

# Russian Federation Forest Code

## RF Federal Act No. 22-FZ. Adopted By The State Duma On January 22, 1997

The present Code shall lay down the legal principles of rational use, conservation, protection and reproduction of forests, and enhancement of their ecological and resource potential.

The regulation of forest relations shall be effected with due account of the conceptions of the forest as an aggregation of forest vegetation, land, the animal kingdom, and other components of the natural environment, which is of great ecological, economic and social importance.

### General Part

#### Section I. General Provisions

##### Chapter 1. Basic Provisions

###### Article 1. RF Forest Legislation

In conformity with the RF Constitution, forest legislation in the RF shall be under the joint jurisdiction of the RF and the subjects of the RF.

RF forest legislation shall consist of the present Code, of other Federal laws and other normative legal enactments of the RF, and also of the laws and other normative legal enactments of RF subjects.

The laws and other normative legal enactments of RF subjects regulating forest relations may not be contrary to the present Code or the Federal laws adopted in conformity therewith. In the event of a contradiction between a Federal law regulating forest relations and another enactment adopted in the RF, the Federal law shall have effect.

The norms of forest law contained in other acts must be in conformity with RF forest legislation.

State agencies engaged in the management of forestry may issue enactments containing forest-law norms, in the cases and within the limits specified by RF legislation.

###### Article 2. Tasks and Objectives of RF Forest Legislation

RF forest legislation shall be aimed to ensure the rational and non-depletion use of forests, the conservation, protection and reproduction thereof, proceeding from the principles of stable management of forests and preservation of the biological diversity of forest ecosystems, enhancement of the ecological and resource potential of forests, and satisfaction of the society's requirements in forest resources on the basis of scientifically grounded, multipurpose use of forests.

###### Article 3. RF Forest Legislation and Norms of International Law

The generally accepted principles and norms of international law, and RF treaties

in the use, conservation, protection and reproduction of forests shall be a component part of the RF legal system.

RF international treaties shall apply to relations arising in the use, conservation, protection and reproduction of forests directly, with the exception of cases when the adoption of an internal state legal enactment is required for application of an international treaty.

Where an international treaty of the RF lays down rules other than those provided for by the present Code, the rules of the international treaty shall apply.

**Article 4. Operation of RF Forest Legislation in Time**

RF forest legislation enactments shall have no retroactive force, and shall apply to relations arising after the entry of these enactments into force.

The effect of RF forest legislation enactments shall extend to relations arising prior to the entry of these enactments into force only in the cases directly provided for by law.

With respect to relations arising before the entry into force of RF forest legislation enactments, these shall apply to the rights and duties arising after the entry of these enactments into force.

**Article 5. Relations Regulated by RF Forest Legislation**

RF forest legislation shall regulate relations in the use, conservation, protection and reproduction of forests, both included and not included in the forest estate, and also forest-estate lands not covered with forest vegetation (forest relations).

Relations in the use and conservation of forest-estate lands shall be regulated by RF forest and land legislation.

Relations in the use, conservation, protection and reproduction of tree-and-bush vegetation not included in the forest estate or in forests not within the forest estate (hereinafter "tree-and-bush vegetation") shall be regulated by RF civil legislation on the vegetable kingdom, RF land and water legislation, and the respective articles of the present Code.

Relations in the use of wood, technical and medicinal raw materials, and also of other forest resources obtained in the established manner in the use of the forest estate and of forests not within the forest estate (products) shall be regulated by RF civil legislation and other legislation.

Relations in the use and conservation of the animal kingdom, of bodies of water, of the subsoil and its mineral wealth, and of the atmospheric air shall be regulated by RF forest legislation to the extent to which this is required for the rational use, conservation, protection and reproduction of forests, both included and not included in the forest estate, and also of forest-estate lands not covered with forest vegetation.

Property relations arising in the use, conservation, protection and reproduction of forests, both included and not included in the forest estate, and also of forest-estate lands shall be regulated by RF civil legislation, unless the present Code provides otherwise.

Administrative relations, including financial relations, arising in the use, conservation, protection and reproduction of forests, both included and not included in the forest estate, and also of forest-estate lands not covered with

forest vegetation shall be regulated by RF forest legislation, in conformity with RF administrative and financial legislation.

**Chapter 2. Objects of Forest Relations**

**Article 6. Objects of Forest Relations**

The RF forest estate (hereinafter the "forest estate"), parcels and sectors of the forest estate, the rights of the use thereof, forests not included in the forest estate, parcels and sectors thereof, the rights of the use thereof, and tree-and-bush vegetation shall be objects of forest relations.

Objects of forest relations shall be used and provided with conservation, with due account of the multifunctional importance of forests, and also of the recognition thereof as the main means of production in the forestry.

**Article 7. Forest Estate**

All forests, except forests located on defence lands and lands of populated localities (settlements), and also forest-estate lands not covered with forest vegetation (forest lands and non-forest lands) shall constitute the forest estate.

The boundaries of the forest estate shall be determined by demarcation of the forest-estate lands from other lands.

Inclusion of lands within the forest estate and withdrawal of lands therefrom shall be effected in the manner established by RF forest and land legislation.

**Article 8. Forest-Estate Lands**

Forest-estate lands shall include forest lands and non-forest lands.

Forest lands shall include lands covered with forest vegetation and not covered therewith, but intended for the restoration thereof (fells, burns, withered stands, thinned stands, bare places, glades, areas under nurseries, non-closed forest crops, and the like.

Non-forest lands shall include lands intended for the needs of forestry (lands under footpaths, bridgeways, roads, arable lands, and other lands), and also other lands situated within the boundaries of the forest estate (lands under bogs, placers, and other lands unfit for use).

**Article 9. Forest-Estate Parcels**

Forest-estate parcels shall include areas of the forest, and also areas of forest lands not covered with forest vegetation, and areas of non-forest lands.

The boundaries of forest-estate parcels must be demarcated on the ground by means of forest-estate signs and symbols, and/or indicated in cartographic plan materials (forest maps).

Provisions of RF civil legislation on the objects of civil rights, and also provisions of RF land legislation on land parcels shall apply to parcels of the forest estate and to the rights for the use thereof, unless the present Code provides otherwise.

The requirements of the present Article shall apply to parcels of forests not included in the forest estate, unless Federal laws provide otherwise.

**Article 10. Forests Not Included in Forest Estate**

The forest estate shall not include forests located on:

defence lands;  
lands of urban settlements (urban woodland).

**Article 11. Tree-and-Bush Vegetation**

The forest estate and forests not within the forest estate shall not include tree-and-bush vegetation located on:

- agricultural-purpose lands, including lands made available for gardening and personal subsidiary farming;
- transport lands (lands allotted for trunk-line railroad beds and automobile roads);
- lands of populated localities (settlements), including lands made available for country-house;
- housing and other building (with the exception of urban woodland);
- lands of the water stock (lands allotted for canals);
- lands of other categories.

**Article 12. Objects of Forest Relations and Flow of Commerce**

The forest estate shall not be involved in the flow of commerce. Involvement in the flow of commerce of forest-estate parcels and parcels of forests not within the forest estate, and of the rights of the use thereof shall be allowed to the extent provided for by the present Code.

Purchase and sale, mortgage and performance of other transactions which entail or could entail the alienation of forest-estate parcels, and also of parcels of forests not within the forest estate shall not be allowed.

Transactions with the rights of use of forest-estate parcels and with the rights of use of parcels of forests not within the forest estate shall be effected in the manner established by RF forest legislation and, in the part not regulated by the latter, by civil legislation.

Tree-and-bush vegetation may pass from one person to another in the manner provided for by RF civil legislation and land legislation.

**Chapter 3. Subjects of Forest Relations**

**Article 13. Participants in Forest Relations**

The RF, the subjects of the RF, municipal entities, citizens and legal persons shall be participants in forest relations.

The participation of the RF, RF subjects, municipal entities, citizens and legal persons in property and administrative relations arising in the use, conservation, protection and reproduction of the objects of forest relations shall be determined by RF civil legislation and administrative legislation, to the extent to which the aforesaid relations are not regulated by the present Code.

**Article 14. RF and RF Subjects as Participants in Forest Relations**

In the name of the RF and of RF subjects, the organs of state power of the RF and the organs of state power of RF subjects shall, respectively, take part in forest relations, within the limits of their competence, as established by enactments

determining the status of these organs.

**Article 15. Municipal Entities as Participants in Forest Relations**

In the name of urban and rural settlements and of other municipal entities, the organs of local self-government shall take part in forest relations, within the limits of their competence, as established by enactments determining the status of these organs.

**Article 16. Citizens and Legal Persons as Participants in Forest Relations**

Citizens and legal persons engaged in forestry and/or use of the forest estate, and also of forests not within the forest estate shall be participants in forest relations.

**Article 17. Users of Forests**

Citizens and legal persons given the right to use forest-estate parcels and the right to use parcels of forests not within the forest estate shall be users of forests.

**Section II. Rights of Ownership to Forest Estate and Forests Not Within Forest Estate, and Other Rights of Use of Parcels Thereof**

**Chapter 4. Basic Provisions**

**Article 18. Content of Right of Ownership to Forest Estate and Right of Ownership to Forests Not Within Forest Estate**

The content of the right of ownership to the forest estate and the right of ownership to forests not within the forest estate shall be determined by the present Code, by RF civil legislation, and by RF land legislation.

The owner shall bear the burden of the costs of conservation, protection, reproduction and arrangement of the rational use of the objects of forest relations belonging to him, and shall have the right to receive income from the use of the forest estate and of forests not within the forest estate.

Possession, use and disposal of the forest estate and of forests not within the forest estate shall be exercised with due account of the global ecological importance of forests, the reproduction thereof, the long term of growth, and other natural properties of forests.

**Article 19. Form of Ownership of Forest Estate and of Forests Not Within Forest Estate**

The forest estate and forests located on defence lands shall be in Federal ownership.

In conformity with Federal law, the transfer of a part of the forest estate into the ownership of RF subjects shall be allowed.

The forms of ownership of forests located on the lands of urban settlements shall be established by Federal law.

**Article 20. Right of Ownership of Citizens and Legal Persons to Tree-and-Bush Vegetation Located on Land Parcel**

Tree-and-bush vegetation located on a land parcel held in the ownership of a citizen or a legal person shall belong to them by right of ownership, unless Federal law provides otherwise.

Possession, use and disposal of the aforesaid tree-and-bush vegetation shall be exercised by the owner in conformity with the requirements of RF forest legislation and RF legislation on the vegetable kingdom.

Tree-and-bush vegetation appearing as a result of economic activity or naturally on a land parcel after the transfer thereof into the ownership of a citizen or a legal person shall be their property, whereof they shall have possession, use and disposal, at their own discretion.

**Article 21. Forest Servitudes/Easements**

Citizens shall have the right freely to stay in the forest estate or in forests not within the forest estate, unless RF legislation provides otherwise (public forest servitude/easement).

The right of citizens and legal persons to use forest-estate parcels and the right to use parcels of forests not within the forest estate may be limited in favor of other interested persons, on the basis of contracts, enactments of state organs, and enactments of organs of local self-government, and also of judicial decisions (private forest servitude/easement).

The provisions of RF civil legislation, RF land and other legislation shall apply to forest servitudes/easements to the extent to which this is not contrary to the requirements of the present Code.

**Article 22. Rights of Use of Forest-Estate Parcels and Rights of Use of Parcels of Forests Not Within Forest Estate**

Parcels of the forest estate shall be made available to citizens and legal persons for use on the terms and in the manner established by the present Code, under the following rights of use: lease, gratuitous use, concession, and short-term use.

Gratuitous use and short-term use shall be rights of use of parcels of forests not within the forest estate. The content of these rights and other rights of use shall be determined by Federal law.

To the rights of use of forest-estate parcels and the rights of use of parcels of forests not within the forest estate shall apply the provisions of RF civil legislation and RF land legislation, unless the present Code provides otherwise.

The rights of use of forest-estate parcels and the rights of use of parcels of forests not within the forest estate shall be exercised on the basis of recognition of the multifunctional importance of forests (simultaneous use by different persons and for different purposes).

