concerning forests. The dispute must be reviewed in one month from the date the application is submitted. If both parties, who have been notified in writing about the date of the dispute hearing, do not appear, the dispute is reviewed in their absence.

[3] The State Forest Service institution reviewing the dispute must make a decision

and, if necessary, must determine the terms and procedures of its implementation, as well as the measures for the restoration of the violated forest management or utilization rights.

[4] The decisions passed on disputes are binding to both parties, officials, physical persons and legal entities, unless an appeal is not submitted within 10 days.

Article 74. Rights and obligations of parties involved in forest conflicts

The rights and obligations of parties involved in forest conflicts are as follows:

- 1) to acquaint themselves with materials prepared for the hearing of a conflict and the draft decision, as well as to make copies of the abovementioned documents;
- 2) to attend the hearing of a conflict, to submit documents and other evidence;
- 3) to submit requests, including requests to subpoena witnesses;
- 4) to provide verbal or written explanations;
- 5) to object to the requests, arguments and reasoning of the other party;
- 6) to request and to receive copies of the decision adopted concerning the conflict.

Article 75. Procedure for appealing forest conflicts

[1] 10 days after the interested parties have been informed of the State Forest Service institution's decision, the parties can submit an appeal of the decision in court (commercial court) in the procedure set by laws.

[2] The implementation of the decision which is being appealed, in accordance with the procedure set by this Law, is suspended until the appeal has been reviewed. The institution which reviews the appeals on forest disputes must notify the institution that the decision adopted by the institution is being appealed.

CHAPTER SIXTEEN COMPENSATION OF LOSSES AND DAMAGES TO FOREST MANAGERS, FOREST UTILIZERS AND FORESTRY

Article 76. Compensation of losses to forest managers

Legal entities and physical persons who have caused losses to forest managers must fully compensate those losses, including those related to the restriction of the rights of forest managers, the alienation or lease of forests, or the decrease in forest productivity and quality.

Article 77. Compensation of losses to forest utilizers

[1] Losses caused to forest utilizers by restricting their rights, must be compensated upon determining the actual reimbursement sum that must be collected from physical persons and legal entities in whose interests forest utilization rights have been restricted.

[2] The rights of forest utilizers, which have been illegally restricted must be restored and the losses caused must be compensated in the procedure set by legislative acts.

Article 78. Compensation of damages to forestry

Damages caused to forestry are compensated in the procedure set by legislative acts.

Article 79. Procedure for evaluation of the amount of losses and damages

The procedure for evaluating and reimbursing the losses and damages caused by the restriction of forest management or utilization rights, the alienation or lease of the forest, or the allocation or transformation of forest land for purposes not associated to forest management are determined by the Cabinet of Ministers.

**CHAPTER SEVENTEEN
RESPONSIBILITY FOR VIOLATIONS
OF LEGISLATIVE ACTS ON FORESTS**

Article 80. Forest violations

Forest violations include:

- 1) illegal cutting (removal by digging) and damage of trees and shrubs;
- 2) disregard of forest fire prevention regulations;
- 3) destruction or damage of forests by fire, flood or bogging;
- 4) destruction or damage of forests by sewage, toxic materials, industrial and domestic waste, or other waste and refuse;
- 5) unauthorized utilization of the lands of the forest fund by erecting structures for permanent or temporary utilization;
- 6) violations of hunting regulations;
- 7) unauthorized destruction of forest plants, their biotope, or animals and their shelters;
- 8) destruction or damage of forest civil engineering structures;

9) destruction and damage of forest boundary markings, road signs and other signs;

10) other forest violations set in legislative acts.

Article 81. Responsibility for forest violations

[1] Persons who have committed violations of the regulations for forest management and utilization are subject to administrative, civil and criminal responsibility and officials are also subject to disciplinary responsibility in accordance with laws.

[2] Violators of the regulations of the forestry legislation and normative acts are held administratively responsible by State Forestry Service employees according to their competence.

[3] The unauthorized acquisition or transfer of forest management or utilization rights, as well as other transactions, which directly or indirectly violate the set procedure of forest management or utilization regulations, are regarded as null and void.

Article 82. Compensation of damages caused as a result of forest violations

[1] A person's or official's subjection to disciplinary, civil, administrative or criminal responsibility does not release him/her from compensating damages inflicted on the forest or caused to the property and interests of legal entities and physical persons.

[2] The State Forest Service and its institutions are exempt from paying state tax on claims submitted to court concerning the collection of fines or the collection of compensation for losses caused by violations of forest management and utilization regulations.

Article 83. Confiscation of illegally acquired timber and other forest products

[1] Illegally acquired timber and other forest products are to be confiscated. The procedures for the sale of confiscated timber and other forest products are determined by the local governments.

[2] If forest product confiscation is not possible, the value of the illegally acquired products must be collected from the violator.

CHAPTER EIGHTEEN INTERNATIONAL AGREEMENTS

Article 84. International agreements

If international agreements affirmed by the Saeima stipulate forest management and utilization regulations which differ from those set in this Law, the provisions of the international agreement shall be applied.

TRANSITIONAL PROVISIONS

1. By taking effect of this Law the Law "On Forest Management and Utilization" and the Republic of Latvia Supreme Council Resolution "On the Procedure by which the Republic of Latvia Law "On Forest Management and Utilization" Takes Effect", as well as the Cabinet of Ministers Regulations No. 24 "On Forest Management and Utilization" are recognized as null and void.

2. The draft law "On the Procedure for the State Forest Utilization" shall be submitted by the Cabinet of Ministers for reviewing in the Saeima up to May 1, 1994.

The Law was adopted by the Saeima on March 24, 1994.

The President of State

G. Ulmanis

Riga, April 6, 1994

The Latvia Law Institute, pursuant to a special agreement with the Ministry of Justice of the Republic of Latvia, is authorized to perform and certify this translation. Should there be any difference between the meaning of the Latvian text and that of the English language, the official Latvian language text shall prevail.