

REGULATIONS FOR IMPLEMENTATION OF THE LAW FOR THE FORESTS

Prom. SG. 41/10 Apr 1998, amend. SG. 74/30 Jul 2002, corr. SG. 79/16 Aug 2002, amend. SG. 31/4 Apr 2003, amend. SG. 48/23 May 2003, amend. SG. 101/18 Nov 2003, amend. SG. 39/12 May 2004

Chapter one. GENERAL PROVISIONS

Section I. Forests and forest entirety

Art. 1. The regulations stipulate the conditions and the order of management, administration, use, reproduction and protection of the forests and the lands of the forest entirety, as well as the relations connected with the right of ownership of them.

Art. 2. (1) (revoked – SG 101/03)

(2) Lands for forestation are the barren lands, the not restored cutting areas, the burnt out areas as well as the forest areas planned for biological reclamation.

(3) The no-timber lands include: meadows, fields, unforestable barren areas, eroded soil (terrain), forest roads, cattle roads, rocks, moraines, waste deposit sites, talus, gulches, sands, pits, quarries, built-up areas, yards, temporary warehouses, forest nurseries, water streams and areas and other forest areas unsuitable for forestation.

Art. 3. (revoked – SG 101/03)

Art. 4. (1) (revoked – SG 101/03)

(2) The protected and recreational forests and lands are subdivided into:

1. (amend. SG 101/03) water protecting - water supply zones, water collectors of water basins and water streams in regions around the water sites, determined by Ordinance No 3 of 2000 for the conditions and the order for investigation, designing, approval and exploitation of the sanitary guarded zones around the water sources and the installations for drinking water supply and around the water sources of mineral waters, used for medical, prophylactic, drinking and hygiene needs (SG, No 88 of 2000).

2. (suppl. SG 101/03) anti-erosion - forests on eroded lands; forests in the territories - subject of technical projects for fighting the erosion; the zone of the upper limit of the forest comprising, according to the slope of the terrain, forests of width from 100 to 200 m, the dwarf-pine formations, the one-kilometre strip of the Black Sea; the 200-meter strip of the high coast of the river Danube, as well as the lands between the dike and the right coast of the river Danube, the isles in Danube river, up to 200 m around the dam lakes and the lakes and up to 100 m around the rivers; non-timber forest areas overgrown with wood and bushes;

3. meliorate - protective and wind brake belts, forests for protection of engineering installations - 100-meter strips on both sides of railway roads, motorways and gas pipes, 50-meter strips on both sides of first-class roads, up to 10 m on both sides of irrigation and other canals, forests around the centres of industrial and other pollution;

4. (suppl. SG 101/03) recreational - the resort forests and territories around tourist and balneological centres, mountain, sea coast and riverside territories, vacation villages and campuses; out of town forest parks, hunting parks, zoo parks, hydrological parks and other park areas; green zones and systems around populated areas and industrial centres and caves;

5. (suppl. SG 101/03) other - seed producing plants and gardens, forest nurseries; geographical cultures; hydrological stations; dendrariums; forests around cultural monuments; scientific and research and experimental forests; forest hunting territories designated for breeding game and birds, determined by an order

of the Minister of Agriculture and Forests; botanical and zoological gardens; up to 200 m around the huts and monasteries; the buffer zones of the reserves; scientific investigation and study – trial forests; forests in the territorial scope of unit and group culture heritage monuments and their protection zones.

Art. 5. (1) (amend. SG 101/03) The categorisation and re-categorisation of the forests and the lands of the forest entirety, with the exception of those in the protected natural territories shall be carried out by the chief of the National department of forests.

(2) The categorisation and re-categorisation of the forests and the lands in the protected territories shall be carried out by the act for their announcement.

(3) (suppl. SG 101/03) Applications for categorisation and re-categorisation of protected and recreation forests and lands of the forest land entirety by interested ministries and administrative bodies shall be presented at the National department of Forests and by municipalities, physical persons and corporate bodies - at the regional departments of forests.

(4) The applications under para 3 shall be accompanied by a scheme, taxation characteristics of the forests and written consent by the owners whose forests or lands of the forest entirety are subject to categorisation or re-categorisation.

(5) The owners shall present to the applicants under para 3, within 3 months from the applying, written consent or disagreement for categorisation or re-categorisation of the forests or their lands. If the requested opinion is not presented within the determined period it shall be considered that the owner has given his consent for carrying out the procedure.

(6) For the forests and the lands of the state forest entirety, in the cases when the categorisation or re-categorisation is carried out at the request of another ministry, administrative body, municipality, physical person or corporate body, the written consent or disagreement under para 5 shall be given by the head of the National Department of Forests.

(7) (amend. SG 101/03) The applications, submitted by interested ministries and departments, shall be considered by a commission appointed by an order of the head of the National department of forests and the applications, submitted by municipalities, individuals and corporate bodies – by a commission, appointed by an official, authorized by the chief of the National department of forests. The commission shall consist of: chairman - a representative of the regional department of forests and members: the owners or persons authorised by them, representatives of the state forestry, of the regional inspections of the environment and waters and of the municipal administrations on whose territory are the forests.

(8) The commission shall prepare a written statement with a proposal for categorisation and re-categorisation and shall send it to the National department of the Forests together with a written consent of the owners.

(9) (amend. SG 101/03) In 7 days term after receiving the documents of para 8 the chief of the National Department of Forests shall send the proposal for categorisation or re-categorisation for co-ordination to the interested ministries and administrative bodies.

(10) (new – SG 101/03) The ministries and the departments of para 9 shall in 14 days term give statement on the proposal for categorisation or re-categorisation. The not pronouncing in time shall be considered as silent consent with the proposal.

(11) (new – SG 101/03) In 14 days term after the elapse of the term of para 10 the chief of the National department of forests shall pronounce on the application for categorisation or re-categorisation as follows:

1. approves the record for categorisation and re-categorisation of the forests and the lands of the forest entirety, when the interested ministries and departments have co-ordinated the proposal;

2. issues motivated refusal when some of the interested ministries and departments has refused to co-ordinate the proposal.

(12) (new – SG 101/03) A copy of the act of the chief of the National department of forests shall be handed over to the applicant against signature or sent by registered mail. The refusal shall be subject to appeal by the order of the Law of the administrative procedures.

(13) (new – SG 101/03) At working out of forest development designs for the state forestries and the state game breeding stations shall be prepared summarized records for all protective and recreation forests and lands of the forest entirety in protected territories, which are approved by the order of para 3 – 11.

Section II.
(revoked – SG 101/03)

Art. 6. (revoked – SG 101/03)

Art. 7. (revoked – SG 101/03)

Art. 8. (revoked – SG 101/03)

Art. 9. (revoked – SG 101/03)

Art.10. (revoked – SG 101/03)

Art. 11. (revoked – SG 101/03)

Art. 12. (revoked – SG 101/03)

Section III.
Changes of the forest entirety

Art. 12a. (new – SG 101/03) After the elapse of the term of art. 10, para 3 of the Law for the forests the Minister of Agriculture and Forests shall issue order for acquisition of the forests and the lands of the forest entirety by he state at prices, determined with ordinance by the Council of Ministers. The order shall be handed over to the persons by the order of the Civil Procedure Code.

Art. 12b. (new – SG 101/03) The owners of forests and lands of the forest entirety shall be obliged to manage them in a way, which does not change their designation, and to fulfil the requirements of the forest development designs, plans and programmes, not impairing their status.

Art. 13. (1) (amend. SG 101/03) The forest entirety can include:

1. agricultural lands, unfit for agricultural use;
2. low-production agricultural lands;
3. lands, reclaimed for forestry use;
4. lands from correction of water courses.

(2) The including in the forest entirety of lands unfit for agricultural use or low production lands shall be implemented upon request by their owners after change of their designation under the conditions and by the order of the Law of protection of the agricultural lands.

(3) The including in the forest entirety of lands, which are reclaimed for forestry use, shall be implemented officially on the basis of a record for approved technical reclamation, prepared under the conditions and by the order of Ordinance No 26 of 1996 for reclamation of damaged terrains, improvement of low productive lands, taking and utilisation of the humus layer (prom. SG89/96; amend. and suppl. SG 30/02).

(4) (new – SG 101/03) On the basis of the decision of the Commission for the agricultural lands or the record for technical reclamation the Minister of Agriculture and Forests shall issue order for including of the lands of para 2 and 3 in the forest entirety.

(5) (new – SG 101/03) The commission of para 4 shall officially a copy of the decision for change of the designation in the National department of forests.

(6) (new – SG 101/03) For including in the forest entirety of the sites of para 1, afforested or self afforested after March 1, 2003, the owners shall submit application to the state forestry at the location of the

property. To the application shall be attached document for the right of ownership in the property.

(7) (new – SG 101/03) In 14 days term after submitting of the application of para 6 the state forestry shall send it officially to the National department of forests, accompanied by:

1. written statement;
2. plan of the property from the forest development map;
3. taxation characteristic of the forest;
4. plan or design-plan of the newly formed property, issued by the order of the Ordinance for maintaining and updating of the map of the restored ownership, with marked co-ordinate points.

(8) (new – SG 101/03) In one month term after receiving of the documents of para 7 in the National department of forests the application shall be considered by a commission, appointed with an order by the chief of the National department of forests, which shall pronounce with a motivated decision.

(9) (new – SG 101/03) In 7 days term after decreeing of the decision of para 8 the chief of the National department of forests shall make proposal to the Minister of Agriculture and Forests for issuing of order for including in the forest entirety or for decreeing of motivated refusal.

(10) (new – SG 101/03) In one month term after receiving of the proposal of para 9 the Minister of Agriculture and Forests shall issue order for including of the agricultural territories in the forest entirety or pronounce with a motivated refusal to the application.

Art. 14. (revoked – SG 101/03)

Art. 15. (revoked – SG 101/03)

Art. 16. (revoked – SG 101/03)

Art. 17. (amend. SG 101/03) (1) The documents, attached to the request for preliminary co-ordination of excluding of forests and lands from the forest entirety of art. 14b, para 3, shall be prepared:

1. under the conditions and by the order of art. 125 of the Law of spatial planning – for terms of reference for working out of detailed development plan;
2. by the order of Ordinance No 33 of 1996 for maintaining and updating of the map of the restored ownership (SG 3/96, amend. and suppl. SG 9/01) – for the plan of the layout or the plot with marked co-ordinates.

(2) The plan of the layout or the plot with marked co-ordinates, which is attached to the application of art. 14c, para 2, item 3 and art. 16a, para 2, item 2 of the Law for the forests and §123, para 2, item 6 of the Law of amendment and supplement of the Law of the forests (SG 16/03), shall be issued by the municipal service for agriculture and forests at the location of the property and is a plan-design of the newly formed property, issued by the order of Ordinance No 33 of 1996 for maintaining and updating of the map of the restored ownership with marked co-ordinate points.

(3) The plan-design of the newly formed property shall be accompanied by lot from the register of the agricultural lands and of forests and lands of the forest entirety to the map of the restored ownership, containing parts from “A” to “F”, issued by the municipal service for agriculture and forests. In a note to part “A” shall be pointed out the purpose, for which the document is issued.

(4) The plan-design of para 1 and 2 shall be co-ordinated officially by the municipal service for agriculture and forests with the respective state forestry at the location of the property. The director of the state forestry shall give statement on the plan-design in 7 days term. The non pronouncing in time shall be considered as silent consent.

(5) The National department of forests shall send to the cadastral service at the location of the property a copy of the acts for excluding from the forest entirety forests and lands in 7 days term after the payment of the fee of art. 19, para 1 and 3 of the Law of the forests. When the decision for change of the designation of part of the landed property new properties shall be formed according to art. 24, para 3 of the Law of the cadastre and the property register, the cadastral service shall give identifiers to the newly formed landed properties.

Art. 18. (amend. SG 101/03) (1) For buying by the state of forests and lands of the forest entirety – ownership of individuals and/or corporate bodies, and/or municipalities under art. 15a of the Law of the forests, the interested person shall submit written application to the chief of the National department of forests.

(2) To the application of para 1 shall be attached:

1. document for ownership of the property;
2. certified plan from the forest development map with marked forests and lands from the forest entirety, which are offered to the state for buying, issued by the state forestry at the location of the property;
3. report by the valuer and certificate for valuation of the forests and lands from the forest entirety, which are offered to the state for buying.

(3) Till July 1 the applications of para 1 shall be considered by the commission of art. 14c, para 3 of the Law of the forests, which shall give statement on them for buying or for decreeing of refusal to buy. The act of the commission shall be approved by the chief of the National department of forests.

(4) On the basis of the statement of the commission of para 3 the chief of the National department of forests shall make proposal to the Minister of Agriculture and Forests for issuing of order for buying of forests and lands from the forest entirety or for decreeing of refusal to buy.

(5) In one month term after receiving of the proposal of para 4 the Minister of Agriculture and Forests shall issue order for buying of forests and lands from the forest entirety or pronounce with refusal to the application.

(6) In 14 days term after the order of para 5 enters into force the chief of the National department of forests shall conclude contract for buying. The director of the respective state forestry shall submit application for entering of the contract in the property register at the location of the property.