**Chapter 5. Origination, Exercise, Restriction, Suspension, Termination and Protection of Rights of Use of Forest-Estate Parcels and Rights of Use of Parcels of Forests Not Within Forest Estate**

**Article 23. Ground for Origination of Rights of Use of Forest-Estate Parcels and Rights of Use of Parcels of Forests Not Within Forest Estate**

The rights of use of forest-estate parcels and the rights of use of parcels of forests not within the forest estate shall originate on the following grounds:

- enactments of state organs;
- contracts;
- judicial decisions;
- other grounds allowed by the present Code.

The rights of use of forest-estate parcels, with the exception of public forest servitude/easement, shall arise from the time of state registration of a contract of lease of a forest-estate parcel, a contract of gratuitous use of a forest-estate parcel, or a contract of concession of a forest-estate parcel; the signing of the record of proceedings on the results of a forest auction; the receipt of a logging permit, an order, or a forest ticket.

**Article 24. Rules of Origination of Rights of Use of Forest-Estate Parcels and Rights of Use of Parcels of Forests Not Within Forest Estate**

The rights of use of forest-estate parcels and the rights of use of parcels of forests not within the forest estate shall arise on the basis of a contract of lease of a forest-estate parcel, a contract of gratuitous use of a forest-estate parcel, a contract of concession of a forest-estate parcel, and also of a logging permit, an order, or a forest ticket.

The forest user shall have the right, in the cases and on the terms determined by RF forest legislation, and with the owner's consent, to transfer the right of use of a forest-estate parcel or the right of use of a parcel of forest not within the forest estate to a person who is not the forest user's legal successor, in conformity with a contract.

In the event of the death of a forest-user citizen, the right of use belonging to him shall pass to another person, in conformity with bequest or law.

At the reorganization of a forest-user legal person, the right of use belonging to it shall pass to the legal person who is the legal successor of the reorganized legal person, in the manner established by RF legislation.

The right of use a forest-estate parcel and the right of use of a parcels of forest not within the forest estate may pass only to one person, provided the purpose of the use of these parcels is maintained, and provided the legal successor is in possession of the requisite funds for the exercise thereof and, whenever necessary, also of a license for the conduct of the respective activity.

Transition of the right of use of forest-estate parcels shall be given due legal form through the entry of amendments to the contract, logging permit, order, or forest ticket.

Passage from one person to another of the rights of use of a forest-estate parcel made available for use under a contract of concessions of the forest-estate parcel shall be prohibited.

**Article 25. Exercise of Rights of Use of Forest-Estate Parcels and Rights of Use of Parcels of Forests Not Within Forest Estate**

Forest users shall freely exercise the rights of use of forest-estate parcels and rights of use of parcels of forests not within the forest estate, where this does not worsen the state of forest-estate forests and lands, does not damage the natural environment or violate the rights and legal interests of other persons.

Use of forest-estate parcels and parcels of forests not within the forest estate for the purposes and in ways contrary to the requirements of RF forest legislation shall be prohibited.

Interference by the organs of state power in the activity of forest users in the use of forest-estate parcels and of parcels of forests not within the forest estate shall not be allowed, except in the cases specified by the present Code and by other

Federal laws.

**Article 26. Restriction and Suspension of Rights of Use of Forest-Estate  
Parcels and Rights of Use of Parcels of Forests Not Within Forest Estate**

The rights of use of foreign-estate parcels and the rights of use of parcels of forests not within the forest estate may be restricted or suspended to the extent to which this is required to ensure the rational use, conservation, protection and reproduction of forests, both included and not included in the forest estate, and also of forest-estate lands not covered with forest vegetation, to protect the principles of the constitutional system, to ensure the country's defence and the security of the state, and to protect the health of the population, the natural environment, the historical, cultural and natural heritage, and the rights and legitimate interests of citizens.

**Article 27. Rules of Restriction and Suspension of Rights of Use of Forest-  
Estate Parcels and Rights of Use of Parcels of Forests Not Within Forest  
Estate**

The rights of use of forest-estate parcels may be restricted or suspended by decisions of the Federal forestry agency or of its territorial agencies, in the following cases:

- breach by a forest user of the requirements of RF forest legislation;
- nonfulfillment by a forest user of the conditions specified in the logging permit, order, or forest ticket.

Where the circumstances or conditions causing a restriction or suspension of the right of use of forest-estate parcels are eliminated, the right shall be re-established to the full extent.

The rules of restriction and suspension of the right of use of parcels of forests not within the forest estate shall be determined by RF legislation.

In the event of disagreement on the part of a forest user with a decision on restriction or suspension of his right to use a forest-estate parcel, the forest user may appeal against the decision in judicial proceedings.

Restriction or suspension of the rights of use of forest-estate parcels or of the rights of use of parcels of forests not within the forest estate shall not relieve forest users of administrative or other liability for breaches of RF forest legislation.

**Article 28. Grounds for Termination of Rights of Use of Forest-Estate  
Parcels and Rights of Use of Parcels of Forests Not Within Forest Estate**

The rights of use of forest-estate parcels and the rights of use of parcels of forests not within the forest estate shall be terminated upon a forest user's waiver of the rights of use, upon the expiration of the term of use, upon the termination of the activity of a forest-user legal person, and in other cases specified in the present Code and in RF legislation.

Forcible termination of the right of use of a forest-estate parcel or of the right of use of a parcel of forest not within the forest estate shall be possible only in the following cases:

- systematic (more than on two occasions) breach by a forest user of RF forest legislation;
- accidents, natural disasters, and other extraordinary circumstances;

- systematic nonpayment by a forest user of charges for the use of forest estate or failure to make due payments for three months during one year;
- breach by a forest user of the established rules of use of a forest-estate parcel or of a parcel of forest not within the forest estate, or of the conditions specified by the logging permit, order, or forest ticket;
- nonfulfillment by a forest user of reafforestation or fire-prevention works, and also noncompliance with fire-safety rules in forests;
- withdrawal for state requirements of a forest-estate parcel or of a parcel of forest not within the forest estate.

Termination of the rights of use of forest-estate parcels and of the rights of use of parcels of forests not within the forest estate shall not relieve the forest user of administrative or other liability for breach of RF forest legislation.

**Article 29. Rules of Termination of Rights of Use of Forest-Estate Parcels and Rights of Use of Parcels of Forests Not Within Forest Estate**

The rights of use of forest-estate parcels shall be terminated as a result of the rescission of a contract of lease of a forest-estate parcel, of a contract of gratuitous use of a forest-estate parcel, of a contract of concession of a forest-estate parcel, or cancellation of a logging permit, order or forest ticket.

Upon a forest user's waiver of the right of use of a forest-estate parcel, this right shall be terminated under the forest user's application in writing.

Forcible termination of the rights of use of forest-estate parcels shall be effected by the territorial agencies of the Federal forestry agency, with due notice in writing served on the forest user and notification addressed to the organ of executive power of the respective RF subject.

The rules of termination of the rights of use of parcels of forests not within the forest estate shall be determined by RF legislation.

**Article 30. Judicial Protection of Rights of Use of Forest-Estate Parcels and Rights of Use of Parcels of Forests Not Within Forest Estate**

Protection of violated or contested rights of use of forest-estate parcels and rights of use of parcels of forests not within the forest estate shall be effected in judicial proceedings.

**Chapter 6. Lease of Forest-Estate Parcel, Gratuitous Use, Concession and Short-Term Use of Forest-Estate Parcels**

**Article 31. Contract of Lease of Forest-Estate Parcel**

Under a contract of lease of a forest-estate parcel, the forestry farm of the Federal forestry agency (lessor) shall undertake to make available to a forest user (lessee) a parcel of the forest estate, for a charge, for a period of between one year and forty-nine years, for the conduct of one or several types of forest use.

The forest resources (products) obtained under a contract of lease of a forest-estate parcel shall be in the ownership of the lessee.

Sublease of forest-estate parcels shall be prohibited.

The lease of forest-estate parcels shall be regulated by the present Code, by civil legislation, and by the Statute of Lease of Forest-Estate Parcels, as confirmed by the RF Government.

**Article 32. Form and State Registration of Contract of Lease of Forest-Estate Parcel**

A contract of lease of a forest-estate parcel shall be done in writing and shall be subject to state registration, in conformity with civil legislation.

From the time of state registration, the contract of lease of a forest-estate parcel shall be deemed concluded.

**Article 33. Terms of Contract of Lease of Forest-Estate Parcel**

A contract of lease of a forest-estate parcel shall state the following conditions:

- the boundaries of the forest-estate parcel;
- the types of forest use;
- the extent (amount) of forest use;
- the period of lease;
- the rental charge and the procedure of payment thereof;
- the duties of the parties in the conservation and protection of the forest-estate parcel and in the reproduction of forests;
- the rules of payment to the forest user for the forestry works carried out by him;
- other conditions specified in RF forest legislation, and those determined at the discretion of the parties.

**Article 34. Rules of Granting of Forest-Estate Parcels for Lease**

Forest-estate parcels shall be granted for lease on the basis of decisions of the organs of state power of RF subjects taken on the motion of territorial agencies of the Federal forestry agency or on the results of forest tenders.

The opinion on the transfer of forest-estate parcels for lease shall be drawn up by territorial agencies of the Federal forestry agency, with the participation of the organs of local self-government and of forest users.

On the basis of decisions of the organs of state power of RF subjects, forest-estate parcels shall be granted for lease for a period of between one and five years to forest users carrying on their activity in the given territory for a long time and in possession of production capacities for stocking and processing wood and other forest resources, and also to agricultural organizations located in the given territory.

The granting of forest-estate parcels for lease must be effected publicly, with due account of the interests of the population living in the respective territory.

The lessee must have a license for carrying on the respective activity.

Forest-estate parcels granted for lease shall not be subject to transfer into the ownership of the lessee upon the expiry of the period of lease. The buyout of leased parcels shall be prohibited.

**Article 35. Rules of Holding Forest Tenders**

Forest-estate parcels shall be granted for lease on the results of forest tenders, except in the cases specified in part three of Article 34 of the present Code.

A commission shall be set up for holding a forest tender. The commission for holding a forest tender shall include representatives of the organ of state power of the RF subject (chairman), of the territorial agency of the Federal forestry agency

(deputy chairman), of expressly authorized representatives of state agencies in the protection of the natural environment, and of interested organizations. The membership of the commission shall be confirmed by the organ of state power of the RF subject.

Forest tenders shall be arranged and held by territorial agencies of the Federal forestry agency.

Forest-estate parcels shall be put up for forest tender by the organ of state power of the RF subject, on the motion of the territorial agency of the Federal forestry agency.

The person winning a forest tender and the organizer of the forest tender shall sign a statement on the results of the forest tender, as the basis for conclusion of a contract of lease of the forest-estate parcel.

The arrangement and holding of forest tenders shall be carried out in the manner determined by the Federal forestry agency, in conformity with the present Code and civil legislation.

**Article 36. Contract of Gratuitous Use of Forest-Estate Parcel**

Under a contract of gratuitous use of a forest-estate parcel, the forestry farm of the Federal forestry agency shall undertake to make available to the forest user a parcel of the forest estate for gratuitous use for a period of up to forty-nine years for engaging in one or several types of forest use.

Forest-estate parcels shall be granted for gratuitous use on the basis of decisions of the organs of state power of RF subjects taken on the motion of territorial agencies of the Federal forestry agency.

The rules for granting forest-estate parcels for gratuitous use shall be determined by the present ode, by civil legislation, and by a statute confirmed by the RF Government.

**Article 37. Contract of Concession of Forest-Estate Parcel**

Under a contract of concession of a forest-estate parcel, one party shall undertake to grant to another party, for a period of between one year and forty-nine years, the right of use for value, on certain conditions, of forest resources on the respective parcel of the forest estate.

Under a contract of concession, provision shall be made of use of forest-estate parcels which are, as a rule, undeveloped, without an existing infrastructure, and requiring considerable funds for involving these parcels in working operation.

Concession of forest-estate parcels shall be regulated by the present Code and by other Federal laws.

**Article 38. Parties to Contract of Concession of Forest-Estate Parcel**

The RF Government or a duly authorized Federal agency of executive power, and persons recognized as investors under RF legislation shall be parties to a contract of concession of a forest-estate parcel.

