

Regulation on Handing Over State Forests to Community Organizations for Accredited Management without Competition

I. General Provisions

1. This Regulation regulates relations connected with handing over state forests previously belonging to rural collective and soviet economies (*kolkhoz and sovkhos*) and forest lands belonging to the state as property (hereinafter state forests) within administrative borders of community to community organizations without competition for accredited management, and running of forest economy.
2. In the field of accredited management of state forests of the Republic of Armenia the relations shall be regulated by the Republic of Armenia Forest Code, Republic of Armenia Law on Local Self-Governance, this Regulation and other legal acts.
3. Civil-legal relations in the process of accredited management of state forests shall be regulated by the Republic of Armenia Civil Code and Land Code as well as other legal acts.
4. The goals and objectives of accredited management of state forests are as follows:
 - a) ensure implementation of afforestation and reforestation measures and development of forest useful properties and sustainable forest use;
 - b) ensure forest guarding;
 - c) ensure sustainable forest management based on scientifically grounded forest management plans;
 - d) ensure development of non-wood forest products use;
 - e) rehabilitation and development of degraded forest ecosystems.

II. Terms and Requirements of Accredited Management of State Forests

5. Accredited management of state forests shall be carried out through handing over state forest or forest lands to community organization for accredited management without competition by entering into accredited forest management contract.
6. State forests can be handed over for accredited management only if forest management plans are in place.

7. By the contract on accredited management of state forests the authorized state management body (hereinafter authorized state body) can hand over forests previously belonging to rural collective and soviet economies to community organizations without competition for up to 10-year period, taking into consideration the duration of the forest management plan. The owner can hand over forest to community organization up to 10-year period by accredited forest management contract without competition considering the operational timeframe of the forest management plan.
8. The borders of states forests to be given for accredited management shall be defined according to forest management plans approved by the established order as well as the sizes mentioned in the Application by community organization and results of field works.
9. Following the approval of forest management plan by the order established by the RA legislation and notification in writing of respective community, if community organization in tree-month period does not submit an Application for accredited management of state forests by the order established by this Regulation, the authorized state body perforce can announce a competition aimed at handing over state forests for accredited management.

III. Acceptance and Rejection Terms of Application for Accredited Management of State Forests

10. In order to get state forests for accredited management without competition the community organization shall submit to the state authorized body an Application for accredited management of state forests, according to the form established by the authorized state body. The following should be attached to the Application:
 - a) Local Self-Governing Body written consent on submission of Application for accredited management of state forests by community organization with mentioning the sizes of the territory applied for;
 - b) Copies of the Charter and State register certificate of the community organization.
11. The decision on handing over accredited management of state forests shall be made by the authorized body in one-month period after getting the application.
12. After getting the application the authorized state body in five-day period shall notify the applicant about shortcomings identified in submitted documents; the applicant can correct them in 20-day period after being notified. In this period the duration established by Provision 11 of this Regulation shall be stopped.

13. Contract on accredited management of state forests shall be made in one-month period following the decision made by Provision 11 of this Regulation and taking-handing over activities start in ten-day period after the contract enters into force by the established order.
14. If forest management plan is not in place or in case of missing the deadline established by Provision 9 of this Regulation or in case shortcomings identified in the documents are not corrected within the deadline established by Provision 12, the authorized state body rejects the application and notifies the applicant in the order established by the legislation of the Republic of Armenia in five-day period after making such a decision.

IV. Terms of Contract on Accredited Management of State Forests

15. The contract on accredited management of state forests shall be made according to requirements established by the Civil Code of the Republic of Armenia.
16. Obligatory provisions of the contract on accredited management of state forests are as follows:
 - a) Duration of the contract on accredited management of state forests;
 - b) Provisions regarding distribution of revenue collected during accredited management;
 - c) Types of forest use which can be transferred to the third party;
 - d) Provisions on guarding and control of forests handed over for accredited management;
 - e) The composition of forests to be given for accredited management (type, quantity, actual state);
 - f) The name and address of accredited manager;
 - g) Order and terms for submission of reports on accredited management to the head of community by accredited manager;
 - h) Provisions on fee and payment terms to accredited manager;
 - i) At parties' discretion other terms.