(7) The Minister of Agriculture and Forests shall represent the state as party in the contract of para 6.

Art. 19. (amend. SG 101/03) (1) The state forestries shall every year till December 31 prepare a list of the non timber producing lands in the forest entirety – private state property, for letting for rent with a tender or competition during the following calendar year. The list shall be approved by the chief of the respective regional department of forests and announced in 7 days term after the date of its preparation in the building of the state forestry and in the building of the municipal administration, located in the district of the respective state forestry.

(2) In one month term after the announcement of the list of para 1 the interested persons shall submit application to the director of the state forestry for use of the non timber producing lands.

(3) On the basis of the application of para 2 the director of the state forestry shall make proposal to the chief of the National department of forests for conducting of procedure for letting for rent. To the proposal shall be attached report and certificate for valuation according to the ordinance of art. 19, para 1 of the Law of the forests and a copy-excerpt from the forest development map.

(4) The initial annual price of the rent from which the bidding starts in the tender, respectively the offering in the competition, shall be determined as value, equal to 1/30 of the price of the right to use, determined according to the ordinance of art. 19, para 1 of the Law of the forests.

(5) In two months term after receiving of the documents of para 3 the chief of the National department of forests shall make proposal to the Minister of Agriculture and Forests for issuing of order for conducting of tender or competition.

(6) In one month term after receiving of the proposal of para 5 the Minister of Agriculture and Forests shall issue order for opening of the procedure. In the order shall be defined the place, the date and the hour for conducting of the tender or the competition, as well as the place, the date and the hour for submitting of the applications for participation.

(7) When the proposals of the candidates, apart from the bidding for the rent price, are also assessed according to the achievement of other criteria, connected with the use and the approval of the qualities of the respective areas, a competition shall be carried out. The order for conducting of the competition shall also determine:

1. the requirements to the participants and/or to the content of the proposals for participation in the competition;
2. the methodology for assessment of the proposals in the competition.

(8) The order of para 6 shall be published in one central daily newspaper not later than 14 days before

the expiry of the term for submitting of the applications for participation.

(9) The application for participation in the tender or the competition shall be submitted in non transparent envelope, on which shall be written the name or the company of the candidate and address for correspondence.

(10) The candidates shall offer rent price in levs. In the cases of conducting a competition to the offered rental price shall also be attached proposals according to the requirements, defined with the order of para 6.

(11) The documents of the participants in the tender or the competition shall be considered by a commission, appointed by the chief of the National department of forests after the elapse of the term for submitting of documents for participation in the respective procedure.

(12) The commission shall be comprised by at least 5 members. Two reserve members shall also be determined. Chairman of the commission shall be employee of the National department of forests, of the regional department of forests or of the state forestry.

(13) A member of the commission cannot be a person, who:

1. has material interest in the letting of the lands for rent;
2. is a "connected body" in the sense of the Commercial law with some of the candidates in the procedure or with members of their management and/or control bodies.

(14) The members of the commission shall be obliged to keep in secret the circumstances, that have come known to them in connection with their work in the commission. They shall present declaration at the appointing about these circumstances and the circumstances of para 13.

(15) The commission shall take decisions with simple majority.

(16) A record shall be kept at the session of the commission. If some of the members of the commission has reserve, it shall be noted in the record and written motives shall be attached to it. In 3-days term after finishing its work the commission shall present to the chief of the National department of forests the record with the whole documentation, collected in the progress of conducting of the respective procedure.

(17) In 7 days term after the presenting of the documentation of para 16 on the basis of the results of the tender or the competition and proposal by the chief of the National department of forests the Minister of Agriculture and Forests shall issue order, with which he defines the grading of the candidates. A copy of the order shall be handed over to the participants against signature or sent to them with registered mail. The order for grading shall be subject to appeal by the order of the Law of the administrative procedures.

(18) In 14 days term after the order for grading enters into force the chief of the National department of forests shall conclude contract with the candidate, graded at first place.

(19) In case the candidate, graded at first place, refuses to conclude contract, the chief of the National department of forests shall offer consequently to those, graded at the following places, to conclude contract for rent.

(20) In the cases of art. 15e, para 2 of the Law of the forests the letting for rent shall be implemented for a term from one to three years.

Art. 19a. (new – SG 101/03) (1) The establishing of limited real right to usufruct over plantations for production of fruits in the state forest entirety, used and managed by the National department of forests, its structures and specialized territorial units, shall be implemented with an order by the Minister of Agriculture and Forests upon proposal by the chief of the National department of forests by the order of the Law of the state ownership and the regulation for its implementation.

(2) On the basis of the order of para 1 the chief of the National department of forests shall conclude contract for establishing of limited real right of usufruct.

Art. 20. (amend. SG 101/03) In the cases of art. 14a, para 2 of the Law of the forests for excluding of forests and lands from the forest entirety – ownership of individuals and/or corporate bodies, except the municipalities, the interested person, upon which request the alienation has been implemented, after finishing of the alienation procedure under the Law of municipal ownership, shall submit application for excluding of lands and forests from the forest entirety at change of their designation.

Art. 21. (amend. SG 101/03) (1) For letting for rent without a tender or a competition of non timber production lands – private state property, for health, education and humanitarian activities, an application shall be submitted to the Minister of Agriculture and Forests through the state forestry, on which territorial scope of activity are located the non timber production lands.

(2) To the application of para 1 the respective state forestry shall attach officially report and certificate for valuation of the lands according to the ordinance of art. 19, para 1 of the Law of the forests and a copy – excerpt from the forest development map.

(3) In 14 days term after submitting of the application the state forestry shall compile the file with the documents of para 2 and send it to the National department of forests.

(4) In one month term after receiving of the file at the National department of forests the commission of art. 14c, para 3 of the Law of the forests shall give statement on the application.

(5) On the basis of the statement of para 4 the chief of the National department of forests shall make proposal to the Minister of Agriculture and Forests for issuing of order for letting for rent without conducting of tender or competition or for decreeing of motivated refusal.

(6) In one month term after receiving of the proposal of para 5 the Minister of Agriculture and Forests shall issue order for letting for rent without conducting of tender or competition or pronounce motivated refusal to the application.

(7) The order for letting for rent of the non timber production areas shall also determine the annual rental price which shall be in extent of 1/30 of the usufruct, determined with the valuation of para 2.

(8) In 14 days term after the order of para 6 enters into force the chief of the National department of forests shall conclude contract for rent.

(9) In the cases of art. 15e, para 3 of the Law of the forests the letting for rent shall be for a term from one to three years.

Art. 22. (revoked –SG 101/03)

Art. 23. (1) (amend. SG 101/03) For ceding the right of using under Art. 16, para 2, 3 and 4 of the Law of the forests written application shall be filed at the National department of forests, to which shall be attached the documents of art. 16a, para 2 of the Law of the forests.

(2) (amend. SG 101/03) In 14 days term after receiving of the documents of para 1 the chief of the National department of forests shall make proposal to the Minister of Agriculture and Forests for satisfying of the application and prepare draft of the respective act for establishing of usufruct or easement.

(3) (amend. SG 101/03) In 14 days term after receiving of the proposal of para 2 the Minister of Agriculture and Forests shall issue order for establishing of usufruct or easement or submit to the Council of Ministers for discussing a draft for decision for establishing of usufruct or easement, or pronounce motivated refusal to the application.

Art. 24. (1) For ceding right of using forests and lands, municipal property written request shall be filed with the mayor of the municipality.

(2) The mayor of the municipality shall appoint a commission for considering the filed applications under para 1, which shall issue written statement with proposal to the municipal council.

(3) The municipal council, on the grounds of the written statement of the commission shall take a decision for ceding the right of using forests and lands, municipal property.

Art. 25. (1) The afforestation of an area shall be determined as a ratio between the area covered by forest, including temporarily barren areas to the total area of the territory expressed in percentage.

(2) The National department of forests shall determine the afforestation on the territory of the country and of the separate municipalities by the date of enactment of the Law for the forests.

(3) The National department of forests shall monitor the changes of the indices for afforestation as well as the share of the excluded and ceded forests from the afforested area of the country.

Chapter two.
ORGANISATION OF THE FOREST ENTIRETY

Section I.
Management of the forest entirety

Art. 26. (amend. SG 101/03) The management of the state forest entirety, the guarding of all forests and lands of the forest entirety and the control of the activities, implemented in them, as well as the control at transportation and processing of the timber and the side uses shall be carried out by the National department of forests, its structures and specialised territorial units and the state game breeding stations.

Art. 26a. (new – SG 101/03) (1) The functions and the tasks of the specialised territorial units for trial and determining of the sowing and the planting characteristics of the forest reproduction materials shall be determined with an order by the chief of the National department of forests .

(2) The specialized territorial units of para 1 shall issue international seed control certificates for the seeds for forestry objectives, designated for export.

Art. 26b. (new – SG 101/03) (1) The National council for forests shall conduct at least two regular sessions in the year.

(2) If necessary the chairman of the National council for forests shall summon extraordinary sessions on his own initiative, upon written request of at least 1/3 of the members or upon decision, taken at the last session of the council.

(3) The sessions of the National council for forests shall be summoned by its chairman and they shall be considered as regular if not less than half of its members are present. If there is no quorum the chairman shall postpone the session for another date but not later than 14 days and the session shall be considered as regular regardless of the number of the present members.

(4) Each regular session of the National council for forests shall be conducted according to a preliminary announced agenda, which together with the materials for the session shall be sent to its members at least 7 days before the date of the session.

(5) At the session can also be included issues, not included in the preliminary announced agenda only if all the members of the National council for forests are present and agree.

(6) The session shall be held by the chairman and if he is absent – by the deputy chairman.

(7) The decisions of the council shall be taken with simple majority by the present members with open voting.

(8) A record shall be compiled for the decisions of the council, which shall be approved by the Minister of Agriculture and Forests.

(9) At signing of the record with reserve the member of the council shall in two working days term after conducting of the session present to the chairman of the council written motives for his reserve, which shall be integral part of the record.

Art. 27. (revoked – SG 101/-3)

Art. 28. (1) (amend. SG 101/03) The chief of the National department of forests shall determine the territorial scope of activity of the structures and their specialised territorial units of the National department of forests as well as their headquarters.

(2) (new – SG 101/03) The territorial scope of activity of para 1 shall include the forests and the lands of the forest entirety, the adjacent hunting economic regions and the water sites, used for amateur fishing and with regard to the control of observing this law and the acts for its implementation – also the respective urbanised territories.

(3) (new – SG 101/03) In the forests and the lands of the forest entirety, included in the region of

activity of the state forestries and the state game breeding stations shall be detached forest economic and guarding sections.

(4) (new – SG 101/03) In the hunting economic regions out of the forests and the lands of the forest entirety, included in the region of activity of the state forestries and the state game breeding stations guarded sections shall be detached.

(5) (prev. (4) – SG 101/03) The regions of activity of the regional departments of forests shall be complied with the limits of the municipalities and of the state forestry - with the limits of the lands of the populated areas.

(6) (prev. (3), amend. SG 101/03) The chief of the National department of forests shall determine with an order the organisation and the activity of the forest and the hunting guards, the guarding and the control in the forest entirety.

Art. 29. (revoked – SG 101/031)

Art. 30. (revoked – SG 101/031)

Art. 31. (revoked, SG 48/03)

Art. 32. (1) (amend. SG 101/03) The owners of forests and lands of the forest entirety can make proposal to the director of the state forestry for conceding their properties for management to the respective structure of the National department of forests.

(2) (amend. SG 101/03) In one month term after submitting of the proposal the director of the state forestry shall pronounce with decision on the request, upon positive statement proposing to the owners a draft contract for management

(3) (new – SG 101/03) In the cases of conceding of forests and lands of the forest entirety by their owners to the persons, registered by the order of art. 39, para 2 or art. 57a of the Law of the forests the owners shall notify about this the respective state forestry at the location of the property.

Section II.

Structure and accounting of the forests

Art. 33. (amend. SG 101/03) (1) In 14 days term after the elapse of the term of art. 25, para 6 of the Law of the forests the respective body of art. 25, para 3 or 5 of the Law of the forests shall pronounce with decision on the request for approval of the forest development design, plan or programme as follows:

1. approves the forest development design, plan or programme when the interested ministries and departments have co-ordinated the proposal;

2. issues motivated refusal when some of the interested ministries and departments has refused to co-ordinate the request.

(2) A copy of the approved forest development designs, plans and/or programmes shall be conceded to the regional departments of forests as well as to the state forestries for implementing of their functions under art. 23 and 24 of the Law of the forests.

(3) The forest development designs, plans and programmes shall be worked out by individuals or corporate bodies, registered for implementing of the activities of art. 39, para 1, item 3 of the Law of the forests. Forest development programmes can also be worked out by the state forestries and the state game breeding stations.

(4) The control for the inventory and the forest development of the forests and the lands of the forest entirety shall be implemented by the National department of forests or the specialised territorial units.

Art. 34. (1) The limits of forests and lands of the forest entirety, property of individual persons, shall

be marked permanently by two strips of paint on standing trees, wood or concrete poles. The point strips shall be 3 cm wide with a distance between them equal to their width, marked on the inner part of the real estate.