**Article 39. Form and State Registration of Contract of Concession of Forest-Estate Parcel**

A contract of concession of a forest-estate parcel shall be concluded in writing,

and shall be subject to state registration, in conformity with RF civil legislation and RF legislation on concession.

**Article 40. Terms of Contract of Concession of Forest-Estate Parcel**

A contract of concession of a forest-estate parcel shall state the following conditions:

- the boundaries of the forest-estate parcel;
- the types of forest use;
- the extent (amount) of forest use;
- the concession period;
- the parties' duties in the conservation and protection of the forest-estate parcel and in the reproduction of forests;
- the rules of sharing of the extracted forest resources (products) or provision of services;
- the types and rules of assessment and payment of taxes, levies, and other charges;
- the investor's duties in the building and maintenance of roads and other infrastructure facilities;
- other conditions specified by RF legislation and determined at the discretion of the parties.

**Article 41. Rules of Conclusion of Contract of Concession of Forest-Estate Parcel**

A contract of concession of a parcel of the forest estate shall be concluded on the results of a tender or auction.

Forest-estate parcels granted for concession shall be put up for tender or auction by the RF Government, in coordination with the organ of state power of the respective RF subject.

The arrangement and rules of holding the aforesaid tenders and auctions shall be established by RF legislation.

**Article 42. Logging Permit, Order and Forest Ticket**

Forest use shall be allowed only on the basis of a logging permit, of an order, or of a forest ticket.

A contract of lease of a forest-estate parcel, a contract of gratuitous use of a forest-estate parcel, a contract of concession of a forest-estate parcel, a statement on the results of a forest auction or a decision by the organ of state power of the RF subject shall be ground for the issue of a logging permit and/or of a forest ticket.

A logging permit, an order and/or a forest ticket shall be issued to a forest user at short-term use of the forest estate, for a period of up to one year. A logging permit for the procurement of soft resin shall be issued to a forest user for the entire period of forest-stand gash.

A logging permit and/or a forest ticket shall be issued to a forest user annually, for carrying on the types of forest use specified in the respective contract.

A logging permit, an order, and a forest ticket shall give a forest user the right to carry on only the type of forest use specified therein, to the established extent (amount), and on the concrete parcel of the forest estate.

A logging permit shall be a document giving a forest user the right of procurement and out-shipment of wood, soft resin, and secondary forest resources. A logging permit shall be issued by the forestry farm of the Federal forestry agency.

A logging permit issued to a forest warden shall be ground for the issue of an order by the forest warden.

On the basis of an order, the forest user shall carry on separate types of procurement and out-shipment of wood, and procurement of secondary forest resources. On the basis of an order, the forest warden may effect, without the issue of a logging permit, the supply of stands of wood in small lots by way of clearance of fallen, dead-stand and wind-felled wood.

A forest ticket shall be a document granting the forest user the right to effect forest use, except the types of forest use specified in part six of the present Article. The forest ticket for the conduct of by-product forest use shall be issued by the forest warden, and for the conduct of other types of forest use, by the forestry farm of the Federal forestry agency.

Forestry farms of the Federal forestry agency shall take out a logging permit or a forest ticket, in the established manner, for the performance by them of forestry works (intermediate-use cuttings, other cuttings and other works).

The formats of the logging permit, order and forest ticket, and the procedure for the recording, safekeeping, fillout and issue thereof to a forest user shall be established by the Federal forestry agency.

**Article 43. Rules of Granting Forest-Estate Parcels for Short-Term Use**

Forest-estate parcels shall be made available for short-term use for a period of up to one year, on the results of a forest auction or on the basis of decisions taken by the organs of state power of RF subjects, through the issue of logging permits, orders or forest tickets.

On the basis of decisions by the organs of state power of RF subjects, forest-estate parcels shall be made available for short-term use to forest users in order to satisfy the requirements of general educational institutions, pre-school educational institutions, and other institutions financed from the respective budget, of agricultural organizations and of the population respectively located and living in the given territory.

**Article 44. Rules of Holding Forest Auctions**

Forest-estate parcels shall be made available for short-term use on the results of forest auctions, except in the cases specified in part two of Article 43 of the present Code.

An auction commission shall be set up to hold a forest auction. The membership of the auction commission shall be confirmed by the organ of state power of the RF subject.

Forest auctions shall be arranged and held by the territorial agencies of the Federal forestry agency.

Forest resources shall be put up for forest auction by the organ of state power of the RF subject, on the motion of the territorial agency of the Federal forestry agency.

The person winning a forest auction and the organizer of the forest auction shall sign a statement on the results of the forest auction, which shall have the force of a contract.

The arrangement and holding of forest auctions shall be effected in the manner determined by the Federal forestry agency, in conformity with the present Code and civil legislation.

**Article 45. Statement of Forest Auction**

The statement (record) of a forest auction shall contain the following:

- the boundaries of the forest-estate parcel;
- the types of forest use;
- the extent (amount) of forest use;
- the charge for the use of the parcel of the forest estate and the rules for the payment thereof;
- other conditions of the forest auction.

**Section III. State Administration in Use, Conservation and Protection of Forest Estate and Reproduction of Forests**

**Chapter 7. Principles of State Administration in Use, Conservation and Protection of Forest Estate and Reproduction of Forests**

**Article 46. RF Powers in Use, Conservation and Protection of Forest Estate and Reproduction of Forests**

RF powers in the use, conservation and protection of the forest estate and in the reproduction of forests shall include the following:

- formulation of the main lines of state policy in forestry;
- elaboration and adoption of Federal laws and other RF normative legal enactments, and control of the observance thereof;
- possession, use and disposal of the forest estate;
- conduct of a single investment policy in the use, conservation and protection of the forest estate and in the reproduction of forests; the drawing up, confirmation and implementation of Federal state programmes for the use, conservation and protection of the forest estate and for the reproduction of forests;
- organization and establishment of the rules of activity of the Federal forestry agency and of its territorial agencies;
- establishment of the rules of distribution of the forest estate by groups of forests and demarcation of first-group forests by categories of protection, transfer of forests from one group to another, and of first-group forests from one category of protection to another;
- establishment of the norms and rules of use of the forest estate;
- determination and confirmation of the rated cutting-area;
- establishment of the types of charges for the use of the forest estate, and also of minimum rates of payment for wood supplied in stands;
- establishment of the rules of making forest-estate parcels available for use;
- confirmation of the rules of supply of wood in stands, forest cuttings, conservation and protection of the forest estate, and reproduction of forests;
- organization and coordination of R&D works in forestry;
- exercise of state control of the use, conservation and protection of the forest estate and reproduction of forests, and establishment of procedures for the exercise of such control;

establishment of the rules and organization of the keeping of state records of the forest estate, of the state forest cadastre, of forest monitoring and forest management;

- conduct of international cooperation of the RF in the use, conservation and protection of the forest estate and in the reproduction of forests;
- conclusion and arrangement of implementation of RF international treaties in the use, conservation and protection of the forest estate and in the reproduction of forests;
- establishment of the rules for state statistical records and reports in forestry;
- suspension, restriction and termination of the rights of use of forest-estate parcels, and also suspension, restriction and termination of works posing a hazard to the state and reproduction of forests;
- transfer of forest lands to non-forest lands for purposes not connected with forestry or use of the forest estate, and/or withdrawal of forest-estate lands in first-group forests;
- declaration of forest-estate parcels as zones of ecological emergency situations and zones of ecological disaster;
- other powers referred to the powers of the RF by the RF Constitution and by Federal laws.

#### **Article 47. Powers of RF Subjects in Use, Conservation and Protection of Forest Estate and in Reproduction of Forests**

The following shall be among the powers of RF subjects in the use, conservation and protection of the forest estate and in the reproduction of forests:

- elaboration, confirmation and implementation of territorial (regional) state programmes for the use, conservation and protection of the forest estate and for the reproduction of forests;
- drafting and adoption of laws and other normative legal enactments of RF subjects;
- participation in the exercise of the rights of possession, use and disposal of the forest estate in the territories of the respective RF subjects;
- participation in the drawing up and implementation of Federal state programmes for the use, conservation and protection of the forest estate and for the reproduction of forests;
- adoption of decisions on the granting of forest-estate parcels for lease, gratuitous use, and short-term use, in conformity with the present Code;
- establishment of the boundaries of forest-estate parcels with a special regime of forestry and forest use in territories traditionally inhabited by numerically small native peoples and ethnic entities;
- establishment of the rates of forest duties and rates of rental payment (except the minimum rates of payment for wood supplied in stands), and also payment for transfer of forest lands to non-forest lands;
- exercise of state control of the state, use, conservation and protection of the forest estate and of the reproduction of forests;
- suspension, restriction and termination of works posing a hazard to the state and reproduction of forests;
- organization of fulfillment of measures in the protection of forests against fires and protection of forests against pests and forest diseases;
- organization of the upbringing, education and enlightenment of the population in the use, conservation, protection and reproduction of forests;
- provision of the population with the requisite information on matters in the use, conservation, protection and reproduction of forests;
- transfer of forest lands to non-forest lands for purposes not connected with forestry or use of the forest estate, and/or withdrawal of forest-estate lands in forests of the second and third groups;

- other powers not referred to the powers of the RF.

**Article 48. Demarcation of Powers Between RF Organs of State Power and Organs of State Power of RF Subjects in Use, Conservation and Protection of Forest Estate and in Reproduction of Forests**

The powers of the organs of state power of the RF and of the organs of state power of RF subjects in the use, conservation and protection of the forest estate and in the reproduction of forests shall be established by the present Code, and also by the treaties, concluded in conformity with the RF Constitution, on the demarcation of the objects of competence and authority between the organs of state power of the RF and the organs of state power of RF subjects.

**Article 49. Powers of Organs of Local Self-Government in Use, Conservation and Protection of Forest Estate and in Reproduction of Forests**

The organs of local self-government may be vested with certain state powers in the use, conservation and protection of the forest estate and in the reproduction of forests, in conformity with RF legislation.

**Article 50. Basic Principles of State Administration in Use, Conservation and Protection of Forest Estate and in Reproduction of Forests**

State administration in the use, conservation and protection of the forest estate and in the reproduction of forests shall be based on the following principles:

- stable development (balanced development of the economy and improvement of the state of the natural environment);
- rational, continuous and non-depletion use of the forest estate in the interests of the RF and of RF subjects;
- incompatibility of exercise of functions of state administration in the use, conservation and protection of the forest estate and in the reproduction of forests with the conduct of main-use cuttings and processing of the wood obtained by means of cuttings.

**Chapter 8. System of Executive-Power Agencies Conducting State Administration in Use, Conservation and Protection of Forest Estate and Reproduction of Forests**

**Article 51. Federal Agencies of Executive Power Conducting State Administration in Use, Conservation and Protection of Forest Estate and in Reproduction of Forests**

State administration in the use, conservation and protection of the forest estate and in the reproduction of forests shall be conducted by the RF Government directly or through duly authorized Federal agencies of executive power.

**Article 52. Agencies of Executive Power of RF Subjects in Use, Conservation and Protection of Forest Estate and in Reproduction of Forests**

State administration in the use, conservation and protection of the forest estate and in the reproduction of forests in the territory of RF subjects, in the part of the powers of RF subjects, shall be conducted, respectively, by the agencies of executive power of the republics, territories, regions, cities of Federal importance, the autonomous region, and autonomous areas.

The organs of executive power of RF subjects shall exercise their powers in the use, conservation and protection of the forest estate and in the reproduction of forests in the territory of RF subjects directly or through the territorial agencies of

the Federal forestry agency, where this is provided for by an agreement between the respective Federal agencies of executive power and agencies of executive power of RF subjects on the transfer of the exercise of part of the powers.

**Article 53. Federal Forestry Agency**

The Federal forestry agency shall ensure the rational use, conservation and protection of the forest estate and the reproduction of forests in the interests of the RF and of RF subjects, and shall be an expressly authorized state agency of administration in the use, conservation, protection and reproduction of natural resources in the areas of state administration assigned to it by the RF Government.

The Federal forestry agency shall exercise the powers vested in it directly and through its territorial agencies.

The territorial agencies of the Federal forestry agency shall include the forestry agencies of the RF subjects and forestry farms of the Federal forestry agency, including forestry-farm technical colleges, experimental and other specialized forestry units.