(2) The colour of the paint by which the forests shall be marked is:

1. white, when the forests and the lands are owned by physical persons, schools, libraries and other corporate bodies;

2. red, when the forests and the lands are owned by religious organisations;

3. yellow, when the forests and the lands are owned by the municipalities.

(3) In visible places under the two strips of paint, on a platform of white paint shall be inscribed the letter "K" and the last four figures of the cadastre number of the real estate.

(4) (amend. SG 101/03) The resources for marking the boundaries of the properties on the terrain shall be for the account of their owners.

(5) (amend. SG 31/03) The resources for the initial marking of the terrain, for reinstatement of the ownership shall be for the account of the municipal service for agriculture and forests and its further maintenance - for the account of the owner.

Art. 35. (1) (amend. SG 101/03) The director of the state forestry shall inform the owners of forests and lands of the forest entirety, with area less than 500 decares about the opportunity to unite with objective grouping of their forests in massifs for general forest development 3 months before the forest development in the region of their territorial scope of activity.

(2) (amend. SG 101/03) The owners wishing forest development of their forests and lands of the forest entirety shall declare in writing their wish to the director of the state forestry.

(3) (amend. SG 101/03) The forest development of forests and lands of the forest entirety by the order of para 1 and 2 does not mean their ceding for management by the respective state forestry.

(4) (amend. SG 101/03) In the year of forest development of the forests in the region of activity of the state forestry its director shall inform the National department of forests about the wish declared by the owners for joint structure of their forests.

(5) (amend. SG 101/03) By the order of para 3 and 4 shall also be carried out the forest development for joint structure of forests and lands of the forest entirety, property of municipalities, of physical persons or corporate bodies with an area larger than 500 decares.

(6) (new – SG 101/03) The owners of forests and lands of the forest entirety with area less than 500 decares, united for joint management of their forests according to art. 25, para 7 of the Law of the forests shall submit application to the chief of the National department of forests for working out of forest development design in the year of the development of the forests and the lands of the respective state forestry in the respective territorial scope of activity.

Art. 36. (1) The National department of forests shall keep account of all forests and lands of the forest entirety in a form approved by the head of the National department of forests, co-ordinated with the National Institute of Statistics.

(2) (suppl. SG 101/03) The account under para 1 shall be kept in types and categories of forests, for ownership, land, municipalities, regions and for the country, as well as for forestry units, state game breeding stations and regional departments of forests.

(3) (amend. SG 101/03) For preparation of the account under para 1 the National department of forests can organise national inventory according to the conditions of the ordinance of art. 25, para 2 of the Law of the forests.

Art. 37. (1) The stock taking of the forests and the lands of the forest entirety shall be carried out for the account of the National Fund "Bulgarian forest".

(2) The planning of the practices in the state forest entirety shall be carried out for the account of the National fund "Bulgarian forest" and for the remaining ones - for the account of the owners.

(3) Forests and lands, property of physical persons and corporate bodies and of municipalities, ceded for management according to Art. 32, shall be settled for the account of the National fund "Bulgarian forest".

Art. 38. (1) (revoked – SG 101/03)

(2) The head of the National department of forests can delegate rights to the head of the regional department of forests to approve structural plans.

(3) the head of the National department of forests can delegate rights to the head of the state forestry to approve structural programmes.

Art. 39. (revoked – SG 101/03)

Art. 40. (1) The state forestry shall keep a register for lands and municipalities, which shall contain data about the owner, the area and the type of forests.

(2) The regional department of forests shall keep a register with summarised data from the state forestry, which shall contain data about the ownership, the area and the type of forests.

(3) The national department of forests shall keep a register for the forests and the lands of the forest entirety according to summarised data from the regional departments of the forests.

(4) For registered change of the subject of the right of ownership of the area and the type of forests the state forestry shall indicate this in the register kept by it and shall send information to the regional department of the forests.

Section III.

Employees for the forests

Art. 41. (1) (revoked – SG 101/03)

(2) (revoked – SG 101/03)

(3) Employees for the forests in the National department of forests shall have higher education and for managerial occupations for which higher forestry education is required it is necessary to have not less than 7 years of service on the speciality.

Art. 42. (revoked – SG 101/03)

Art. 43. (amend. SG 101/03) (1) The guarding of the forests and the lands of the forest entirety, the game and the fish resources in the water sites, used for amateur fishing, shall be carried out by forest guards and hunting guards.

(2) As forest guards of controlled forest points and as hunting guards of guarded sections shall be appointed persons with higher forestry education or with secondary forestry education in the specialties “forest and hunting economy”, “forest economy and timber production”, “assistant forester”, “forest economy”, “forest and hunting economy and production of timber” with minimum second qualification degree or in other specialties, equalled to them by the Ministry of Education and Science.

(3) As mobile forest and hunting guards can be appointed persons, meeting the requirements of para 2 and having driving license for motor vehicle.

Art. 44. (amend. SG 101/03) (1) The persons of art. 43 shall be obliged in 6 months term after appointment to undertake the necessary activities for receiving of permission for carrying, preservation and use of fire arms.

(2) The expenses, connected with the issuing of the permission for carrying, preservation and use of fire arms to the employees for the forests as well as its re-certifying shall be for the account of the employer.

(3) Upon refusal to be issued or renewed the permission of para 1 the employer shall pursuant to art. 328, para 1, item 12 of the Labour Code terminate the employment contract with the respective forest or hunting guard, the person restoring the expenses, made by the employer under para 2.

Art. 44a. (new – SG 101/03) With objective prevention or stopping of the violations the employees for the forests shall have right to implement their authorities also out of the established working time and out of the territorial range of activity of the respective state forestry.

Art. 45. (1) (prev. art. 45, amend. SG 101/03) The employees for the forests shall have right to carry short grooved firearms and auxiliary means at fulfilment of their official duties.

(2) (new – SG 101/03) The forest and the hunting guards at fulfilment of their official duties shall obligatory carry short grooved firearms and shall have right to carry smooth barrel firearms and auxiliary means.

(3) (new – SG 101/03) The employees for the forests at fulfilment of their official duties shall identify themselves with official cards, issued according to a model, approved with order by the chief of the National department of forests.

Art. 46. (1) The employees in the state forestry, whose official duties require living in the forests, can use housing premises submitted by the National department of forests, its bodies and divisions.

(2) For the purpose of using housing premises under para 1 the employees shall file applications to the director of the state forestry.

(3) On the grounds of the filed application the director of the state forestry shall issue order for accommodation, on whose ground a contract shall be concluded. The contract shall be valid until the discontinuation of the employment contract of the employee.

(4) The rights under para 1, 2 and 3 shall also be used by the workers in the state forestry whose official duties require their permanent living in the forests.

(5) The workers and employees under para 1 and 4 can use, for personal needs, without paying taxes, up to 5 decares of cultivated lands or meadows from the state forest entirety and up to 10 cubic meters for firewood annually, without the right of sale and upon declared wish in writing. They can use pasture in the forests and the lands of the state forest entirety up to five sheep and one cow without paying taxes.

(6) The employees and the workers of the national department of forests, its bodies and divisions, in cases of proven necessity, can use annually up to 10 cubic meters firewood from the state forest entirety against payment of taxes per root.

(7) The employees and workers under para 6 can receive, for every 10 years of service, for their own needs, by permit of the National department of forests, up to 5 cubic meters construction timber from the state forest entirety against payment of a tax per root, without the right of sale.

(8) The employees for the forests, with a time of service over 20 years as employees for the forests, upon their retirement, as well as the spouse of a deceased employee for the forests, when retired, shall use the rights under para 6.

Chapter three.

REPRODUCTION OF THE FORESTS

Section I.

Creation of new forests and fighting erosion

Art. 47. (revoked – SG 101/03)

Art. 48. (revoked – SG 101/03)

Art. 49. (revoked – SG 101/03)

Art. 50. (revoked – SG 101/03)

Art. 51. (revoked – SG 101/03)

Art. 52. (revoked – SG 101/03)

Art. 53. (revoked – SG 101/03)

Art. 54. (revoked – SG 101/03)

Art. 55. (amend. SG 101/03) (1) The forest nurseries shall be entered in the public register of art. 41a, para 2 of the Law of the forests, which shall be kept and preserved by an official, defined with an order by the director of the state forestry. The act for entering in the register shall be certified with signature of the official and noting the date. For implemented entering to the applicant shall be issued a certificate for registration. The register shall be kept according to a model.

(2) Written application for registration of forest nursery in the sense of art. 41a, para 2 of the Law of the forests shall be submitted by the owner of the nursery, who is registered person for exercising of private forestry practice under art. 39, para 1, item 2 of the Law of the forests or a trader, entered in the public register of art. 57a of the Law of the forests, or has concluded contract with at least one such person. The application shall be submitted to the director of the respective state forestry, on which territory the nursery is located. The application shall contain the following data:

1. settlement, on which territory the nursery is located;
2. total area of the nursery, pointing out separately the production area;
3. name of the applicant, headquarters and address of management and for the sole entrepreneurs and the individuals – permanent address;
4. code of registration BULSTAT, tax registration and registration under the Law of value added tax (if the person is registered), and for sole entrepreneur and individual – also unified civil number.

(3) To the application of para 2 shall be attached document for ownership and plan of the nursery with numbers of the properties of the acting development plan of the nursery (construction plan).

(4) In 14 days term after submitting of the application, accompanied by the documents of para 3, the state forestry shall enter the forest nursery in the register.

(5) The state forestry cannot refuse the entering of the nursery in the register except in the cases when the requirements of para 2 and 3 are not met. When the presented documents of para 2 and 3 are incomplete or imprecise the state forestry shall notify the applicant. If in 7 days term the applicant does not remove the omissions the application shall be left without considering. After removal of the omissions new application can be submitted, which shall be considered by the general order.

(6) The state forest nurseries shall be registered officially.

(7) In the registered forest nurseries control book shall obligatory be kept according to a model, approved with the ordinance of art. 41a, para 4 of the Law of the forests. Integral part of the control book shall be the certificates for origin of the initial reproduction materials.

(8) The book of para 7 shall be kept and preserved by the registered forester for exercising of private forestry practice and for the state nurseries – by an official, determined with an order by the director of the respective state forestry.

(9) Upon request by an official – representative of control body, the conceding of the book cannot be refused and the control body shall be obliged to enter in it the date of the check and the established results from it.

(10) Writing off the register of forest nursery – ownership of individual and/or corporate body, shall be implemented after submitting of written application by the owner or officially in the following cases:

1. at more than two punitive decrees for violations of the Law of the forests and the normative acts, connected with the activity of the nursery and with the trade with forest reproduction materials, entered into force;
2. at refusal of the owner to admit for check a control body or to concede the necessary information, connected with the production activity and the trade of the nursery, established with fact finding record;

3. at established by a control body diseases and/or pests and danger from their dissemination;
 4. at non fulfilment of prescriptions of a control body;
 5. at writing off the registered person of art. 39, para 1, item 2 and art. 57a of the Law of the forests.
- (11) The director of the state forestry shall issue motivated order form writing off the nursery from the

register

Art. 56. (revoked – SG 101/03)

Art. 57. (revoked – SG 101/03)

Art. 58. (1) (amend. SG 101/03) The gratuitous conceding of reproduction materials and technological plans for afforestation in the sense of art. 42, para 3 of the Law of the forests shall be permitted by the National department of forests and implemented by the state forestry, the expenses being element of the budget of the National department of forests.

(2) (amend. SG 101/03) The state forestry shall co-ordinate with the regional department of forests each request for gratuitous conceding of reproduction material.

(3) (new – SG 101/03) No reproduction materials shall be conceded gratuitously to persons, who are supported by national and international programmes and the necessary reproduction materials are provided in their approved projects.

(4) (new – SG 101/03) For the gratuitous conceding of reproduction materials written application shall be submitted to the state forestry in the term of art. 42, para 4 of the Law of the forests. In the application shall be pointed out:

1. the name and the address of the applicant;
2. the objective and the lawful ground, on the basis of which are conceded the reproduction materials;
3. the kind of the reproduction materials;
4. the necessary quantities in forest species;
5. the extent and the location of the area, provided for afforestation;
6. the ownership of the land for afforestation.

(5) (new – SG 101/03) To the application of para 4 shall be attached declaration about the circumstances of para 3.

(6) (new – SG 101/03) For afforestation shall be conceded primarily seed saplings and as exception – also treated. The total number of the requested treated saplings from forest species for one applicant (user) during the year cannot exceed 50.

(7) (new – SG 101/03) For the development of apiculture shall be conceded only saplings from melliferous species – lime, false acacia, horse-chestnut and amorpha and for sericulture – mulberry.

(8) (new – SG 101/03) In case the state forestry is not capable to fulfil the request as species and quantities the request with information about the fulfilled [art from it shall be officially sent to the regional department of forests. In this case the chief of the regional department of forests shall order the request to be fulfilled by the nearest state forestry having such materials.

(9) (new – SG 101/03) At impossibility to be ensured the requested reproduction materials the director of the state forestry shall in 10 days term after receiving the request make motivated written refusal.