The national parks of the Federal forestry agency shall exercise state administration in the use, conservation and protection of the forest estate and in the reproduction of forests in the respective territory of the forest estate, and shall be vested with the rights of forestry farms of the Federal forestry agency.

Forestry farms and national parks of the Federal forestry agency shall conduct forestry management to the extent to which this is necessary for exercising the functions of state administration in the use, conservation and protection of the forest estate and in the reproduction of forests.

The Federal forestry agency shall set up, for the rational use, conservation and protection of the forest estate and for the reproduction of forests, specialized organizations for the aerial protection of forests against fires and for combatting forest pests and diseases, forest-management organizations, and the like.

The statute of the Federal forestry agency shall be confirmed by the RF Government.

**Chapter 9. Principles of Forestry Organization**

**Article 54. Main Requirements on Forestry Management**

Measures in forestry and in the use of the forest estate must be carried out by methods not inflicting damage on the natural environment, on natural resources or on human health.

The management of forestry must ensure the following:

- preservation and strengthening of environment-forming, water-conservancy, protection, sanitation-and-hygiene, health-improvement, and useful natural properties of forests for safeguarding human health;
- multipurpose, continuous and non-depletion use of the forest estate for the satisfaction of the requirements of the society and individual citizens in wood and other forest resources;
- reproduction and improvement of the species mix and quality of forests, the increase in the productivity thereof, and the conservation and protection of forests;
- rational use of the lands of the forest estate;

- enhancement of efficiency in the management of forestry on the basis of a single technical policy and use of the achievements of science, technology and advanced experience;
- preservation of the biological diversity;
- preservation of objects of the historical, cultural and natural heritage.

## **Article 55. Groups of Forests and Protection Categories of First-Group Forests**

In conformity with the economic, ecological and social importance of the forest estate, its location and functions, the forest estate shall be divided by groups of forests, and forests of the first group differentiated by categories of protection.

Forests of the first, second and third group shall be identified within the forest estate.

Expressly protected parcels of forests with a restricted regime of forest use (bank and soil-protection forest sectors along the shores of bodies of water, slopes of gullies and gorges, edges of forests on the borders of treeless territories, the haunts and habitats of rare and endangered species of wild animals, plants, etc.) may be identified within the forests of the aforesaid groups.

Main-use cuttings may be prohibited in the expressly protected forest parcels. Decisions on the prohibition of main-use cuttings in these parcels shall be taken by the organs of state power of RF subjects, on the proposals of the territorial agencies of the Federal forestry agency.

Depending on the group of forests and the protection category of first-group forests, rules shall be established for the management of forestry therein, the use of the forest estate, and also the rules for withdrawal of forest-estate parcels.

## **Article 56. First-Group Forests**

First-group forests shall include forests whose main purpose is fulfillment of water-conservancy, protection, sanitation-and-hygiene, health-improvement and other functions, and also forests of expressly protected natural territories.

First-group forests shall be divided into the following protection categories:

- restricted forest belts along the banks of rivers, shores of lakes, water reservoirs, and other bodies of water;
- restricted forest belts protecting the spawning-grounds of valuable marketable fish;
- anti-erosion forests;
- shelter belts of forests along trunk-line railroads and automobile roads of Federal, republican and regional importance;
- state shelter forest belts;
- strip coniferous forests;
- forests on desert, semi-desert, steppe, forest-steppe and sparse-forest highland territories which are of key importance for the protection of the natural environment;
- forests of green zones of settlements and economic entities;
- forests of the first and second belts of zones of sanitary protection of water-supply sources;
- forests of the first, second and third zones of districts of sanitary (highland-sanitary) protection of health resorts;
- especially valuable forest tracts;
- forests of scientific or historical importance;

- natural monuments;
- marketable-nut areas;
- fruit-tree plantings;
- subtundra forests;
- forests of state nature reserves;
- forests of national parks;
- forests of natural parks;
- preserve forest sectors.

**Article 57. Second-Group Forests**

Second-group forests shall include forests in areas with high population density and a ramified network of ground transport ways, forests with water-conservancy, shelter, sanitation-and-hygiene, health-improvement and other functions, and with limited importance for exploitation, and also forests in areas with inadequate forest resources whose preservation requires restriction on the regime of forest use.

**Article 58. Third-Groups Forests**

Third-group forests shall include forests of areas abounding in forests and mainly of exploitation importance, The preservation of the ecological functions of these forests must be ensured in the procurement of wood.

Third-group forests shall be divided into developed and reserve forests.

The criteria for classifying third-group forests as reserve forests shall be established by the Federal forestry agency.

**Article 59. Determination of Boundaries of Lands Under Forests of Each Forest Group and of Each Protection Category of First-Group Forests**

In classifying forests by forest groups and protection categories of first-group forests, determination shall be made simultaneously of the boundaries of the forest-estate sectors for each forest group and each protection category of first-group forests, in the manner established by the present Code.

The parameters of expressly protected sectors of forests shall be confirmed by the organs of state power of RF subjects, on the motion of the territorial agencies of the Federal forestry agency, on the basis of materials on forest organization or special studies. The schedule of expressly protected forest sectors shall be established by the Federal forestry agency.

**Article 60. Rules of Classifying Forests by Forest Groups and Protection Categories of First-Group Forests**

Classification of forests by forest groups and protection categories of first-group forests, and also transfer of forests from one forest group or protection category of first-group forests, respectively, to another group or category shall be effected on the basis of materials on forest organization and special studies, in the manner established by the RF Government.

Classification of forests as strip coniferous forests, shelter belts along trunk-line railroads and automobile roads of Federal, republican and regional importance, restricted forest belts along the banks of rivers, shores of lakes, water reservoirs, and other bodies of water, forests on desert, semi-desert, steppe, forest-steppe and sparse-forest highland territories which are of key importance for the protection of the natural environment, where this classification does not involve the transfer of forests from one forest group to another, shall be effected by the organs of

state power of RF subjects, on the motion of the territorial agency of the Federal forestry agency.

**Article 61. Rules of Establishment of Cuttings Age**

The age of cuttings shall be determined proceeding from the importance and productivity of forests, their functions, and also from the biological specifics of the species of trees growing therein.

Substantiation of the age of cuttings shall be made at forest organization or on the results of scientific research.

Establishment of the age of cuttings shall be effected by the Federal forestry agency.

**Article 62. Rated Wood-Cutting Area and Rules of Establishment Thereof**

The rated wood-cutting area shall be determined at forest organization for each forestry farm of the Federal forestry agency separately for each farm (coniferous, soft-deciduous and hard-deciduous), within the limits of the forest groups, proceeding from the principles of rational, continuous and non-depletion use of the forest estate.

The Federal forestry agency shall designate the cases in which the rated wood-cutting area is established for each forest-warden unit and forest-estate parcel made available for lease, gratuitous use and on concession.

The rated wood-cutting areas shall be confirmed by the Federal forestry agency, with the participation of the organ of state power of the RF subject and an expressly authorized state agency in the protection of the natural environment.

The rated wood-cutting area shall be put into effect from the first of January of the year following upon the year of completion of forest-organization works.

The rated wood-cutting area for each RF subject shall be determined as the sum of the rated wood-cutting areas, confirmed in the established manner, for the respective forestry farms of the Federal forestry agency.

At changes in the boundaries of forest-estate sectors, cuttings age, forest groups, protection categories of first-group forests, and also at other changes in the forest estate, the rated wood-cutting area shall be determined and confirmed anew, in the manner established by the present Article.

**Article 63. Rules of Transfer of Forest Lands to Non-Forest Lands for Use Thereof for Purposes not Connected with Forestry or Use of Forest Estate, and/or Rules of Withdrawal of Forest-Estate Lands**

Transfer of forest lands to non-forest lands for use thereof for purposes not connected with forestry or use of the forest estate, and/or withdrawal of forest-estate lands shall be effected as follows:

- in first-group forests - by the RF Government, on the motion of the organ of state power of an RF subject, coordinated with the Federal forestry agency;
- in second and third-group forests - by the organ of state power of an RF subject, on the motion of the respective territorial agency of the Federal forestry agency.

At transfer of forest lands to non-forest lands for use thereof for purposes not

connected with forestry or use of the forest estate, and/or at withdrawal of forest-estate lands, citizens and legal persons in whose interests the aforesaid transfer and/or withdrawal is effected shall be charged a fee the amount whereof shall be established by the organ of state power of the RF subject on the basis of a cadastral assessment of the forest-estate parcel up for transfer and/or withdrawal, which shall be remitted to the forestry farm of the Federal forestry agency to cover the losses of the forestry farm.

The losses arising from the withdrawal of forest-estate lands shall be compensated to the forest user to the full extent, in the manner established by the RF Government.

The rules of transfer of forest lands to non-forest lands for use thereof for purposes not connected with forestry or use of the forest estate, and/or the rules of withdrawal of forest-estate lands shall be established by the RF Government.

**Article 64. Rules of Transfer of Forest Lands to Non-Forest Lands for Use Thereof for Purposes Connected with Forestry and Use of Forest Estate**

Transfer of forest lands to non-forest lands for use thereof for purposes connected with forestry and use of the forest estate shall be effected by the respective forestry farm of the Federal forestry agency, with the permission of the territorial agency of the Federal forestry agency in the RF subject.

On forest-estate parcels transferred for lease or on concession, in the building by the forest user of tree-haulage roads expected to be in operation for over two years, erection by the forest user of buildings, structures and wood-storage yards for the forest-use period, the transfer of forest lands to non-forest lands shall be effected in the manner established in part one of the present Article.

The decision by a territorial agency of the Federal forestry agency in an RF subject on the transfer of forest lands to non-forest lands for use thereof for purposes connected with forestry and use of the forest estate shall indicate the place of location of the forest-estate parcel, its area, the purpose and time period for which the transfer is effected, the list of works permitted for performance on the given parcel, and measures for recultivation of this parcel upon the expiration of the transfer period.

**Article 65. Rules of Coordination of Sites of Building of Facilities Affecting State and Reproduction of Forests**

The sites for the building of facilities affecting the state and reproduction of forests shall be coordinated with the organ of state power of the RF subject and with the respective territorial agency of the Federal forestry agency, with mandatory performance of state ecological expert examination.

**Article 66. Rules of Conduct in Forest Estate of Works Not Connected with Forestry or Forest Use**

The conduct in the forest estate of building works, extraction of minerals, laying of communication lines, and performance of other works not connected with forestry or forest use, where this does not require the transfer of forest lands to non-forest lands and/or the withdrawal thereof, shall be effected on the basis of a permit from the forestry farm of the Federal forestry agency.

The given permit shall state the title of the works to be done, the time period and the conditions of the performance thereof, and the requirements on the protection of the natural environment. Where the performance of these works is connected with cuttings, the forestry farm of the Federal forestry agency shall issue a

logging permit.

The methods used in carrying out the aforesaid works must not worsen the condition of the forest estate or the reproduction of forests.

**Article 67. State Records of Forest Estate**

The state records of the forest estate shall be kept for organizing the rational use, conservation and protection of the forest estate and the reproduction of forests, systematic control of the quantitative and qualitative changes in the forest estate, and supply of authentic information to the organs of state power of the RF, the organs of state power of RF subjects, the organs of local self-government, interested citizens and legal persons. The data of the state records of the forest estate shall be used in the keeping of the state forest cadastre.

The schedule of indicators of the state records of the forest estate, and also the formats of the respective documents shall be determined by the Federal forestry agency.

The rules of keeping the state records of the forest estate shall be determined by RF legislation.

**Article 68. State Forest Cadastre**

The state forest cadastre shall contain information on the ecological, economic and other quantitative and qualitative characteristics of the forest estate.

The data of the state forest cadastre shall be used in the state administration of forestry, the organization of its management, the transfer of forest lands to non-forest lands for purposes not connected with forestry or use of the forest estate, and/or withdrawal of forest-estate lands, in determining the amount of charges for the use of the forest estate, and in assessing the economic activity of forest users and persons engaged in the forestry.

The keeping of the state forest cadastre shall be effected by the Federal forestry agency and its territorial agencies.

The schedule of indicators of the state forest cadastre and the methods used for the economic assessment of forests shall be determined by the Federal forestry agency.