(10) (new – SG 101/03) The conceding of reproduction materials for trial and scientific purposes shall be permitted by the chief of the National department of forests after submitted application of para 4.

(11) (new – SG 101/03) When afforestation is provided on area bigger than 1 ha the applications shall be submitted in the following terms:

1. one and a half vegetation years before afforestation with deciduous species;
2. two and a half vegetation years before afforestation with coniferous species.

(12) (new – SG 101/03) Within one calendar year one applicant cannot submit more than one application and use more than 3000 saplings by the order of art. 42, para 4 of the Law of the forests.

(13) (new – SG 101/03) Saplings for afforestation with voluntary work shall be conceded only for afforestation in the forest entirety.

(14) (new – SG 101/03) Gratuitously conceded reproduction materials can be used only for the purposes, for which they are permitted.

(15) (new – SG 101/03) Saplings for afforestation, produced in the state forest nurseries, shall be conceded gratuitously by the chief of the National department of forests in the following cases:

1. saplings, subject to discarding – technological waste due to sorting, overgrown;
2. unnecessary saplings in the general balance of the National department of forests, which remaining for further growing will degrade their quality and will be economically unfavourable.

(16) (new – SG 101/03) In the cases of para 15 the application of para 4 shall be submitted at the state forestry and sent officially to the National department of forests, accompanied by written statement by the regional department of forests.

(17) (new – SG 101/03) On the basis of the submitted applications and the expected needs the state forestry and the regional department of forests shall every year provide in their plans for production the necessary saplings for gratuitous conceding.

(18) (new – SG 101/03) The created forests in the forest entirety and on the agricultural lands shall be entered in the register of the newly created forests and kept as inventory by the state forestry.

Art. 59. (revoked – SG 101/03)

Art. 60. (revoked – SG 101/03)

Art. 61. (amend. SG 101/03) (1) The creating of forests of fast growing species (poplars, willows, white acacia etc.) on not afforested lands – ownership of individuals and/or corporate bodies, and/or municipalities with resources from the budget of the National department of forests shall be admitted only on appropriate places for growth, meeting the growth requirements of the chosen tree species. For this purpose the owner shall submit written application to the state forestry, on which territory is located the property for afforestation. In the application shall be pointed out:

1. the three names and the permanent address of the applicant – individual, or the company and the headquarters of the applicant – corporate body;
2. code of registration BULSTAT and tax number of the applicant – sole entrepreneur, corporate body or municipality;
3. unified civil number – for individuals and sole entrepreneurs;
4. area of the property;
5. document for ownership;
6. plan of the property with pointed out cadastral number.

(2) At ensuring of the necessary resources from the budget of the National department of forests the state forestry shall conclude contract with the owner. The contract shall be entered at the entry office at the location of the property. The expenses for the entering shall be for the account of the applicant. The fulfillment of the contract shall start after its entering and payment by the applicant of the expenses for the entering.

(3) The parties in the contract shall agree the quantity of timber, which each of them will receive at the felling.

(4) The value of the contracted quantity of timber for the state forestry cannot be less than the value of the total amount of the expenses, made from the budget of the National department of forests for creating of the forest, calculated by the date of signing of the contract.

Art. 62. The newly created cultures shall be grown until their coupling, but not more than 10 years of age.

Art. 63. (amend. SG 101/03) (1) The conceding of space between the rows in newly created forests and not restored felling grounds for agricultural use in the sense of art. 15d of the Law of the forests shall be implemented by the state forestry after submitting of written application by the candidate user.

(2) In the application of para 1 shall be pointed out:

1. the name of the person – applicant;
2. permanent address of the applicant – individual, and address of management according to the court registration of applicant – corporate body and sole entrepreneur;
3. area for agricultural use, applied for at the location.

(3) The user shall implement for his account the forestry measures in the forest, provided for the respective year and he shall be obliged to protect from damages the planted saplings.

(4) The fees, paid by the user shall not be subject to restoration at termination of the contract ahead of time.

Art. 63a. (new – SG 101/03) (1) The state shall preserve its right of ownership in the timber, available by the date of establishing of the right to use over the areas, conceded under art. 42, para 7 of the Law of the forests.

(2) On the conceded areas shall be created forests, which term for felling is within the term, for which is established the right to use. Exception shall be admitted only at afforestation with cork oak.

(3) The timber, produced within the term of the conceded right to use, shall be ownership of the user.

(4) The use of the timber as well as the conducting of the forestry measures in the conceded areas shall be implemented according to the Law of the forests and the approved forestry development designs.

Art. 64. Cultures and restoration sectors threatened by pasture of farm animals and damaged by game shall be fenced.

Art. 65. (revoked – SG 101/03)

Art. 66. (amend. SG 101/03) (1) The state forestries, the state game breeding stations and the other owners of the newly created forest crops in the forest entirety and agricultural lands shall every year implement inventory of the crops under the conditions and by the order of the ordinance of art. 42, para 1 of the Law of the forests.

(2) All forest crops shall be taken stock of up to 3 years of age and for those in the high-mountain zone over 1600 m over the sea level and on lands with strong or very strong erosion of the soil - up to the fifth year.

(3) The crops with average percentage of taking roots from 25 to 80 percent, established at taking of stock, shall be subject to replenishment, and the crops with taking roots below 25 percent – to replanting. The crops with over 80 percent of taking roots, in which not less than 5 percent of the number of the initially planted saplings per hectare.

(4) The crops, subject to re-planting, as well as the crops, destroyed by natural disasters, grazing, diseases, pests and unlawful felling during the period from the last taking of stock till the implementing of the planned forest development audit, shall be written off the register of the forest crops.

Art. 67. (revoked – SG 101/03)

Art. 68. The local population participating in the cleaning up of the areas of afforestation in the state forest entirety can acquire gratuitously the lopping and the waste wood obtained after the felling.

Art. 69. The owners of lands and forests, bordering directly with rivers, streams, canals etc., shall plant in one or several rows poplars, willows, evergreens, platens, etc., when they do not affect or present threat for other activities.

Art. 70. (revoked – SG 101/03)

Art. 71. (revoked – SG 101/03)

Art. 72. (amend. SG 101/03) (1) The restoration of damaged terrains of the forest entirety shall be carried out according to projects for technical and biological reclamation, prepared according to the requirements of the Ordinance No 26 of 1996 for reclamation of damaged terrains, improvement of low productive lands, taking and utilisation of the humus layer.

(2) Land and forests of the forest entirety – public and private state property, on which usufruct and/or easements under art. 16 of the Law of the forests have been established, shall be delivered to the owner reclaimed and cleaned from construction waste after the fulfilment of the objective for which the right has been established or after finishing of the term for use..

(3) The accepting of the terrains of para 2 shall be implemented by a commission, appointed with an order by the Minister of Agriculture and Forests or an official, authorised by him.

(4) The record from the work of the commission with the findings and the prescriptions made, shall be approved by the Minister of Agriculture and Forests.

(5) Right to use or easements on other terrains, including lands and forests of the forest entirety – public and private state property, shall not be established for users, who have not observed the requirements of para 2.

Art. 73. The National department of the forests shall participate in the preparation of national and international programmes and projects for fighting the erosion in the forest entirety by co-ordinating the stipulated activities with the owners.

Section II.

Carrying out recovery, growing and sanitary felling

Art. 74. (1) (revoked – SG 101/03)

(2) The way and the order of carrying out the felling in the wood stands or for felling individual trees in one planting area for a definite period shall determine the system of felling.

(3) (revoked – SG 101/03)

(4) The owners of forests shall carry out recreational, growing and sanitary felling with the purpose of the steady and multi-functional management of the forests, for protection, development and enrichment of the forest ecological systems and the biological variety in them.

(5) (revoked – SG 101/03)

(6) (amend. SG 101/03) Due to changes occurring after the approval of the forest development projects, plans and programmes in planting areas, not provided for felling and in planting areas in which a change is provided for the kind, the intensity of the felling change of the felling shall be admitted upon proposal by the owner of the forest or the state forestry.

(7) (amend. SG 101/03) The need for the change under para 6 shall be established by a commission, appointed by the chief of the National department of forests or by officials, authorised by him, in which shall be included representatives of the interested ministries and departments, participated at the co-ordination of the forest development design. The findings of the commission shall be reflected in a record.

(8) (amend. SG 101/03) The change shall be approved by the persons, appointed the commission of para 7.

(9) (amend. SG 101/03) For forests – ownership of individuals and/or corporate bodies, an/or municipalities, the proposal for change of para 6 shall be presented to the state forestry.

(10) (new – SG 101/03) For the forests in the state forest entirety the proposal for change of para 6 shall be presented to the regional department of forests.

(11) (new – SG 101/03) In the cases when the change provides conducting of sanitary felling the proposal shall be approved after co-ordination with forest protection station.

(12) (new – SG 101/03) In the cases when the need for change of the kind and/or the intensity of the felling is in forests, which are in protected territory, in the commission of para 7 shall be included representative

of the respective regional inspectorate for preservation of environment and waters. The chief of the National department of forests or the officials, authorized by him under para 7 shall approve the change after co-ordination of the record of the commission by the Minister of Environment and Waters.

(13 (new – SG 101/03) The approved change of the kind and/or the intensity of the felling shall be in force till the end of the action of the forest development design.

Art. 75. (amend. SG 101/03) In the forests shall be conducted renovation felling with preliminary natural seed renovation, felling for combination of natural and artificial renovation and felling with following up seed and/or vegetative renovation.

Art. 76. (1) (revoked – SG 101/03)

(2) For recreational felling in the protecting and recreational forests it shall not be admitted to change sharply the ecological environment. Of priority shall be applied the felling for preliminary seed restoration and felling which forms complex seed plantation, hardy to negative natural influence.

Art. 77. (1) (revoked – SG 101/03)

(2) (revoked – SG 101/03)

(3) (revoked – SG 101/03)

(4) With successful recreational process the felling shall be carried out according to the dynamics of the recreational process and the development and strengthening of the growing trees. In case of difficult or delayed recreation measures for its assistance shall be taken.

(5) After the final phase of the felling the places with insufficient growing trees shall be afforested with wood kinds suitable for the place of growing.

(6) (revoked – SG 101/03)

(7) (revoked – SG 101/03)

(8) (revoked – SG 101/03)

(9) (revoked – SG 101/03)

(10) (revoked – SG 101/03)

(11) (amend. SG 101/03) Sanitary felling shall be carried out in all cases in the presence of damages of the trees, caused by biotic and/or non biotic factors.

(12) (revoked – SG 101/03)

(13) (revoked – SG 101/03)

(14) In young and middle-age propagation and cultures, in the border lines of the wind break belts, by lines and inflammable sites, etc., cutting of branches of the trees can be permitted.

Art. 78. (amend. SG 101/03) The chief of the National department of forests shall issue permission for continuing of the term for felling under art. 51, para 2 of the Law of the forests.

Art. 79. (revoked – SG 101/03)

(2) (revoked – SG 101/03)

(3) For preservation of the biological variety in non-forest areas can be carried out felling for rejuvenation.

(4) In the forests on stony and precipice terrain sanitary felling shall not be permitted.

(5) (revoked – SG 101/03)

(6) Clear felling for reconstruction shall not be admitted in the upper limits of the forest.

Chapter four.

USING THE FORESTS AND THE LANDS OF THE FOREST ENTIRETY

Section I. General provisions

Art. 80. (amend. SG 74/02) (1) (amend. SG 101/03) The using of timber from the forests of the state forest entirety shall be carried against payment except the cases of art. 61, para 1 of the Law of the forests.

(2) (amend. SG 101/03) The using of timber against payment shall be carried out by some of the following ways:

1. according to fees per standing tree;
2. by assigning of obtaining and sale of the obtained timber from a storage;
3. through tender, competition or negotiations for conceding of felling grounds;
4. through tender, competition or negotiations for conceding of the fulfilment of the activities, provided in the forest development projects for whole forestries or parts of them;
5. through concession;
6. by the state forestries, which independently organise and fulfil the activities for obtaining and transport.

(3) (revoked – SG 101/03)

(4) (revoked – SG 101/03)

(5) The measures, provided in the development designs, plans and programmes in the forests – exclusive state ownership, which are not obligation of the concessionaires under the contracts, shall be implemented by the state forestries.

(6) (amend. SG 101/03) The using of one forest stand for certain period of time shall be implemented only in one of the ways, pointed out in para 2.

(7) (amend. SG 101/03) Simultaneous use in one forest stand for two or more users, except the cases, when the use is implemented by the order of art. 53, para 1 of the Law of the forests, shall not be permitted.

(8) (amend. SG 101/03) The use of the forests, as well as the lands of the forest entirety – ownership of the municipalities, shall be implemented in the ways, pointed out in para 2, under the conditions and by the order, determined with a decision of the municipal council.

(9) The use of the forests, as well as the lands of the forest entirety – ownership of individuals or corporate bodies, shall be implemented by their owners in compliance with the law for the forests and the regulation, and the disposal with the obtained materials shall be accomplished freely.