The rules of keeping the state forest cadastre shall be determined by RF legislation.

**Article 69. Monitoring of Forests**

The monitoring of forests shall constitute a system of observations, assessments and forecasts of the state and dynamic of the forest estate for the purposes of state administration in the use, conservation and protection of the forest estate and in the reproduction of forests and enhancement of their ecological functions. The rules of conducting the monitoring of forests shall be established by the Federal forestry agency, together with the expressly authorized state agency in the protection of the natural environment.

**Article 70. State Programmes for Use, Conservation and Protection of Forest Estate and for Reproduction of Forests**

Federal state and territorial state programmes shall be worked out for the rational use, conservation and protection of the forest estate and for the reproduction of

forests.

Federal state programmes for the use, conservation and protection of the forest estate and for the reproduction of forests shall be worked out by the Federal forestry agency, with due account of the proposals of the organs of state power of RF subject, of the expressly authorized state agency in the protection of the natural environment, and of other state agencies of administration of the use and protection of natural resources. Federal state programmes shall be implemented by the Federal forestry agency.

Federal state programmes shall be financed in conformity with RF legislation. The rules of elaboration, financing and implementation of territorial state programmes for the use, conservation and protection of the forest estate and for the reproduction of forests shall be determined by the organs of state power of RF subjects.

**Article 71. Mandatory Certification of Forest Resources**

Wood supplies and secondary forest resources shall be subject to mandatory certification. The mandatory certification of the aforesaid forest resources shall be organized and carried out by the Federal forestry agency, in the manner determined by the RF Government.

**Article 72. Forest Organization**

Forest organization shall include a system of measures in ensuring the rational use of the forest estate, enhancement of efficiency in forestry management, and implementation of a single scientific and technical policy in forestry.

Forest organization shall include the following:

- determination, in the established manner, of the boundaries of forest-estate sectors and parcels, and in-unit economic organization of the territories of the forest estate, of the forestry farms of the Federal forestry agency, of the national parks of the Federal forestry agency, of the state nature reserves, and of the forestry farms of educational institutions of higher professional education;
- performance of topographic and geodetic works and special cartography of the forest estate;
- survey of the forest estate, with determination of the species and age structure of forests and the condition thereof, and also definition of the qualitative and quantitative characteristics of forest resources;
- elicitation of forest-vegetation relicts and of special shelter sectors of forests;
- elicitation of sectors of the forest estate requiring main-use cuttings, intermediate-use cuttings, measures for reafforestation and propagation of forests, melioration, conservation and protection of forests, and other forestry measures, and also determination of the ways and means for implementing such measures;
- substantiation of the classification of forests by groups and protection categories of first-group forests, preparation of proposals for transfer of forests from one group or protection category of first-group forests, respectively, to another group or category, and transfer of lands not covered with forest to forest-covered lands, and of non-forest lands to forest lands;
- determination of rated wood-cutting areas and of the extent of intermediate-use cuttings;
- determination of the extent of measures in reafforestation and propagation of forests, conservation and protection of forests, and also of the extent of

- other forestry measures;
- determination of the extent of by-product forest use and procurement of secondary forest resources, of the extent of use of the forest estate for hunting requirements and for cultural, health-improvement, tourist and sports purposes;
- forest-biology and other special studies;
- supervision of implementation of forest-organization projects;
- other forest-organization acts.

**Article 73. Forest-Organization Projects**

In forest organization within the forest estate, forest-organization projects shall be drawn up with a complex assessment of forestry management and use of the forest estate over the preceding period, and the main provisions in the organization and management of forestry shall be worked out. Forest-organization projects and other similar documents shall be confirmed in the manner established by the Federal forestry agency, and shall be mandatory technical-normal documents for forestry, for current and long-term planning, and forecasts in the use of the forest estate and financing of forestry works.

**Article 74. System of Implementing Forest Organization**

Forest organization in the territory of the RF forest estate shall be carried out by state forest-organization units of the Federal forestry agency. Forest organization shall be carried out under a single system, in the manner established by the Federal forestry agency.

Forestry management and forest use without performance of forest organization shall be prohibited.

**Article 75. Information on Forest Estate**

Information on the forest estate shall include data of state records of the forest estate, data of the state forest cadastre, forest monitoring, forest organization, and other data obtained by the Federal forestry agency or by organizations subordinate to it, in the exercise of their functions.

Information on the forest estate obtained at the expense of the Federal Budget shall be in Federal ownership and shall be made available to citizens and legal persons, in the manner established by the RF Government.

**Article 76. State Control of Condition, Use, Conservation and Protection of Forest Estate and Reproduction of Forests**

It shall be the task of state control of the conditions, use, conservation and protection of the forest estate and of the reproduction of forests to ensure compliance by all citizens and legal persons with the established order in the use of the forest estate, the rules of supply of wood in stands, main-use cuttings, intermediate-use cuttings, and other cuttings, conservation and protection of the forest estate, and reproduction of forests, and also of other requirements established by RF legislation.

State control of the condition, use, conservation and protection of the forest estate and of the reproduction of forests shall be effected by the organs of executive power of RF subjects, by the Federal forestry agency and its territorial agencies, by expressly authorized state agencies in the protection of the natural environment, and by other agencies of executive power, within the limits of their competence.

The rules of exercise by the Federal forestry agency and its territorial agencies of state control of the condition, use, conservation and protection of the forest estate and of the reproduction of forests shall be established by the RF Government.

**Article 77. RF State Forest Conservation Service**

The RF state forest conservation service (hereinafter the "state forest conservation service") shall be set up at the Federal forestry agency, and shall consist of officers of the Federal forestry agency and its territorial agencies. The schedule of officers of the state forest conservation service shall be confirmation by the Federal forestry agency.

The following shall be the tasks of the state forest conservation service:

- ensuring the conservation and protection of forests;
- exercising state control of the condition, use, conservation and protection of the forest estate and of the reproduction of forests, and also organizing the use of the forest estate.

In accordance with the tasks vested in the state forest conservation service, it shall have the duty:

- to prevent and suppress crimes and administrative offences in the use, conservation and protection of the forest estate and in the reproduction of forests;
- to carry on, within the limits of its competence, proceedings in cases on administrative offences;
- to ensure, within the limits of its competence, law and order in the territory of the forest estate;
- to execute, within the limits of its competence, court decisions;
- to address to the respective state agencies materials for the institution against persons of disciplinary, administrative and criminal proceedings, and to initiate lawsuits in court of law or court of arbitration, within the limits of its competence;
- to issue, within the limits of its competence, to citizens and legal persons instructions (orders) for elimination of discovered shortcomings;
- to take, within the limits of its competence, decisions on restriction, suspension and prohibition of economic and other activity;
- to fulfill other duties, as provided for by RF legislation.

For fulfillment of the duties assigned to it, the state forest conservation service shall be given the right:

- to check the documents of citizens and officials permitting the use of forest-estate parcels;
- to draw up statements on administrative offences in the use, conservation and protection of the forest estate and in the reproduction of forests, to effect the detention of the persons involved, and to take other measures provided for by legislation on administrative offences;
- to detain and convey persons committing crimes and administrative offences in the use, conservation and protection of the forest estate and in the reproduction of forests to law-enforcement agencies;
- to carry out, in conformity with legislation, inspection of transport vehicles and other facilities and places, and to search detained persons, as the need arises;
- to confiscate from citizens and officials, in the respective cases, obtained forest resources, implements and instruments for obtaining such resources, and also transport vehicles, and to decide, in the established manner, the

- matter of their subsequent ownership;
- to exercise other rights, as provided for by RF legislation.

Officers of the state forest conservation service shall have the right to use physical force, special means and firearms only in the cases specified in RF legislation.

Officers of the state forest conservation service shall be permitted to keep, carry and use service arms, in the manner established by RF legislation.

The activity of the state forest conservation service shall be determined by a statute confirmed by the RF Government.

## **Article 78. State Protection of Officers of State Forest Conservation Service**

Officers of the state forest conservation service shall enjoy state protection, in conformity with RF legislation.

## **Section IV. Use, Conservation, Protection and Reproduction of Forests, Both Within and Outside Forest Estate, and Also of Forest-Estate Lands Not Under Forest Vegetation**

### **Chapter 10. Use of Forest Estate and of Forests Not Within Forest Estate**

## **Article 79. Main Demands on Use of Forest Estate and of Forests Not Within Forest Estate**

The use of forests shall be effected with observance of the following main requirements:

- maintenance of continuous, non-depletion and rational use of forests for the satisfaction of the requirements of the economy and the population in forest resources;
- preservation and enhancement of the environment-forming, water-conservancy, shelter and other functions of forests, with the object of safeguarding the health of citizens, improvement of the natural environment, and development of the economy;
- establishment of the rules of forest use, depending on the importance of the forests and their functions, location, and natural and economic conditions;
- maintenance of conditions for the reproduction of forests;
- use of forests for a charge;
- compliance with scientifically-grounded norms of forest use.

## **Article 80. Types of Forest Use**

The following types of forest use may be carried out in the forest estate:

- procurement of wood;
- procurement of soft resin;
- procurement of secondary forest resources (stumps, bark, birch bark, silver-fur, pine and spruce boughs, New Year fir trees, etc);
- by-product forest use (hay-making, cattle grazing, location of bee hives and apiaries, procurement of arboreal sap, procurement and collection of wild-growing fruits, berries, nuts, mushrooms, other edible forest resources, medicinal plants and technical raw materials, collection of moss, of forest mat and litter, fallen leaves, reeds, and other types of by-product forest use, the schedule of which shall be confirmed by the Federal forestry agency;
- use of forest-estate sectors for hunting needs;
- use of forest-estate sectors for scientific-research purposes;

- use of forest-estate sectors for cultural, health-improvement, tourist and sports purposes.

Use of forest-estate sectors and parcels may be effected either with the withdrawal of forest resources or without the withdrawal thereof.

A forest-estate parcel may be made available for the conduct of one or several types of forest use to one or more forest users.

The specific use of forest-estate parcels in conducting certain types of forest use, and also the types and specifics of use of forests not within the forest estate shall be determined by Federal laws, other RF normative legal enactments, and also by the laws and other normative legal enactments of RF subjects, in conformity with the present Code.

### **Article 81. Licensing of Activity in Use of Forest Estate**

Activity in the use of the forest estate shall be subject to licensing, in conformity with RF legislation.

### **Article 82. Rights of Forest Users in Use of Forests**

In the use of forests, forest users shall have the following rights:

- to obtain information on the forest-estate parcels allotted for their use;
- to make use of the forest estate within the established limits;
- to erect, for the period of forest use, buildings, structures and wood-storage yards connected with the use of the forest estate, in the established manner;
- to have other rights, where the exercise of these is not contrary to the requirements of RF forest legislation.

### **Article 83. Forest Users' Duties in Use of Forests**

In the use of forests, forest users shall have the following duties:

- to make use of forest-estate parcels in conformity with RF forest legislation;
- to abide by the conditions of the contract of lease of a forest-estate parcel, the contract of gratuitous use of a forest-estate parcel, or the contract of concession of a forest-estate parcel, and also by the conditions of the logging permit, order or forest ticket;
- to prevent the infliction of harm on the health of citizens or damage to the natural environment;
- to carry on works in ways preventing the erosion of soils, ruling out or limiting the negative impact of the use of the forest estate on the condition and reproduction of forests, and also on the condition of water and other natural objects;
- to observe, on the forest-estate parcels made available for their use, the rules of fire safety in forests, to carry out fire-prevention measures in the aforesaid parcels, and to ensure the extinguishing of a forest fire where one occurs;
- not to leave incompletely-logged wood-cutting areas or procured piles of wood at logging spots after the expiry of the periods of the procurement and out-shipment thereof;
- to carry out clearance of wood-cutting areas from wood-cutting residue simultaneously with the procurement of wood;
- to carry out forest-restoration measures within the periods and on the conditions specified in the contract of lease of a forest-estate parcel, the

contract of concession of a forest-estate parcel, the logging permit, order or forest ticket;

- to bring the lands on the forest-estate parcels made available for use into the state specified in the contract of lease of the forest-estate parcel, the contract of gratuitous use of the forest-estate parcel, the contract of concession of the forest-estate parcel, the logging permit, order or forest ticket, for one's own account;
- to deliver the forest-estate parcels to the forestry farm of the Federal forestry agency upon completion of the works thereon;
- to carry out forest-restoration measures for one's own account at clear forest cuttings and on grounds where, as a result of forest users' activity, young growth was destroyed or tree-and-bush vegetation withered;
- to indemnify the damage and losses of forestry, in the established manner;
- to make payments, in due time, for the use of the forest estate;
- to observe the sanitation rules in forests and to fulfill other requirements, as established by the Federal forestry agency and its territorial agencies;
- not to allow breaches of the rights of other forest users;
- to make available, in the established manner, information on the use of the forest estate, and also information required to determine the amount of charges for the use of the forest estate, to forestry farms of the Federal forestry agency, to state statistical agencies, and to territorial agencies of the Federal forestry agency in the RF subjects;
- to fulfill other duties, as specified by RF forest legislation.