Section II. Concessions

Art. 81. The ceded concession right on forests comprises the use of wood only in:

1. plantations in which a subsequent artificial recreation is planned (carrying out clear felling and afforestation) in compliance with the requirements of Art. 52 of the Law for the forests;
2. plantations in which subsequent offshoot recreation is planned - plantations to be managed as low-stem.

Art. 82. (1) The using of wood from plants in the site of the concession in cases other than the ones under Art. 81 shall be carried out by the order of Art. 80, para 2, item 1, 2 and 3.

(2) The fulfilment of the activities planned by the structural projects, not comprised by the ceded concession right shall be organised by the state forestry in the forests - state property and by the municipalities - in the forests - municipal property.

Art. 83. The term of the concession contract for forests of the state and municipal forest entirety cannot be longer than the term of the construction project, plan or programme.

Art. 84. The state forestry shall control the concessionaire regarding the compliance with the

provisions of the Law for the forests, the Law for the fishery and the special provisions for the forests in protected territories.

Art. 85. For ceding concession right on forests - state and municipal property it shall not be admitted to restrict the free access to the site of concession.

Section III. Using wood

Art. 86. (1) (amend. SG 101/03) The annual using shall be carried out in compliance with the determined using by the forest development projects, plans and programmes.

(2) (amend. SG 101/03) The planning of the use of timber from the forests of para 1 shall include the activities for the annual selection of the forests, subject to felling and determining the amount of the annual use. The forests shall be grouped so that to comprise all forests, provided for felling in the given region.

(3) (amend. SG 101/03) The annual use of para 1 shall be approved by the regional department of forests according to presented annual plan according to a model, approved by the chief of the National department of forests. The annual plan shall be in force for the calendar year, for which it has been prepared and approved.

(4) (amend. SG 101/03) The annual plan shall be prepared with kinds of felling, kinds of forests and forest species and it shall be presented at the regional department of forests by April 30 in the year of marking by:

1. the state forestry - for using in the state forests;
2. the municipality through the state forestry - for using in the forests - municipal property.

(5) (new – SG 101/03) In the plan for annual use of timber can be included forests on the basis of change of the kind and/or the intensity of the felling, approved by the order of art. 74, with plan-excerpt according to a model, approved by the chief of the National department of forests.

(6) (new – SG 101/03) To the plan-excerpts of para 5 shall be attached an explanatory note, in which is pointed out the ground, imposing the change, and when the proposed felling will be carried out in part of the forest, a sketch shall also be attached.

(7) (new – SG 101/03) During the forest development till the approval of the forest development project for forests, in which use is planned, a plan-excerpt shall be prepared, which shall be co-ordinated with the person, to whom has been assigned the working out of the forest development project, and it shall be approved by the order of art. 74.

(8) (new – SG 101/03) Plan-excerpts shall also be prepared for change of the kind and/or the intensity of the felling in forests, in which scientific – research and study – trial activity is carried out, and they shall be approved after decision of the respective scientific (faculty) council.

(9) (amend. SG 74/02, prev. (5), amend – SG 101/03) The using in forests - property of individuals and/or corporate bodies, shall be carried out on the basis of application according to a model, submitted by the owners or a person, authorised by them, approved by the director of the state forestry. The following documents shall be attached to the application:

1. document for ownership;
2. certificate for heirs when the forest has been restored to the heirs of deceased owner;
3. letter of proxy, certified by a notary, when the applicant is not owner;
4. technological plan according to a model, when the construction of forest roads or the preservation of undergrowth is necessary;
5. proposal for change of the kind and/or the intensity of the felling, if such is necessary.

(10) (new – SG 101/03) For use in forests – property of individuals and/or corporate bodies, with area of each landed property below 2 ha, to the application of para 9 shall be attached the documents of items 1, 2 and 3.

Art. 87. (1) (amend. SG 74/02, amend. SG 101/03) The marking of the trees for felling in the state and

municipal forests shall be carried out upon approval of the annual plan and/or the plan-excerpt.

(2) (new – SG 101/03) The marking of the trees for felling in the forests – ownership of individuals and/or corporate bodies, shall be carried out before the submitting of the application of art. 86, para 9.

(3) (new – SG 101/03) In the cases when change of the kind and/or the intensity of the felling is proposed in the forests – ownership of individuals and/or corporate bodies, the marking of the trees for felling shall be implemented after approval of the proposal by the order of art. 74.

(4) (prev. (2) – SG 101/03) The marking of the trees for felling shall be carried out in a state of foliage except in the cases when the felling is of intensity 100 percent.

(3) (revoked – SG 73/02).

(4) (revoked – SG 73/02).

(5) (revoked – SG 101/03).

(6) (revoked – SG 101/03).

(7) (amend. SG 101/03) The marking of the forests, provided for felling shall be carried out by the official for the forests and by the persons, entered in the public register of art. 39, para 2 of the Law of the forests.

(8) (new – SG 101/03) In the process of marking shall be determined appropriate technology for obtaining of the timber.

(9) (new – SG 101/03) The person, who carries out the marking, shall prepare technological scheme for the defined technology and the existing road network.

(10) (new – SG 101/03) The calculation of the volumes and the categories of timber shall be implemented according to normative - reference base, approved by the chief of the National department of forests, and/or the acting forest development project, by preparing assortment list and/or book-description according to a model.

(11) (new – SG 101/03) The regional departments of forests shall check and control not less than 20 percent of the marked forest for felling for the state and the municipal forests in kinds of forests and kinds of felling, covering the work of all participants in the marking.

(12) (new – SG 101/03) The director of the state forestry and his deputy shall implement control over the whole marked forest for felling of the respective state forestry.

(13) (new – SG 101/03) For the forests – ownership of individuals and/or corporate bodies, the control shall be implemented by the director of the state forestry or an official, authorized by him.

(14) (new – SG 101/03) A fact finding record shall be compiled for the results of the control according to a model.

(15) (new – SG 101/03) In the combined forests for felling with priority shall be included forests, where:

1. the felling has not finished;
2. sanitary felling will be carried out;
3. need has occurred for collecting of dry and fallen timber.

(16) (new – SG 101/03) In the combined forests for felling shall not be included forests, which have been marked before more than two years. In order to be included they shall be remarked.

(17) (new – SG 101/03) The state forestry shall, till October 15 of the year, preceding the year of starting of the felling, prepare and present for approval to the regional department of forests a description of the combined forests for felling for the state forests and account of the combined forests for felling.

(18) (new – SG 101/03) The regional department of forests shall, till October 31 of the year before the felling present to the National department of forests summarized account of the combined forests for felling.

(19) (new – SG 101/03) Changes in the combined forests for felling shall be made only by the regional department of forests after written request by the state forestry.

(20) (new – SG 101/03) The state forestry shall, till January 15 of the year of the felling, record the approved description of para 18 in book for the use, prepared according to a model.

(21) (new – SG 101/03) The state forestry shall keep a book for the use from forests – ownership of individuals, of corporate bodies and of municipalities.

(22) (new – SG 101/03) The regional department of forests shall check and certify the books for use of para 20 and 21 till January 20 of the following year.

Art. 87a. (new – SG 74/02) (1) (amend. SG 101/03) The procedures for conceding to use of timber from the forests shall be conceded in compliance with a schedule, approved by:

1. the chief of the regional department of forests – for procedures of art. 80, para 2, item 2;
2. the chief of the National department of forests – for procedures of art. 80, para 2, items 3 and 4.

(2) The procedures of art. 80 for determining of user shall be carried out from November 1 of the year, preceding the year of starting the felling.

(3) At finishing variety trial in forest stands of tree species (poplars, willows, acacia etc.) the person, who carries out the trials, shall direct written application through the director of the state forestry to the chief of the regional department of forests to be permitted the use of the timber from the forest stands. On the basis of the written permission by the chief of the regional department of forests the director of the state forestry shall conclude a contract for the use of the timber with the person, carried out the variety trials.

Art. 87b. (new – SG 74/02) (1) The procedures of art. 80, para 2, items 2 and 3 shall be organised by the state forestries.

(2) (revoked – SG 101/03)

(3) A candidate cannot participate in procedure for use of timber from state forests with tender, competition or negotiations with potential user, who:

1. has been announced insolvent or is in procedure for announcing insolvent;
2. is in liquidation;
3. has been deprived from the right to exercise trade activity;

4. has pecuniary liabilities to the state, established with an act by a competent body, entered into force, or liabilities to insurance funds, unless the competent body has admitted deferring or delay of the liabilities;

5. does not meet the technical or the qualification requirements for implementing the use of the timber, determined in the order for opening the procedure and in the conditions for conducting it;

6. is “connected person” in the sense of the Commercial Law with a trader, who does not meet the requirement of item 4.

(4) The requirement of para 3, item 3 shall refer to the managers or the executive members of the management bodies of the candidates.

(5) The circumstances of para 3, item 4 shall be certified with a document by the respective competent body and the circumstances of para 3, items 1, 2, 3 and 6 - with a declaration.

Art. 87c. (new – SG 74/02) (1) Tenders for use of timber from the state forest entirety can be carried out for all sites, except the cases of para 4.

(2) The tenders shall be conducted with open or secret bidding.

(3) In the procedure for tender with open bidding one individual cannot represent more than one candidate.

(4) Competition for use of timber from the state forest entirety shall be obligatory conducted in the following cases:

1. for sites, which initial price is not less than 100 000 levs;
2. for sites, in which besides use of timber is also provided implementing of forestry and/or hunting economic measures.

(5) The right to use timber from the state forest entirety can be conceded through negotiations with potential users:

1. for sites, offered at a tender or competition, for which candidates have not appeared;
2. (amend. SG 101/03) for sites, in which the taking of the timber is urgent due to damages of biotic and non biotic factors;

3. for sites, in which study – professional and scientific – research activity is carried out;

4. (amend. SG 101/03) for satisfaction of the needs of consumers with annual amount of the technological timber, processed by them during the last year on the territory of the Republic of Bulgaria not less than 50 000 cubic m;

5. (new – SG 101/03) for utilising of the timber from the areas, excluded form the state forest entirety;

6. (new – SG 101/03) for utilising of the timber from the areas of the state forest entirety, on which

right of use or easements has been established;

(6) In the cases of para 5, item 4 the negotiations shall be conducted by the National department of forests, which shall conclude framework agreement with the winner participant. On the basis of the framework agreement the winner participant shall conclude the contracts for use of timber with the directors of the state forestries.

(7) When the site of para 5, item 4 is in the region of one regional department of forests, the chief of the national department of forests can order the negotiations to be conducted by the respective regional department.

Art. 87d. (new – SG 74/02) (1) The orders for conducting of tender shall be issued by the chief of the national department of forests.

(2) The order for conducting of the tender shall contain:

1. number of the site and list of the forest stands, included in it;
2. kind of the tender;
3. initial and/or final price without value added tax;
4. conditions and extent of the guarantee for participation and of the guarantee for fulfilment;
5. conditions for payment of the price;
6. the technical and the qualification requirements for implementing the use;
7. time and way of inspecting the site;
8. price of the tender documents and place, from where they can be obtained;
9. term, till when the offer must be deposited;
10. place, day and hour of conducting the tender;
11. date for conducting the second tender.

(3) With the order of para 1 shall be confirmed the tender documentation, which shall contain:

1. draft contract;
2. text of the announcement for conducting of the tender;
3. list of the documents, which should be presented by the candidates at participation in the tender;
4. the grounds for de-classing of a participant;
5. the initial price of each category of timber for each forest stand, included in the site;
6. requirements to subcontractors, when the use will be implemented in this way;
7. other conditions and requirements.

(4) To the tender documentation shall be attached a copy of the order of para 1.

(5) In the conditions of para 3 can be determined also terms for felling and hauling for different forest stands.

(6) The extent of the step shall be from 0.5 to 10 percent of the initial price.

Art. 87e. (new – SG 74/02) (1) The candidate shall present pecuniary guarantee for participation in the procedure for conceding of the use in extent from 5 to 10 percent of the initial price of the site.

(2) The candidate, determined as user, shall present guarantee for fulfilment of the contract, which shall be liberated after its finishing. The extent of the guarantee shall be determined as absolute value as percentage of the value of the contract, but not more than 20 percent.

(3) The guarantee for fulfilment shall be presented in one of the following forms:

1. bank guarantee;
2. pecuniary sum.

(4) The guarantee for participation shall be kept, when a candidate in the procedure:

1. withdraws his proposal after the elapse of the term for submitting of the offers;
2. submits an appeal against the decision for classing till the resolving of the dispute by the court;
3. is determined as contractor, but does not conclude a contract.

(5) The guarantees for participation of the not ranked candidates shall be liberated in 3 working days after the elapse of the term for submitting of appeal against the order for ranking. In the same term shall be liberated the guarantees of all the candidates at terminating of the procedure.

(6) Guarantees for participation of the ranked candidates, except the winner candidate, shall be liberated in 3 working days after the concluding of the contract.

(7) The guarantees shall be liberated without interest being due for the period, during which the resources have stayed in the accounts of the National department for the forests and its bodies.

(8) In 3 working days after the order for ranking enters into force the winner participant shall present a guarantee of para 2 in extent of the difference between the due guarantee for fulfilment and the paid guarantee for participation.

(9) The guarantee for fulfilment of the contract shall be returned, respectively shall be liberated after certification of all the felling grounds in the site and payment of the due sums for the contract.

Art. 87f. (new – SG 74/02) (1) (amend. SG 101/03) The tender shall be publicly announced not less than 14 days in advance by announcement in a local newspaper or in a central daily newspaper. In the announcement shall be entered the data of art. 87d, para 2, items 1, 2, 3, 7, 8, 9 and 10.

(2) The announcement about the tender shall be put at the defined places in the building of the municipal administration and of the state forestry.

(3) The second tender shall take place at the same place and at the same hour up to 14 days after the date of the first centre.

(4) After the elapse of the term for submitting of the offers the chief of the regional department for the forests shall issue an order, with which determines the members of the commission for conducting the tender and the remuneration for the members, who are not employees of the National department for the forests, its bodies and divisions, which shall be for the account of the revenues of art. 87d, para 2, item 8.

(5) The commission for conducting of the tender shall be comprised by at least 5 members. Two reserve members shall also be determined. Chairman of the commission shall be an employee of the National department for the forests, the regional department for the forests or the state forestry.

(6) The commission can officially collect proofs of the circumstances under art. 87b, para 3

(7) A record shall be kept at the session of the commission. If some of the members of the commission has reserves, this shall be noted in the record and written motives shall be attached to it. In 3 days term after the end of its work the commission shall present to the chief of the regional department of the forests the record and the whole documentation, collected in the progress of the tender.

(8) A member of the commission cannot be a person, who:

1. has material interest in the assigning of the use;

2. is “connected person” in the sense of the Commercial Law with somebody of the candidate in the procedure or with members of their management and/or control bodies.

(9) The members of the commission shall be obliged to keep secret the circumstances, which they have come to know in connection with their work in the commission. They shall present declaration under this para and para 8 at their appointment.

(10) The commission shall take decision with simple majority.

(11) The participants in the tender shall present:

1. document for bought tender documentation;

2. document for paid in guarantee for participation;

3. certificate by the competent state bodies, that the candidate does not have exigible liabilities to the state and to insurance funds or official document for admitted delay or deferring of the liabilities;

4. certificate about actual status of the court registration;

5. document for tax registration and BULSTAT;

6. declaration about the circumstances of art. 87b, para 3, items 1, 2, 3 and 6;

7. proofs, that the candidate meets the technical and the qualification requirements for implementing the use, determined in the order for opening of the procedure and in the conditions for conducting it;

8. identification document of the individual, representing the trader at the conducting of the procedure;

9. a letter of proxy, certified by a notary, when the person participates with a representative.

10. (new – SG 101/03) document, certifying the circumstance, that the trader has been entered in the public register of the National department of forests of art. 57a of the Law of the forests.

Art. 87g. (new – SG 74/02) (1) At tender with open bidding the candidate shall fill in an application according to a model, approved by the chief of the National department for the forests and receive subsequent number for the respective site.

(2) (suppl. SG 101/03) The candidate, who participates for several sites in one tender session, shall present to the commission one set of documents under art. 87f, para 11, items 3 – 7 and 10. The candidates shall present document of art. 87f, para 11, items 1 and 2 for each site separately.

(3) (Corr., SG 79/02) The documents of art. 87f, para 11, items 8 and 9 shall be presented at the opening of the procedure..

(4) At the day and the hour, determined for conducting the tender, the chairman of the commission shall check the presence of the members of the commission. Upon absence of the chairman his functions shall be assumed by the secretary.

(5) The procedure shall be terminated with a motivated order by the body, which has opened it, in the cases when:

1. all offers do not meet the conditions, announced in advance;
2. the candidates, ranked at first and second place consecutively refuse to conclude contract;
3. the grounds for conducting the procedure fall away as result of essential change of the circumstances, which could not have been predicted by the body, issued the order for opening it.

(6) In the cases of para 5, item 3 the guarantees for participation in the procedure shall be liberated.

(7) Upon occurrence of circumstances, which make the conducting of the tender impossible, a new procedure shall be set by the order of art. 87d.

(8) In the cases of para 5, when already started tender procedure is terminated due to impossibility to be continued or a new one is set in time, the participants, announced till this moment as winners for separate sites – subject of the tender, shall preserve their rights.

(9) When for a tender with open bidding is registered only one participant the tender shall not be conducted and postponed for the date of the second tender.

(10) When at a tender with open bidding appears only one of the registered candidates the tender shall be postponed with one hour. In case after this term no another one of the registered candidates appear the tender shall be postponed for the date of the second tender.

(11) When at a tender no candidate appears it shall be announced as not conducted and shall be carried out on the date, announced for second tender in the order of the chief of the regional department for the forests.

(12) When at the tender, carried out for second time under para 8, 9 and 10 only one candidate appears, he shall be announced as winner at the price, proposed by him, which cannot be lower than the initial tender price.

(13) The presence of representative of the candidate shall be compulsory.

(14) At a tender with open bidding the chairman of the tender commission shall announce clearly the subject of the tender, the initial and/or the final price and then step.

(15) The tender with open bidding shall be carried out in the following manner:

1. the chairman or a leader of the tender, determined by him, member of the commission shall announce consecutively the increase over the initial price; each increase shall be in extent of one step and it shall be distinguished with sound signal.

2. the bidding shall be implemented by the candidates, admitted to participation, who shall lift the numbers, given to them and announce with voice the amount of the price; the price, announced by the participant shall bind him with the commission and the other participants in the tender without right to go by mistake;

3. wins those of the participants, who first declares, that he buys on the price, announced by the leader; the chairman shall announce the number of the winner participant, the second ranked, the achieved price and close the tender for this site.

(16) The tender with reduction shall be conducted in the following order:

1. the chairman or a leader of the tender, determined by him member of the commission shall announce consecutively the reduction under the initial price; Each reduction shall be in extent one step and shall be distinct with sound signal;

2. wins this of the participants, who declares first, that he buys on the price, announced by the leader with rising his number and announcing with voice the amount of the price; the price, announced by the

participant, shall bind him with the commission and the other participants in the tender without right to go by mistake;

3. the chairman shall announce the number of the winner participant, the achieved price and close the tender for this site.

(17) Before the third announcement of the last achieved price at tender with open bidding before the achievement of the final price at a tender with reduction the chairman of the commission or the leader of the tender shall make warning, that it is the last one and if there is no proposal, he shall announce the end of the bidding or the reduction with sound signal.

(18) When in the tender participate more than two candidates and the site is sold on the initial price, announced by only one of the participants, the second ranked shall be determined with a lot.

(19) In case the participants in a tender after explicit invitation by the chairman do not express wish to buy, including on initial or final price, the tender for this site shall be closed and the guarantees, paid by them shall not be restored.

Art. 87h. (new – SG 74/02) (1) At tenders with secret bidding the offers shall be deposited before the procedure at the state forestry without opening the envelopes, entering them in a register according to a model, approved by the chief of the National department for the forests. At receiving the offer to the courier shall be issued a document, on which shall be noted the date and the hour of submitting it.

(2) The offers shall be deposited in a sealed not transparent envelope. On it shall be written the name of the offerer and the full name of the subject of the tender. In the envelope shall be put:

1. the documents of art. 87f, para 11, except these of items 8 and 9;

2. the offer for price, written with figures and words for each site, put in a separate not transparent sealed envelope, marked “Offered price”, the number of the site and the name of the candidate.

(3) The documents of art. 87f, para 11, items 8 and 9 shall be presented to the commission at the opening of the procedure.

(4) The participants in tenders with secret bidding shall not have the right to submit more than one offer for one site as well as to make supplements or changes in already submitted offers.

(5) After the elapse of the term for submitting the offers an excerpt from the register shall be worked out, which together with the envelopes shall be conceded to the chairman of the commission. The chairman shall announce the opening of the tender. The commission shall check the identity of the participants and establish whether the requirements for the conducting of the tender are met.

(6) The commission shall open the envelopes at an open session and check whether in them are attached all the necessary documents.

(7) The chairman shall announce for each site the candidates, admitted to participation and their consecutive numbers, these, out of classification and the ground for removing them.

(8) The envelopes with the offered prices shall be grouped for each offered site without opening. After this shall be proceeded to announcing of each site by the order, pointed out in the announcement.

(9) The presence of a representative of the candidate at conducting the procedure shall be compulsory.

(10) Representatives of the candidates, admitted to participation in the procedure for the respective site, shall have right to be present at the opening of the envelopes with the offered prices. The presence of the representatives of the candidates shall be marked in the minutes.

(11) When at a tender with secret bidding in the term for submitting the proposals only one offer is submitted, the commission shall open it and announce the candidate as winner of the site, if his offer is prepared in compliance with the conditions for conducting of the procedure.

(12) When at a tender with secret bidding appears representative of only one of the candidates, submitted offers for the site, the commission shall postpone the procedure with one hour and if after this term no other appears, the candidate shall be announced as winner for the site, if his offer is prepared in compliance with the conditions for conducting of the procedure.

(13) The tender shall be won by the one, offered the highest price, which shall be announced before the participants by the chairman of the commission. The chairman of the commission shall announce also the second ranked and close the tender for this site.

(14) Upon proposed equal highest price by several participants the tender shall continue between them as tender with open bidding and starting from this price, observing the requirements of art. 87g, para 15.

(15) In case the participants of para 14 do not bid, the winner shall be determined with a lot.

Art. 87i. (new – SG 74/02) (1) A competition shall be conducted under the conditions and by the order for carrying out a tender with secret bidding. Apart from the requisites of art. 87g, para 2 the order for conducting the competition shall also contain:

1. the criteria for assessment of the offers of the participants:
 - a) price;
 - b) conditions for payment of the price;
 - c) term for implementing the use and/or term for fulfilment of the measures;
 - d) proofs for commercial reputation unless the candidate has acquired right to use timber from the state forests;
2. the weight of the criteria for assessment in the complex assessment of the offers;
3. the way for determining the value of the separate criteria and for determining the ranking of the candidates.

(2) At conducting of competition the commission shall check whether the presented offers meet the conditions, pointed out in the competition documentation, and determine the candidates, admitted to participation and the grounds for removing them for each site separately. The commission can officially collect proofs about the circumstances of art. 87b, para 3.

(3) As competition winner shall be announced the candidate, which offer is with the highest assessment. Upon equal assessment as competition winner shall be announced the candidate, which offer has received the highest assessment with the biggest weight.

(4) The commission shall prepare a record according to a model in 4 copies – for the winner of the procedure, for the second ranked, for the seller and for the regional department for the forests. The record shall be signed by the members of the commission. A copy of the record shall be conceded also to the not ranked candidates upon request.

(5) At a competition, carried out pursuant to art. 87c, para 4, item 2 the guarantee for fulfilment shall be returned after the preparation of submitting – receiving record for the implementation of the forestry and/or the hunting measures.

(6) The record of para 5 shall be also signed by a representative of the forestry trader, licensed for implementing the respective activity.

Art. 87j. (new – SG 74/02) (1) In 3 working days after receiving the record about the work of the commission the body, issued the order for opening of the tender or the competition, shall issue an order for determining the result of the classification.

(2) The candidate shall be notified in writing about the results of the rating.

Art. 87k. (new – SG 74/02) (1) The order for carrying out of procedure for negotiations with potential users shall be issued by the director of the state forestry and in the cases of art. 87c, para 5, item 4 – by the chief of the National department for the forests, respectively the regional department for the forests, and it shall contain the requisites of art. 87d, para 2.

(2) With the order of para 1 shall be approved the documentation for participation in the negotiations, which shall containing the requirements of art. 87d, para 3 and 4. For the guaranteed for the negotiations shall be respectively applied the rules of art. 87e.

(3) The order shall be announced by the order of art. 87e, para 1 and 2

(4) The body of para 1 shall send invitation to a candidate, determined by it. The invitation shall contain the data of the order of para 1.

(5) The negotiations shall be carried out in 20 days after the date of publishing the order of para 1.

(6) Proposals for participation in a procedure for negotiations with potential users can be submitted also candidates, to whom invitation has not been sent. The accepting and the considering of these proposals cannot be refused.

(7) (suppl. SG 101/03) The body of para 1 shall contract the conditions for use or assigning the

obtaining with regard to preserving the interests of the parties.

(8) The negotiations shall be conducted by a commission with members, determined according to the requirements of art. 87f, para 4. For the conditions and the order for the appointing and the work of the commission shall be applied respectively the rules of art. 87f, para 5, 6, 7, 8, 9 and 10

(9) For terminating of started procedures shall be applied respectively the rules of art. 87g, para 5, 6, 7 and 8.

(10) The candidates for participation shall not have right to submit more than one written offer for one site. In the progress of the negotiations the candidates shall have right to change and supplement their offer.

(11) The offer shall be presented in sealed not transparent envelope by the candidate or his authorised representative. On the envelope shall be noted the subject of the negotiations and the address of the sender. In the envelope shall be put:

1. the documents of art. 87f, para 11 except these of items 8 and 9;
2. the offer for price, written with figures and words for each site, put in a separate not transparent sealed envelope, marked with "Offered price", the number of the site and the name of the candidate.