#### **Article 84. Protection and Guarantees of Forest Users' Rights**

Breached rights of forest users shall be subject to restitution. Losses caused to forest users in connection with the breach of their rights shall be subject to compensation. Disputes on compensation of losses shall be settled in judicial proceedings.

Where forest-estate lands are withdrawn for state and other requirements, the forest user shall be recompensed, to the full extent, for the losses incurred by such withdrawal, in the manner established by RF legislation.

#### **Article 85. Compensation of Forestry Farms of Federal Forestry Agency for Damage and Losses of Forestry**

Compensation for the damage and losses caused to forestry shall be effected to forest farms of the Federal forestry agency, in the manner determined by the RF Government.

#### **Article 86. Presence of Citizens in Forests**

Citizens shall have the right to be present, free of charge, in the territory of the forest estate and forests not within the forest estate, to pick, for their own needs, wild-growing fruits, berries, nuts, mushrooms, and other edible forest resources, medicinal plants and technical raw materials, to take part in cultural, health-improvement, tourist and sports functions, and to hunt, unless RF legislation provides otherwise.

Collection and procurement by citizens of wild-growing plants and mushrooms the types of which are entered in the Red Book of the RF and on the schedule of drug-containing plants and natural drug-containing raw materials shall be prohibited.

Citizens shall have the duty to abide by the rules of fire safety in forests, to prevent the breaking and cutting of trees and bushes, damage to forest cultures,

littering of forests, destruction and demolition of anthills and bird nests, and also to observe the other requirements of RF legislation.

The presence of citizens in forests for the purposes of hunting shall be regulated by the present Code and by RF legislation on the animal kingdom.

The presence of citizens in forests, the picking of wild-growing fruits, berries, nuts, mushrooms, other edible forest resources, medicinal plants and technical raw materials may be limited in the manner determined by the legislation of RF subjects, including limitation in the interests of fire safety of forests, and of marketable-nut, forest-fruit and forest-seed farming, and in state nature reserves, national parks, natural parks, and in other expressly protected natural territories, in connection with the forest-use regime established thereon.

**Chapter 11. Reproduction of Forests and Afforestation**

**Article 87. Purposes of Reproduction of Forests and Afforestation**

The purposes of the reproduction of forests shall be the timely reproduction of forests on lands not covered with forests, improvement of the species structure of forests, enhancement of forest productivity, and maintenance of the rational use of forest-estate lands.

The purposes of afforestation shall be the creation of forests on non-forest lands, reduction in the nonproductive lands of the forest estate, and creation of shelter plantings on lands not within the forest estate.

**Article 88. Main Requirements on Enhancement of Forest Productivity**

The use of forest-estate parcels and forestry management must serve to enhance forest productivity.

Enhancement of forest productivity shall be effected as a result of implementation of a system of scientifically-grounded loggings, reproduction of forests, improvement of the species structure of forests, the creation and effective use of a permanent forest-seed stock on a genetic-selection basis, hydro-melioration, care for forests, and performance of other forestry works.

Measures for enhancing the productivity of forests shall be carried out by forest users and forestry farms of the Federal forestry agency, in conformity with forest-organization projects.

**Article 89. Rules of Forest Reproduction**

Establishment of the volume of works in the reproduction of forests and the ways of performance of these works, and determination of the arboreal species being reproduced shall be effected by the forestry farms of the Federal forestry agency, in conformity with forest-organization projects, with due account of the changes occurring in the forest estate.

The reproduction of forests, the procurement of forest seed, and the growing of planting materials shall be carried out both by the forestry farms of the Federal forestry agency and by forest users.

**Article 90. Duties of Forest Users in Forest Reproduction**

Forest users shall have the duty to carry out forest-restoration measures on clear-cutting areas in ways and out of the funds specified in the contract of lease of the forest-estate parcel, the contract of concession of the forest-estate parcel, the

logging permit, order or forest ticket; to hand over n due time to the forestry farm of the Federal forestry agency parcels of the forest estate on which forest crops are created and other afforested parcels.

Forest users shall have the duty to observe the requirements to maintain optimal conditions for the reproduction of forests. These requirements must be taken into account at development of new hardware for the procurement and skidding of logs. Where the performance of forest users' works in the course of forest use has a negative effect on the reproduction of forests, the forestry farm of the Federal forestry agency may suspend these works, pending elimination of the causes of breach of these requirements.

Forest users shall have the duty to make use in these works of hardware and technology with respect to which state ecological expert examination has been made in the established manner, and which ensure the reliable preservation and reproduction of forests.

**Article 91. Duties of Forestry Farms of Federal Forestry Agency in Enhancing Forest Productivity**

With the object of enhancing the productivity of forests, the forestry farms of the Federal forestry agency shall have the following duties:

- to take care of forests, to carry out works in the selection, forest seed growing and species-testing of valuable forest species, to enhance the fertility of soils, to prevent the water and wind erosion of soils, swamping, salinization, and other processes worsening the condition of lands, and also other works for improving the species structure of forests and for enhancing their productivity and shelter properties. In the event, efforts shall be made to maintain the safety and timely reproduction of cedar, oak, beech, and other valuable tree species;
- to carry out intermediate-use cuttings, where no other performer of such cuttings is present;
- to take measures for effective reproduction of forests, creation of new forests, and performance of hydro-melioration of excessively wet lands;
- to build roads for the purposes of forestry; to help forest users in selecting the ways of reproduction of forests, in the provision of seed and planting materials, and to make payment, in the established manner, for the forest-restoration measures carried out by them.

**Chapter 12. Conservation and Protection of Forest Estate and of Forests Not Within Forest Estate**

**Article 92. Purposes and Tasks of Conservation and Protection of Forest Estate and of Forests Not Within Forest Estate**

Forests shall be subject to protection against fires, illegal cuttings (loggings), breaches of the established order of forest use, and other acts inflicting damage on the forest estate and on forests not within the forests estate, and also to protection against forest pests and diseases.

The conservation and protection of forests shall be effected with due account of their biological and other specifics, and shall include a set of organizational, legal and other measures for the rational use of the forest estate and of forests not within the forest estate, preservation of forests against destruction, injury, weakening, pollution, and other negative effects.

The conservation and protection of forests shall be effected with ground-based

and aerial methods by forestry farms of the Federal forestry agency, by bases of aerial conservation of forests, and by other organizations of the Federal forestry agency.

The prevention of forest fires and the discovery, limitation of spread and extinguishing thereof shall be the main tasks in the protection of forests against fires.

**Article 93. Rules of Effecting Measures in Conservation and Protection of Forests**

The RF Government, the organs of state power of RF subjects, the Federal forestry agency and its territorial agencies shall ensure the implementation of measures in the conservation and protection of forests, and in combatting forest pests and diseases and forest fires, and shall recruit for the extinguishing thereof employees, fire-prevention hardware and transport facilities of commercial and noncommercial organizations, and also the population.

The organs of state power of RF subjects, the Federal forestry agency and its territorial agencies shall prohibit, wherever necessary, for the period of high fire hazard in forests, visits by citizens to forests and entry of transport vehicles therein, and also performance of definite types of works in certain sectors of the forest estate.

The rules of recruiting citizens and legal persons for extinguishing forest fires shall be determined by the organs of state power of RF subjects.

**Article 94. Forest Users' Duties in Protection of Forests Against Fires**

Forest users shall have the duty to work out and confirm, in agreement with the forestry farms of the Federal forestry agency, plans for fire-prevention measures, and also to implement these within the established periods. The forestry farms of the Federal forestry agency shall assist forest users in working out plans of fire-prevention measures. The schedule of fire-prevention measures and the requirements on plans for such measures shall be determined by the Federal forestry agency.

Citizens and legal persons in places in the forest-estate territory where works are performed and mass cultural and other functions are held shall have the duty to be in possession of fire-fighting facilities, in accordance with the norms confirmed by the Federal forestry agency and the RF Ministry of Internal Affairs, and also to maintain the aforesaid facilities during fire-hazard periods in readiness for immediate use thereof. In the absence of confirmed norms for the aforesaid facilities, citizens and legal persons shall have the duty to be in possession of primary fire-fighting facilities, the schedule and quantity whereof shall be determined by the forestry farms of the Federal forestry agency.

**Article 95. State Fire Supervision in Forest Estate and in Forests Not Within Forest Estate**

State fire supervision in the forest estate and in forests not within the forest estate shall be effected by officers of the state forest conservation service for the purposes of control of compliance by citizens and legal persons with the requirements and rules of fire safety in the forest estate and in forests not within the forest estate, and also for the purposes of cutting short any breaches thereof.

Forest users and other citizens and legal persons engaged in works on parcels of the forest estate and on lands bordering on the forest estate, and also persons responsible for holding mass cultural and other functions in the forest estate and

in forests not within the forest estate shall bear criminal, administrative and other liability for breaches of the requirements and rules of fire safety, in conformity with RF legislation.

**Article 96. Participation of Public Associations in Protection Against Fires of Forest Estate and of Forests Not Within Forest Estate**

Volunteer fire squads or patrols may be set up for the purposes of protection against fires of the forest estate and of forests not within the forest estate, for prevention of forest fires, and for the extinguishing thereof.

The rules of formation of volunteer fire patrols shall be determined by the RF Government.

The rules of financing and of material and technical supply of volunteer fire patrols shall be determined by the organs of state power of RF subjects.

**Article 97. Aerial Conservation of Forest Estate and of Forests Not Within Forest Estate**

An aerial conservation service may be used for protection of the forest estate and of forests not within the forest estate against fires, and for protection thereof against forest pests and diseases. The area of aerial conservation of the forest estate and of forests not within the forest estate shall be determined by the Federal forestry agency.

The aerial conservation of the forest estate and of forests not within the forest estate shall be effected by specialized organizations of the Federal forestry agency.

For the exercise of the function of protection of the forest estate and of forests not within the forest estate against fires, the specialized organizations of the Federal forestry agency shall be provided with 24-hour, monthly and periodical weather forecasts, forecasts of fire hazard in the forest estate and in forests not within the forest estate, daily weather reports, and satellite meteorological information.

The statute of the aerial conservation service of the forest estate and of forests not within the forest estate shall be confirmed by the Federal forestry agency.

**Article 98. Protection of Forest Estate and of Forests Not Within Forest Estate Against Forest Pests and Diseases**

Protection of the forest estate and of forests not within the forest estate against forest pests and diseases shall be ensured by keeping a close watch on the condition of the forest estate and of forests not within the forest estate, timely detection of nidi of forest pests and diseases, and prophylactic measures to prevent the origination of the aforesaid nidi, and for the localization and liquidation thereof.

Protection of the forest estate and of forests not within the forest estate against forest pests and diseases shall include the following measures:

- current, expeditionary, aerovisual, and other forest-pathology check-ups;
- general, reconnoitering and detailed supervision of development of forest pests and diseases;
- elaboration of aerial and ground-based measures in combatting forest pests and diseases;
- arrangement of works for the prophylactics of forest diseases and for wiping out nidi of forest pests and diseases;

- state control of the conduct of the aforesaid measures.

Measures in protecting the forest estate and forests not within the forest estate against forest pests and diseases shall be regulated by sanitation rules confirmed by the Federal forestry agency.