(12) The documents of art. 87f, para 11, items 8 and 9 shall be presented to the commission at the opening of the procedure.

(13) The offers shall be deposited at the state forestry and in the cases of art. 87c, para 5, item 4 - at the National department for the forests, respectively the regional department for the forests, according to the rules of art. 87h, para 1 – 5.

(14) An offer, presented after the elapse of the final term, shall not be accepted. An offer in not sealed envelope or in a damaged envelope shall also not be accepted. Such an offer shall be returned to the candidate against a receipt and this shall be noted in the register.

(15) Offers, submitted by a candidate, which representative is not present at the session as well as offers, put in a damaged envelope, shall not be opened.

(16) The commission shall officially follow the regularity of the presented documents as well as the observing of the conditions and the requirements for participation in the procedure. Upon request the candidates can receive a copy of the record.

(17) Before the opening of the envelopes with the offered prices the commission shall give to the candidates, admitted to participation, to change their offer. The change of the offer shall be implemented in written form without the representatives of the candidates to leave the hall for conducting the procedure.

(18) Para 17 shall not be applied when there is only one candidate, admitted to participation.

(19) The presence of representatives of the candidates, admitted to participation in the procedure for the respective site at the opening of the envelopes with the offered prices shall be compulsory. The presence shall be noted in the record.

(20) The commission shall not open the envelope with the offered price and shall not consider the offer of a candidate, which representative is not present at the session.

(21) When some of the candidates has exercised his right of para 17 the commission shall not open the first envelope with the offered price and note on it, that the offer has been withdrawn.

(22) When several candidates have offered equal highest price the commission shall give them an opportunity to change their offered price. Upon refusal of the candidates to change their proposal the first ranked shall be determined with a lot.

(23) The admitting of the candidates to participation, the change of the offers of para 17 and 22 and the opening of the envelopes with the offered prices shall take place in one session.

(24) In 3 working days after the end of the work the commission shall submit the record to the director of the state forestry and in the cases of art. 87c, para 5, item 4 – to the chief of the National department for the forests, respectively the regional department for the forests.

(25) As winner of the negotiations shall be announced the candidate, who has offered the highest price.

(26) In 3 working days after receiving the record about the work of the commission the body, issued the order for opening of the procedure, shall issue an order for determining the result of the rating.

Art. 87l. (new – SG 74/02) (1) A contract with the winner of the procedure shall be concluded in written form I one week term after the order for determining the results of the rating has entered into force. In

the contract the conditions, under which the site is won shall obligatory be included.

(2) Upon refusal of the winner participant to conclude contract within the term of para 1 the second rated shall be invited. If he also refuses to conclude contract in 7 days term the body, issued the order for determining the results of the rating, shall terminate the procedure.

Art. 87m. (new – SG 74/02) (1) (suppl. SG 101/03) The forests stands, included in the site, shall be handed over to the user by the director of the state forestry or by an official, determined by him with signing of submitting – receiving record and issuing of written permission for felling and hauling. The record and the permission for felling shall be signed by a representative of the trader – licensed forester.

(2) (suppl. SG 101/03) The obtained timber shall be invoiced in categories and assortments. The price of each category of timber or assortment shall be determined proportionally to the ratio between the achieved and the initial price of the site.

(3) When in the conditions for conducting the procedure it is provided the payment of the price with instalments and other term for payment of the first instalment is not determined, it shall be paid in 30 days term after receiving the permission for felling.

(4) The amount of the first instalment shall be not less than 10 percent of the achieved value of the right to use the forest stand. The remaining part of the price under the contract shall be paid with monthly instalments, determined on the basis of the remainder of the site, divided by the number of the months of the term for hauling, defined in the permission for felling.

(5) The state forestry shall issue permissions for transport up to the quantity of the instalments, paid by the user.

(6) The permissions for transport shall be signed by an authorised representative of the trader.

(7) The right of ownership of the obtained timber shall pass to the buyer from the moment of issuing of the permission for transport.

(8) The documents of art. 84, para 6, shall be issued by an authorised official, who has concluded contract with the user.

(9) When the final term for payment of the price of the site is not pointed out in the conditions for conducting the procedure, it shall be determined in the contract.

(10) (amend. SG 101/03) The fact finding record for certifying the felling ground shall be signed by the person, registered for exercising of private forestry practice for the activity of art. 39, para 1, item 5 of the Law of the forests, with whom the user has concluded employment contract.

Art. 87n. (new – SG 74/02) (1) The director of the state forestry shall terminate the contract with unilateral written notification without being liable for indemnification for missed benefits in the cases, when:

1. the buyer does not pay some of the due instalments or the price if the site within the term, pointed out in the contract;

2. during the time of effect of the contract as result of occurred change of the circumstances the user does not meet some of the requirements of art. 87b any more.

3. during the fulfilment of the contract is established, that the buyer has signed a declaration with incorrect contents;

4. the user does not start felling in 14 days term after the date of issuing of the respective permission.

(2) At terminating of the contract by the order of para 1 the guarantee for fulfilment shall not be returned.

(3) The buyer shall not have the right to concede to third persons the right to use the site of the tender, the competition of the negotiations.

(4) When after the concluding of the contract due to objective reasons is necessary change of the kind and the intensity in some of the forest stands, the director of the state forestry shall, after inventory and determining of the new conditions for implementing the use, have the right to propose to the user to sign additional agreement to the contract and the use of the forest stand to be implemented with preserving the achieved prices of the categories of timber for the respective forest stand.

(5) Upon refusal of the buyer to conclude annex by the order of para 4 the director shall have right:

1. to terminate unilaterally the effect of the contract for this forest stand, when the buyer does not wish

to implement the use in the forest stand under para 4 and the felling in it has not started, but he wishes to continue the use in all other, where change of the kind and the intensity of the felling is not necessary;

2. to stop the felling in the forest stand with an order; then the buyer shall pay and haul only the timber, cut till this moment.

(6) In the cases of para 5, item 1 to the buyer shall be returned the instalments, which he has made for the respective forest stand.

(7) Upon differences between the approved technological plan and the technological scheme, attached to the conditions for conducting the procedure about the technological cuttings the director of the state forestry shall appoint a commission to establish whether this leads to differences in the quantities of timber for use as total in the forest stand and in categories.

(8) In the commission of para 7 shall be included representatives of the state forestry, representative of the trader – licensed forester, and when the forest is ownership of an individual or corporate body, or of a municipality – also representative of the owner. In the commission can be included also representatives of other interested persons.

(9) The commission shall finish its work in 14 days term after the approval of the technological plan and reflect the results of the check in a record.

(10) (suppl. SG 101/03) When there is difference between the quantities or the categories of timber, pointed out in the documentation for conducting the procedure and the quantities, pointed out in the record of para 9, the parties in the contract shall conclude an annex preserving the achieved prices for categories.

Art. 87o. (new - SG 74/02) (1) (Corr., SG 79/02, amend. SG 101/03) The selling of the obtained timber from the state forestry by the order of art. 80, para 2, items 2 and 6 shall be implemented in assortments in one of the following ways:

1. with tender with open bidding;

2. with direct contracting at prices, determined according to a methodology, approved by the chief of the National department for the forests.

(2) The selling of the timber shall be implemented in assortments, grouped in a package or for the whole quantity in one of the following ways:

1. (amend. SG 101/03) preliminary sale of prognosis quantities;

2. selling from a temporary storage.

(3) The payment of the timber of para 2, item 1 shall be implemented according to actually obtained and transported quantities.

(4) (revoked – SG 101/03)

Art. 87p. (new – SG 74/02) (1) The tender shall be organised and conducted by a commission, appointed by the director of the state forestry with 3 or 5 members, including a chairman.

(2) The procedure shall be opened with an order by the director of the state forestry, which shall contain:

1. name of the body, which conducts the tender;

2. kind of the assortments and the quantity of tree species;

3. initial price of assortments or in a package without value added tax;

4. amount of the guarantee for participation and the step;

5. (Corr., SG 79/02) amount of the guarantee for fulfilment in the cases of art. 87o, para 2, item 1;

6. place, time and way for inspection of the timber;

7. conditions for payment of the price;

8. price of the tender documents, time and place from where they can be received;

9. final term for accepting the applications for participation and day of announcing the results;

10. place, day and time for conducting the tender;

11. members of the commission for conducting the tender;

12. date for conducting second tender;

13. other tender conditions.

(3) With a order of para 2 shall be approved the tender documents, which shall contain:

1. copy of the order for conducting the tender except para 2, item 11;
2. term for transportation of the bought timber;
3. text of the announcement for conducting the tender;
4. list of the documents, which should be presented by the candidates at participation in the tender;
5. grounds for declassifying of a participant.
6. (new SG 101/2003) requirements to the candidates.

(4) The tender shall be publicly announced at least 7 days in advance with an announcement in a local newspaper or in a central daily newspaper. In the announcement shall be entered the data of para 2, items 1 – 10, 12 and 13.

(5) Within the term of para 4 the announcement about the tender shall be put both at the mayoralty, on which territory is the headquarters of the state forestry and at the place for announcements in the building of the state forestry.

(6) The second tender shall be carried out up to 3 days after the date of the first tender at the same place and at the same hour.

(7) The participants in the tender shall present the following documents:

1. document for paid guarantee for participation;
2. (amend. SG 101/03) document for the identity of the individual – participant or representative of the trader at the conducting of the procedure;
3. certificate for actual status of the court registration of the traders.

(8) For the conducting of the tender shall be applied the provisions of art. 87g, para 1 – 4, 7- 15 and 17 – 19 inclusive.

(9) As tender winner shall be announced the candidate, offered the highest price. When two or more candidates offer one and the same price, the tender commission shall determine the final buyer with a lot in the presence of the candidates.

(10) The commission shall compile a tender record about the tender carried out in 4 copies – one for the buyer, one for the second ranked and two for the seller.

(11) The results shall be announced at the place for announcements at the state forestry.

(12) The timber shall be submitted to the buyer after payment of the price. The ownership of the timber shall pass to the buyer with the issuing of permission for transport.

(13) If timber, included in a tender, is not sold, the price can be reduced up to 10 percent. The proposal for change of the initial tender price shall be made by the chairman of the tender commission to the director of the state forestry.

(14) (revoked – SG 101/03)

(15) In the cases of para 14 the director of the state forestry shall issue an order, with which he declares the timber for sale till the appearance of the first in time buyer. The order shall be put at the place for announcements at the state forestry.

(16) The attending buyer should pay the price in 3 working days.

(17) When no buyer appears for the timber in 30 days, the director of the state forestry shall in co-ordination with the chief of the regional department for the forests or with an official, authorised by him, determine the order for disposing with it.

Art. 87q. (new – SG 74/02) (1) The amount of the guarantee for participation shall be not less than 1 percent of the initial price and the extent of the step is from 0.5 to 10 percent of the initial price.

(2) The guarantee for fulfilment shall be determined by the order of art. 87e, para 2 and 3.

Art. 87r. (new – SG 74/02) The sale of art. 87o, para 2, item 2 shall be implemented observing the following conditions:

1. the tender winner shall pay the offered price in 3 working days after the date of announcing the results;
2. if the payment is not done in the term of para 1, the guarantee for participation shall be withheld and to second in order candidate shall be proposed to pay the price, offered by him;
3. if the second in order candidate does not implement the payment in the set term the tender

commission shall make a note in the tender record, that the timber is not sold;

4. the bought timber should be transported by the buyer in the term, pointed out in the conditions for conducting of the tender, which cannot be less than 3 days; after this term the buyer shall due storage charges according to the defined tender conditions;

5. the returning of the paid guarantee for participation, except the guarantee of the winner and the second ranked, shall be implemented upon order by the chairman of the tender commission after signing the tender record;

6. the guarantee for participation of the second ranked participant shall be liberated in 3 working days after the payment of the timber by the tender winner.

Art. 87s. (new – SG 101/03) (1) The timber obtaining and the timber processing enterprises of art. 57, para 6 of the Law of the forests shall submit applications to the respective state forestry or municipality. The application shall be submitted till October 30 of the year, preceding the timber yield, and in it shall be pointed out the quantity of timber in categories and/or assortments, which the enterprise wishes to obtain. To the application shall be attached the following documents:

1. the decision for court registration;
2. certificate for updated status of the court registration;
3. documents for entering into operation of the site, in which is implemented the processing of timber, issued by the competent bodies;
4. declaration for the quantity of timber in categories and/or assortments, obtained or processed by the enterprise during the last year.

(2) The timber, offered for obtaining, shall be determined on the basis of the received applications of para 1 till December 31 as follows:

1. by the director of the state forestry – for the forests state ownership;
2. upon decision of the municipal council – for the forest municipal ownership.

(3) Assigning of the obtaining of timber shall be implemented under the conditions and by the order of the Law of public procurement, in the decision for opening of the procedure the assignor including requirement the candidates to meet the conditions of art. 57, para 6 of the Law of the forests.