## **Article 99. Forest Users' Duties in Protection of Forest Estate and of Forests Not Within Forest Estate Against Forest Pests and Diseases**

For the purposes of protection of the forest estate and of forests not within the forest estate against forest pests and diseases, forest users shall have the duty:

- to carry out works in ways and with observance of technologies which ensure an improvement of the sanitary condition of the forest estate and of forests not within the forest estate;
- not to allow the spread of forest pests and diseases in parcels of the forest estate and of forests not within the forest estate where they are engaged in forest use;
- to effect measures for protection of the forest estate and of forests not within the forest estate against forest pests and diseases, as specified by the contract of lease of a forest-estate parcel, the contract of concession of a forest-estate parcel, the logging permit, order or logging ticket;
- to assist forestry farms of the Federal forestry agency in effecting measures in protection of the forest estate against forest pests and diseases;
- to provide timely information to the forestry farms of the Federal forestry agency on the appearance of forest pests and diseases in the forest estate;
- to abide by the sanitation rules in the forest estate and in forests not within the forest estate.

## **Article 100. Participation of Organs of State Power of RF Subjects in Organization of Combating of Forest Fires and Forest Pests and Diseases**

For the purposes of preventing forest fires, of fighting these, and also of combating forest pests and diseases, the organs of state power of RF subjects shall:

- arrange annual elaboration and fulfillment of plans of measures for the prevention of forest fires, for the anti-fire infrastructuring of the forest estate and of forests not within the forest estate;
- ensure the readiness of organizations charged with the conservation and protection of forests, and also of forest users for the fire-hazard season;
- confirm annually, before the onset of the fire-hazard season, operative plans for combating forest fires;
- establish the rules for involving the population, employees of commercial and noncommercial organizations, and also fire-fighting hardware, transport and other facilities of the aforesaid organizations to put out forest fires, and provide the citizens recruited for this work with transport vehicles, food and medical aid;
- provide, for the period of high fire hazard in forests, for the formation of forest-fire units from among the citizens recruited for putting out forest fires, and shall ensure the readiness of these units for immediate exit in the event of forest fires;
- create a reserve of fuel and lubricating materials for the fire-hazard season;
- give assistance to organizations charged with the conservation and protection of forests, and to forest users in building and repairing anti-fire roads, airfields and landing strips for planes and helicopters used for the aerial protection of forests against fires, in providing fuel and lubricating materials for forest-fire units, and also put at the disposal of the territorial

agencies of the Federal forestry agency for the fire-hazard season the requisite number of on-duty transport vehicles (automobiles, launches, and other transport vehicles) with a supply of fuel and lubricating materials;

- arrange the conduct of anti-fire propaganda, regular publication in the mass media of items on the need to safeguard forests and to abide by the rules of fire safety in forests;
- ensure coordination of all the works in combating forest fires in the territory of RF subjects, with the creation of special commissions for this purpose, as the need arises;
- ensure the performance of works in combating forest pests and diseases and in improving the sanitary state of forests;
- prohibit the presence of citizens in forests and the use of forests when aerochemical, aerobiological and aerosol measures are taken to combat forest pests and diseases.

**Article 101. Duties of Citizens and Legal Persons in Preventing Negative Impact on Condition of Forests**

Citizens and legal persons, in the conduct of activity which may have or does have a negative impact on the condition of forests, shall have the duty to carry out technological, sanitary and other measures for conservation and protection of forests, in coordination with the territorial agencies of the Federal forestry agency and with the organs of state power of RF subjects.

**Article 102. Participation of Citizens and Public Associations in Ensuring Rational Use, Conservation, Protection and Reproduction of Forests**

Citizens and public associations may take part in ensuring the rational use, conservation, protection and reproduction of forests, in conformity with RF legislation.

**Section V. Charges for Use of Forest Estate and Financing of Expenditures on Forestry Management**

**Chapter 13. Charges for Use of Forest Estate**

**Article 103. Types of Charges for Use of Forest Estate**

Charges for the use of the forest estate shall be collected in the form of forest duties or rental payments.

Forest duties shall be collected at short-term use of forest-estate parcels, and rental payments - at lease of forest-estate parcels.

The rates of forest duties shall be established per unit of forest resources, and for certain types of forest use - per hectare of forest-estate parcels in use.

Rental payments shall be determined on the basis of forest-duty rates.

The minimum rates of charge for wood supplied in stands shall be established by the RF Government.

No charge shall be collected for wood procured in intermediate-use cuttings carried out by a leaseholder engaged in main-use cuttings on a leased parcel, for his own account.

Persons making payments for the use of the forest estate, and also forestry farms of the Federal forestry agency shall be exempt from payment of charges for land.

**Article 104. Forest Duties**

Forest duties shall be collected for all types of forest use.

The rates of forest duties shall be established by the organs of state power of RF subjects, in coordination with the territorial agencies of the Federal forestry agency in the respective RF subjects, or shall be determined on the results of forest auctions.

Forest duties shall not be collected for wood procured by forestry farms of the Federal forestry agency when carrying out intermediate-use cuttings, other forestry works, forest organization, R&D works for the needs of forestry, and also in procurement by forestry farms of the Federal forestry agency of secondary forest resources and conduct of by-product forest use.

**Article 105. Rental Payment**

Rental payment shall be made for lease of parcels of the forest estate.

The amount of rental payment and the rules, conditions and deadlines for the entry thereof shall be determined by the contract of lease of the forest-estate parcel.

**Article 106. Distribution and Use of Funds Received at Collection of Charges for Use of Forest Estate**

A part of the forest duties and rental payments, in the amount of minimum rates of charge for wood supplied in stands, shall go into the Federal Budget and into the budgets of RF subjects, in the following proportions:

- federal budget - 40 percent;
- budgets of RF subjects - 60 percent.

In RF subjects where the rated wood-cutting area in main-use cuttings is not in excess of one million cubic meters, a part of the forest duties and rental payments, in the amount of minimum rates of charge for wood supplied in stands, shall go entirely into the budget of the respective RF subject.

A part of the aforesaid funds going into the budget of the RF subject shall be made available to the respective territorial agency of the Federal forestry agency for financing the expenditures of reproduction of forests, in conformity with the norms determined by the Federal forestry agency.

Forest duties and rental payments, except the part of the payments specified in part one of the present Article, shall go to the forestry farms of the Federal forestry agency, shall be equated to budget funds, and shall be used for the needs of the forestry farm.

**Article 107. Exemption from Charges for Use of Forest Estate**

The following shall be exempt from charges for the use of the forest estate for their own needs:

- participants in the Great Patriotic War, and also citizens to whom social guarantees and benefits of participants in the Great Patriotic War are applied by legislation;
- Group I and II disabled persons;
- old-age pensioners resident in rural localities;
- persons affected by natural disasters;

- forced migrants;
- peasant-household (homestead) farms;
- members of numerically small native peoples.

The extent of forest use for one's own needs shall be established in accordance with the norms confirmed by the organs of state power of RF subjects.

**Chapter 14. Financing of Expenditures on State Administration in Use, Conservation and Protection of Forest Estate and in Reproduction of Forests, and on Forestry Management**

**Article 108. Financing of Expenditures on State Administration in Use, Conservation and Protection of Forest Estate and in Reproduction of Forests, and on Forestry Management**

Expenditures on the maintenance of the Federal forestry agency, of its territorial agencies, national parks, including capital repair of buildings and structures, on measures for conservation of forests and for combating forest fires and forest pests and diseases, performance of works in building forestry roads, draining forest areas, arrangement of irrigation networks, their maintenance and repair, seed growing, monitoring of forests, keeping of the state forest cadastre and of state records of the forest estate, forest organization, R&D works in forestry, creation of anti-erosion and pastureland-shelter plantings of Federal importance, training of personnel for forestry, provision of uniforms and other outfit for forestry workers, and also capital investments in the conservation and protection of forests, and development of the social sphere of forestry shall be financed out of the Federal Budget.

Expenditures on the reproduction of forests shall be financed out of the budgets of RF subjects.

**Section VI. Resolution of Disputes in Use, Conservation, Protection and Reproduction of Forests, and Liability for Breach of RF Forest Legislation**

**Chapter 15. Resolution of Disputes in Use, Conservation, Protection and Reproduction of Forests**

**Article 109. Rules of Resolution of Disputes in Use, Conservation, Protection and Reproduction of Forests**

Disputes in the use, conservation, protection and reproduction of forests shall be settled in judicial proceedings.

Disputes in the use, conservation, protection and reproduction of forests shall be settled in administrative proceedings only in the cases specified by Federal law.

**Chapter 16. Liability for Breach of RF Forest Legislation**

**Article 110. Administrative and Criminal Liability for Breach of RF Forest Legislation**

Persons in breach of RF forest legislation shall bear administrative and criminal liability, in conformity with RF legislation.

Fines for administrative breaches shall be imposed by officials of the Federal forestry agency and its territorial agencies, within the limits of the powers of the aforesaid officials, as established by RF legislation.

A person held to criminal or administrative liability for unauthorized seizure

(occupation) of parcels of the forest estate or of forests not within the forest estate shall have the duty to vacate the aforesaid parcels, within the established time periods.

**Article 111. Liability of Citizens and Legal Persons for Damage to Forest Estate and to Forests Not Within Forest Estate**

Citizens and legal persons shall have the duty to compensate the damage inflicted on the forest estate and on forests not within the forest estate, in the manner established by RF legislation.

**Article 112. Invalidity of Transactions Performed in Breach of RF Forest Legislation**

Transactions performed in breach of RF forest legislation shall be null and void.

**Special Part**

**Section VII. Specific Use of Forest Estate, Forests Not Within Forest Estate, and Tree-and-Bush Vegetation**

**Chapter 17. Specific Use of Forest Estate**

**Article 113. Procurement of Wood**

Procurement of wood in forests shall be effected in main-use cuttings carried out in over-mature and mature stands of trees.

Procurement of wood shall also be carried out in intermediate-use cuttings (forest-maintenance cuttings, selective sanitary cuttings, reconstruction cuttings, and other cuttings connected with the cutting of low-value stands of trees, and also cuttings of tree-and-bush vegetation losing its shelter, water-conservancy and other functions) and in other cuttings (wholesale sanitary cuttings, clearance of forest areas for building hydro-units, laying pipelines and roads, and also in the cut-through of footpaths and bridleways, creation of anti-fire gaps, and cuttings for other purposes).

**Article 114. Ways of Cuttings Depending on Forest Groups and Protection Categories of First-Group Forests**

In third-group forests, main-use cuttings shall be carried out in ways ensuring timely restoration of these forests and effective and rational use of forest resources.

In second-group forests, main-use cuttings shall be carried out in ways aimed at restoration of valuable tree species, preservation of the natural functions of forests of this group, and allowing effective and rational use of forest resources.

In first-group forests, main-use cuttings shall be carried out in order to improve the state of tree stands, enhance the natural functions of forests of this group, and also for timely and rational use of over-mature and mature stands of trees.

In the forests of national parks, natural parks, especially valuable forest tracts, forests of scientific or historical importance, nature monuments, marketable-nut areas, in fruit-tree plantings, forest-park sectors of green zones, forests of the first and second belts of zones of sanitary protection of water-supply sources, and forests of the first and second zones of districts of sanitary (highland-sanitary) protection of health resorts, state shelter forest belts, anti-erosion and subtundra forests, restricted forest belts protecting the spawning-grounds of valuable

marketable fish, and also in cedar forests of all forest groups, only intermediate-use cuttings and only other cuttings shall be allowed.

In the forests of state nature reserves and in restricted forest sectors, only other cuttings according with the restriction regime shall be allowed.

In highland forests, application shall be made of ways of main-use cuttings with due account of the shelter, anti-erosion and water-regulation importance of these forests.

**Article 115. Cutting Rules**

The procurement of wood in main-use cuttings and in intermediate-use cuttings shall be effected in conformity with the regional cutting rules (directions), as confirmed by the Federal forestry agency, in the manner established by the RF Government.

**Article 116. Organization and Rules of Procurement of Wood in Cuttings**

The rules of allotment of wood-cutting areas, transfer thereof to forest users, and procurement of wood in cuttings, and also the amounts of forfeits for breach of forestry requirements shall be established by the Rules of Supply of Wood in Stands in RF Forests, as confirmed by the RF Government.

**Article 117. Volume of Procurement of Wood in Main-Use Cuttings**

The procurement of wood in main-use cuttings for the territory of each forestry farm of the Federal forestry agency, for groups of forests and farms shall be effected to the extent of the rated wood-cutting area. The procurement of wood in main-use cuttings to an extent in excess of the rated wood-cutting area shall be prohibited.

**Article 118. Determination of Wood-Procurement Volume in Intermediate-Use Cuttings and Other Cuttings**

The volume of wood procurement in intermediate-use cuttings shall be determined at forest organization, proceeding from the state of the forest plantings, the established norms of cuttings in forest maintenance, selective sanitary cuttings, and reconstruction cuttings, and shall be confirmed by the respective territorial agency of the Federal forestry agency.

The volume of wood procurement in other cuttings shall be determined by the forestry farm of the Federal forestry agency, depending on the projected works for clearing sectors of the forest estate.

**Article 119. Rules of Procurement of Soft Resin**

The procurement of soft resin shall be effected in coniferous over-mature and mature stands of trees which, at the end of the established period of tree-stand gash, are designated for main-use cuttings. In the event of a shortage of over-mature and mature stands of trees, the gash of near-maturity stands of trees which will attain the cutting age at the end of the gash shall be allowed.

Transfer of the aforesaid tree stands for gash without plans of main-use cuttings and gash of these tree stands, confirmed in the established manner, shall not be allowed.

The rules of procurement of soft resin shall be established by the Rules of Supply of Wood in Stands in RF Forests, as confirmed by the RF Government.

The rules of gash of the aforesaid tree stands, and also the zones of the mandatory gash thereof shall be confirmed by the Federal forestry agency, in coordination with the agencies of executive power of RF subjects.

**Article 120. Rules of Procurement of Secondary Forest Resources and of By-Product Forest Use**

Parcels of the forest estate shall be made available to citizens and legal persons for use for the procurement of secondary forest resources and for by-product forest use, in the manner established by the present Code.

The rules of use of the forest estate for the procurement of secondary forest resources and for by-product forest use shall be confirmed by the organs of state power of RF subjects.

**Article 121. Rules of Use of Forest-Estate Sectors for Hunting Requirements**

Sectors of the forest estate may be made available to citizens and legal persons for use for the requirements of hunting, in the manner established by the present Code.

The rules of use of forest-estate sectors for hunting requirements shall be established by the organs of state power of RF subjects.

Sectors of the forest estate for organization of amateur and sports hunting shall be made available to public associations of hunters for gratuitous use.

**Article 122. Rules of Use of Forest-Estate Sectors for Research Purposes**

The performance of research works in forest-estate sectors by the respective organizations shall be effected free of charge.

A forestry farm of the Federal forestry agency may restrict or prohibit citizens in the use of these forest-estate sectors, where the given forest use is incompatible with the purposes of the research works conducted.

The rules of use of forest-estate sectors for scientific research purposes shall be established by the organs of state power of RF subjects.

**Article 123. Rules of Use of Forest-Estate Sectors for Cultural, Health-Improvement, Tourist and Sports Purposes**

In sectors of the forest estate made available for cultural, health-improvement, tourist and sports purposes, forest users shall carryout measures for the improvement of these sectors, given preservation of the forests and natural landscapes, observance of the rules of fires safety, and of sanitation rules in the forests.

The rules of use of forest-estate sectors for cultural, health-improvement, tourist and sports purposes shall be confirmed by the organs of state power of RF subjects.

**Article 124. Rules of Use of Forest-Estate Sectors in Territories Traditionally Inhabited by Numerically Small Native Peoples and Ethnic Entities**

In the territories traditionally inhabited by numerically small native peoples and ethnic entities, RF legislation shall establish the rules of use of forest-estate sectors ensuring the maintenance of the traditional way of life of these peoples and ethnic entities.

**Article 125. State Nature Reserves in Forest-Estate Territory**

Sectors of the forest estate shall be allotted to state nature reserves located in the territory of the forest estate, in the manner established by RF legislation. State nature reserves shall exercise the functions of state administration in the forest-estate sectors allotted to them.

State nature reserves shall have the duty to effect the conservation and protection of the forest-estate sectors allotted to them and to ensure the reproduction of forests, as the need arises.

The use, conservation, protection and reproduction of forests in the territories of state nature reserves shall be effected in conformity with the present Code and RF legislation on expressly protected nature territories.

**Article 126. National Parks in Forest-Estate Territory**

The use, conservation, protection and reproduction of forests in the territories of national parks shall be effected in conformity with the present Code and RF legislation on expressly protected nature territories.

**Article 127. Natural Parks in Forest-Estate Territory**

State administration in the use, conservation, protection and reproduction of forests in the territories of natural parks shall be effected by the respective forestry farms of the Federal forestry agency.

The use, conservation, protection and reproduction of forests in the territories of natural parks shall be effected in conformity with the present Code and with RF legislation on expressly protected nature territories.

**Article 128. Forestry Farms of Educational Institutions of Higher Professional Education, Forest Farms of Research Institutions of Federal Forestry Agency**

The forest farms of educational institutions of higher professional education and the forest farms of research institutions of the Federal forestry agency shall effect state administration in the forest-estate sectors allotted to them.

The use, conservation, protection and reproduction of forests in the forest-estate sectors allotted to these forestry farms shall be effected in conformity with the present Code.

**Article 129. Rules of Use of Forest-Estate Sectors in Frontier Zones**

The use of forest-estate sectors in frontier zones shall be effected in the manner established by the present Code.

The specifics in the use of forest-estate sectors in frontier zones shall be established by RF legislation.

**Article 130. Specifics in Use, Conservation and Protection of Forest Estate and in Reproduction of Forests Earlier in Possession of Agricultural Organizations**

Sectors of the forest estate earlier in the possession of agricultural organizations shall be transferred to them for gratuitous use.

The gratuitous use of forest-estate sectors by agricultural organizations shall be effected for the purpose of meeting their requirements in wood and other forest resources.

Agricultural organizations may carry out in the forest-estate sectors made available for their use all types of forest use, as specified in Article 80 of the present Code.

The use, conservation and protection of the forest estate and reproduction of forests earlier in the possession of agricultural organizations shall be regulated by the present Code and by a statute confirmed by the RF Government.

**Chapter 18. Specifics in Use, Conservation, Protection and Reproduction of Forests Not Within Forest Estate**

**Article 131. General Requirements on Use of Forests Not Within Forest Estate**

The use of forests not within the forest estate shall be determined by the purpose thereof.

The use of forests not within the forest estate shall be effected in conformity with the requirements of forest organization, and where forest organization was not carried out, the use of such forests shall be effected in coordination with the organs of state power of RF subjects or with the organs of local self-government.

Where forests not within the forest estate cover a sizable area, it is necessary to carry out forest organization (park and forest organization).

The minimum areas of forests under which it is necessary to carry out forest organization (park and forest organization), and also the rules and methods of conduct thereof, and the range of forest-organization documentation shall be determined by the Federal forestry agency. Forest organization (park and forest organization) shall be paid for in the manner established by RF legislation.

State control of the use, conservation, protection and reproduction of forests not within the forest estate shall be effected by the organs of state of power of RF subjects, the Federal forestry agency, and the expressly authorized state agency in the protection of the natural environment.

**Article 132. Forests Located on Defence Lands**

Forests located on defence lands shall be intended to ensure the requirements of defence, and shall be allotted to the Federal agency of executive power for defence matters.

The rules of allotment of the aforesaid forests to the Federal agency of executive power for defence matters shall be determined by the RF Government.

The Federal agency of executive power for defence matters shall effect the management of forestry, and also ensure the rational use, conservation, protection and reproduction of forests located on defence lands.

The rules of forestry management, and also the rules of use, conservation, protection and reproduction of forests located on defence lands shall be determined by RF legislation, in conformity with the present Code.

State control of forestry management, the use, conservation, protection and reproduction of forests located on defence lands shall be effected by the Federal

forestry agency and the Federal agency of executive power for defence matters.

State control of the use, conservation, protection and reproduction of forests located in the territories of regime military and defence facilities shall be exercised in the manner established by the RF Government.

**Article 133. Forests Located on Lands of Urban Settlements**

Forests located on lands of urban settlements shall be intended for the rest and leisure of the population, for the staging of cultural, health-improvement and sports functions, and also for the preservation of a favorable ecological atmosphere.

Forest management, and also the use, conservation, protection and reproduction of forests located on lands of urban settlements shall be effected in the manner established by the organs of state power of RF subjects, in conformity with the present Code.

In forests located on lands of urban settlements, forest use incompatible with the purpose of these forests shall be prohibited. The conduct of maintenance cuttings, sanitary cuttings, reconstruction and renovation cuttings, and other cuttings shall be allowed in the aforesaid forests.

State control of the use, conservation, protection and reproduction of forests located on lands of urban settlements shall be effected by the organs of state power of RF subjects, the Federal forestry agency, and the expressly authorized state agency in the protection of the natural environment.

**Chapter 19. Specifics in Use, Conservation, Protection and Reproduction of Tree-and-Bush Vegetation**

**Article 134. Tree-and-Bush Vegetation Located on Agricultural-Purpose Lands**

Tree-and-bush vegetation located on agricultural-purpose lands shall be intended for ensuring the protection of lands against the effects of unfavorable natural, anthropogenic and technogenic phenomena, through the use of soil-protection, water-regulation and other properties of forest vegetation. Cuttings of tree-and-bush vegetation located on agricultural-purpose lands must help to improve the condition of such vegetation and fulfillment of the functions thereof. Maintenance cuttings, sanitary cuttings, reconstruction and renovation cuttings, and also other cuttings of tree-and-bush vegetation shall be allowed.

The rules of afforestation on agricultural-purpose lands, maintenance of tree-and-bush vegetation, and the use, conservation and protection thereof, and also state control of the use, conservation and protection of such vegetation shall be determined by RF legislation.

**Article 135. Tree-and-Bush Vegetation Located on Railroad Transport Lands**

Tree-and-bush vegetation located on railroad transport lands shall be intended to protect trunk-line railroads against unfavorable natural phenomena, to prevent pollution of the environment, and to reduce the noise effect of railroad transport.

The Federal agency of executive power in the field of railroad transport and its organizations shall conduct state administration in the use, conservation, protection and reproduction of the aforesaid tree-and-bush vegetation.

Maintenance cuttings, sanitary cuttings, reconstruction cuttings, special-purpose cuttings, and other cuttings of tree-and-bush vegetation located on railroad transport lands shall be allowed. The rules of conducting these cuttings shall be determined by the Federal agency of executive power in the field of railroad transport, in coordination with the Federal forestry agency.

State control of the condition, use, conservation, protection and reproduction of tree-and-bush vegetation located on railroad transport lands shall be exercised by the organs of state power of RF subjects, the Federal agency of executive power in the field of railroad transport, the Federal forestry agency, and the expressly authorized state agency in the protection of the natural environment.

**Article 136. Tree-and-Bush Vegetation Located on Automobile Transport Lands and Water-Stock Lands**

Tree-and-bush vegetation located on the lands of automobile transport and on the lands of the water stock (on the allotment strips of automobile roads and canals) shall be intended for sheltering the automobile roads and canals against unfavorable natural, anthropogenic and technogenic phenomena.

Sanitary cuttings, reconstruction cuttings and other cuttings on allotment strips of automobile roads and canals shall be allowed.

The rules of afforestation, and also the rules of the use, conservation and protection of tree-and-bush vegetation located on the lands of automobile transport and the lands of the water stock shall be determined by RF legislation.

State control of the use, conservation and protection of tree-and-bush vegetation located on the lands of automobile transport and on the lands of the water stock shall be exercised by the organs of state power of RF subjects, the Federal forestry agency, and the expressly authorized state agency in the protection of the natural environment.

**Concluding Part**

**Chapter 20. Enactment of the Present Code**

**Article 137. Enactment of the Present Code**

The present Code shall be put into effect on the day of its official promulgation.

The RF Government shall be authorized to bring its normative legal enactments into conformity with the present Code.

**Article 138. Declaration of Some RF Legislative Enactments as Null and Void**

The Fundamentals of Forest Legislation of the RF and the Decree of the RF Supreme Soviet on Enactment of the Fundamentals of Forest Legislation of the RF shall be deemed null and void.

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