Art. 87t. (new – SG 101/03) (1) The state forestry shall assign the fulfillment of the activities, provided in the forest development projects for forestries or parts of them, included in the region of activity, when:

1. on the territory of the respective forestries are not registered enterprises of art. 57, para 6 of the Law of the forests;
2. during the previous year the utilised timber from the combined forests for felling in the respective forestry is less than 30 percent of the approved annual use.

(2) In the activities of para 1 shall not be included use with fee per standing tree and the side use from the forests, when they are implemented with non profit objective.

(3) In the scope of the activities of para 1 shall also be included the maintenance of the forest road network and infrastructure as well as the construction of art. 81 of the Law of the forests, provided for the period.

(4) Right to participate in the procedures shall have traders, who are registered in the public register of the National department of forests of art. 57a of the Law of the forests.

Art. 88. (1) (revoked – SG 101/03)

(2) (revoked – SG 101/03)

(3) (revoked – SG 101/03)

(4) (revoked – SG 101/03)

(5) (amend. SG 101/03) The rightful claimants of art. 57, para 9 of the Law of the forests shall use timber from the state forests according to a fee per standing tree according to lists, prepared by the mayors of the municipalities or the settlements in compliance with the limit, determined for them and co-ordinated by the

state forestry.

(6) (new – SG 101/03) In the lists of para 5, certified by the due order, shall be entered the three names and the unified civil number of not more than one member of a household.

(7) (prev. (6), amend. SG 101/03) The rightful claimants of art. 57, para 9 of the Law of the forests shall use their rights when they cannot satisfy their personal needs with timber from their own forests.

(8) (new – SG 101/03) The use of wood construction material of art. 37, para 1 of the Law of the forests shall be implemented with permission by the chief of the National department of forests or official, authorized by him on the basis of submitted application. To the application shall be attached:

1. certificate for employment and/or official practice;
2. declaration according to a model, approved by the chief of the National department of forests.

Art. 89. (1) (revoked – SG 101/03)

(2) (revoked – SG 101/03)

(3) (amend. SG 74/02) The local population shall use timber at: reconstruction; selective felling in high forest stands up to 60 years of age; sanitary felling; collecting of dry and fallen timber from sole scattered trees; gathering of leaves for fodder and top wood; felling in sprouting forests; cleaning of cuttings at exploitation of sites of art. 16; cutting of undergrowth; felling in coppice wood. To the user shall be issued permission for felling and hauling.

(4) (new – SG 74/02) The collecting of dry and fallen timber from sole scattered trees in the state forests shall be implemented by the state forestries after inventory and approved by the regional departments for the forests lists of the forest stands.

(5) (new – SG 74/02) The collecting of dry and fallen timber from sole scattered trees in not state forests shall be implemented by their owners after an application, approved by the state forestries.

(6) (revoked – SG 101/03)

(7) (prev. (5) – SG 74/03, amend. SG 101/03) Use of waste timber from the state forests by the order of art. 88, para 5, shall be permitted after finishing of the felling and certifying of the felling grounds.

Art. 90. (revoked – SG 101/03)

Art. 91. (revoked – SG 101/03)

Art. 92. The users of wood shall be obliged:

1. to fell only the trees marked for felling or the trees within the limits of the determined cutting area, in compliance with the permit for felling;

2. to protect against damage unmarked trees, growing trees and offspring;

3. to protect the border signs, the marks and the numbers of the trees marked for felling;

4. to fell trees in such a way as to prevent blocking of roads, rivers, canals, border lines, passing, etc.

5. to separate correctly the fallen stems with the purpose of obtaining the most valuable assortments;

6. to fell all marked trees and, in cases of clear felling, all trees on the cutting area without respect of the tree kinds, the quality of the wood, the conditions of the terrain, without the trees prohibited for felling, indicated in the felling permit;

7. to comply with the established rules and requirements for technical and fire safety while working in the forests and in the forest sanitary minimum;

8. to transport or sweep down wood mass only along the roads and places determined by the state forestry to the temporary warehouses by an approved technological plan;

9. to fill in, in due time, the pits formed by drawing out stumps and kindling.

Art. 93. (1) The trees shall be felled close to the ground. The height of the stump, measured from the upper part must not exceed 5 cm - for stumps with diameter up to 20 cm and 10 cm - for stumps with diameter over 20 cm.

(2) For felling of offshoot plants provided for offshoot recreation it shall not be permitted to cut trees on both sides, as well as the destruction of stumps.

(3) (new – SG 101/03) The direction of felling of the trees is defined according to the tilt of the tree, the slope of the terrain, the direction of the hauling, the existing undergrowth and the surrounding standing trees. The rules for safe work shall obligatory be observed at felling of the trees.

(4) (new – SG 101/03) The timber shall be stored on pads at drained places in regular rectangular figures with thick arrangement, the butt ends being put at opposite directions.

(5) (new – SG 101/03) When at the felling and the haulage there is danger from damaging of other standing unmarked trees, they should be protected by the user in appropriate way with materials at hand.

(6) (new – SG 101/03) Upon not fulfillment of the conditions for felling and haulage, established by a commission, including representatives of the state forestry, in the presence of the owner of the forest or the user, reflected in a fact finding record, the director of the state forestry can stop the felling and the haulage of the obtained timber with an order till removing of the violations, established with the record.

(7) (new – SG 101/03) The wood materials from the felling grounds shall be hauled and dropped to the temporary stores on the roads and drops, determined according to the technological plan.

(8) (new – SG 101/03) During the period April – October the users of beech timber shall be obliged to transport it from temporary store in one month term after the felling.

(9) (new – SG 101/03) The hauled timber materials to temporary store (truck station or re-loading point) shall be arranged on pads according to assortments.

(10) (new – SG 101/03) The user shall keep description and mark with durable sign the volume on the foreheads of the materials at measuring of the obtained material in the felling ground or at the temporary stores.

Art. 93a. (new – SG 101/03) (1) The haulage of the timber, obtained from the forests, shall be implemented on forest roads, rope lines and drops in a way, which does not damage the soil and does not cause damages to the remaining trees and the existing undergrowth, the road lanes and the facilities in the forests, observing the requirements of art. 93, para 5.

(2) Movement of caterpillar machines on roads with permanent cover in the forest entirety shall not be admitted.

(3) Temporary forest rope lines shall be designed and constructed under the following conditions and order:

1. the director of the state forestry shall approve track for construction of rope lines on the basis of prepared technical terms of reference and sketch;

2. the technical design for rope lines with length over 500 m shall be approved by the chief of the regional department of forests and below 500 m – by the director of the state forestry.

(4) The closing of the rope lines shall be implemented with a record, prepared by a commission, including representatives of the state forestry. The closing of the rope lines shall be implemented in the presence of the user.

(5) The construction of temporary haulage roads and drops shall be implemented at the existing of technological plan and sketch, approved by the director of the state forestry, the term construction being determined in the permission for felling. The constructed haulage roads and drops shall be closed with a record, prepared by a commission, including representatives of the state forestry. The closing of haulage roads and drops shall be implemented in the presence of the user.

Art. 94. (1) (revoked – SG 101/03)

(2) (revoked – SG 101/03)

(3) (amend. SG 101/03) The wood, transported out of the places, determined for its measuring by the permit for felling and haulage, and not declared for measuring, shall be described in a record and remain at the disposal of the state forestry.

(4) The transportation from the determined places for measuring shall be permitted after the state forestry issues a permit for transportation of the measured wood.

(5) (new – SG 101/03) The transporting of para 4 shall be implemented in the term, defined in the permit for transport.

(6) (prev. (5) – SG 101/03) The owners of forests shall be obliged, before transportation of the wood material, to indicate their expedition mark.

(7) (prev. (6), amend. SG 101/03) The users or the owners of the wood, before its transportation, shall be obliged to issue a document certifying the origin and the quantity of the sorts for each individual vehicle. Before the transportation of the timber the document shall be certified by an official, determined by the director of the respective state forestry.

(8) (prev. (7) – SG 101/03) The owners of wood shall be obliged, in cases of re-loading (moving) of the wood material, to issue the document according to para 6.

(9) (new – SG 101/03) The users of timber shall present at the state forestry the second copy of the documents of para 7 and 8 in 3 days term after their issuing, accompanied by a description. The description shall be certified by an official, authorised with order by the director of the state forestry.

(10) (prev. (8) – SG 101/03) The samples of the documents under this Art. shall be determined by the National department for the forests.

Art. 95. The owners of forests shall be obliged to organise the stock taking and the gathering of the dried and fallen mass in the forests, as the quantities shall be included in the forest felling fund for the current year.

Art. 96. (1) (amend. SG 101/03) The state forestry shall issue permits for felling and haulage to temporary store, prepared according to a model as follows:

1. for the state forests - to the user or to an official, authorised by the director of the state forestry;
2. for the forests – ownership of individuals, corporate bodies or municipalities – to the user or a person, authorised by him.

(2) (amend. SG 101/03) In the permit for felling and haulage to temporary store shall be determined the terms for felling and haulage, permit being issued for each forest or property separately.

(3) For valid reasons the terms of felling under para 2 can be extended up to 3 months, but not later than December 31 of the same year.

(4) For valid reasons the terms for transportation can be extended by 3 months, and those for the oak materials - by one month.

(5) For the state and municipal forests the terms for felling and transportation shall be extended by the regional department for the forests and for the local population - by the state forestry.

(6) (amend. SG 101/03) The extension of the terms for felling and for haulage to temporary store shall be permitted on the grounds of application, submitted not later than 10 days before the elapse of the terms as follows:

1. by the state forestry – for the forests – state ownership;
2. by the person, to whom is issued the permit – for the forests – ownership of individuals, corporate bodies or municipalities.

(7) The extension of the terms for felling and for transportation shall be registered by the state forestry in all copies of the permit.

(8) (amend. SG 101/03) The total term for felling and haulage for one forest from the state and the municipal forests cannot be longer than 18 consecutive months.

(9) (new – SG 101/03) The permits for felling and haulage to temporary store shall be issued pursuant to a technological plan according to a model, approved by the state forestry.

(10) (new – SG 101/03) The technological plan of para 9 shall be prepared by the user of timber, co-ordinated with the owner of the forest and approved by the director of the state forestry.

(11) (new – SG 101/03) When at implementing of the felling and the haulage are necessary changes of the approved technological plan, they shall be approved by the director of the state forestry.

(12) (new – SG 101/03) On the basis of the issued permit of para 1 to the users of art. 57, para 9 and 10 of the Law of the forests shall be issued permit for felling according to a model.

(13) (new – SG 101/03) The haulage of the cut and stored timber of the users of art. 59, para 9 and 10 of the Law of the forests shall implemented after issuing of permit for haulage according to a model.

(14) (new – SG 101/03) The haulage of the top wood and the waste wood of art. 89, para 7, shall be

implemented after issuing of permission for haulage.

(15) (prev. (9) – SG 101/03) The cleaning of the cutting areas shall be carried out simultaneously with the felling and shall continue until the conclusion of the transportation of the wood to the temporary warehouses. The cutting areas shall be cleaned according to the instructions given in the permit for felling.

(16) (new – SG 101/03) The felling grounds shall be cleaned in the following ways:

1. gathering of the wastes and taking them out of the felling grounds;
2. gathering of the wastes into heaps in the felling grounds;
3. scattering of the wastes uniformly on the whole felling ground;
4. arranging of the wastes along the contour lines in strips or on the haulage roads;
5. burning of the wastes on the felling ground.

(17) (new – SG 101/03) The ways of cleaning of the felling ground of para 1, items 1 and 2 shall be applied at all kinds of renovation felling, of items 1, 2 and 3 – at intermediate felling, and items 4 and 5 – at clear felling and reconstructions.

(18) (new – SG 101/03) At non fulfillment of the requirements for the felling and the cleaning of the felling grounds the director of the state forestry can stop the felling and the haulage of the obtained timber on the basis of a fact finding record.

(19) (new – SG 101/03) The cleaning of felling ground during the fire dangerous season shall be prohibited.

(20) (prev. (10) – SG 101/03) For failure to fulfil the requirements for the felling and the cleaning of the cutting areas the director of the state forestry on the grounds of a written statements of establishment shall have the right to stop, by an order, the felling and the transportation of the obtained wood.

Art. 97. (1) The cutting areas shall be certified by the state forestry within 30 days from expiration of the term of transportation in the presence of the user or the owner.

(2) If it is impossible to certify the cutting area due to insurmountable natural conditions the certification shall be made up to 10 days after the normalisation of the conditions.

(3) (amend. SG 101/03) A fact finding record according to a model shall be issued for the results from the certification which shall be signed by representatives of the state forestry, by the owner of the forest and by the user.

(4) (amend. SG 101/03) The fact finding record under para 3 shall reflect all data for the fulfilment off the obligations under the permit.

(5) (new – SG 101/03) For each felling ground in the state forestry a dossier shall be kept in the years.

(6) (new – SG 101/03) To the dossiers of para 5 for felling grounds in the state and the municipal forests shall be attached:

1. assortment description and/or book – description of the marked timber with a sketch of the haulage roads;

2. fact finding record for implemented check of the marking;

3. technological plan;

4. permit for felling;

5. description of the permit for haulage;

6. description of the haulage licenses;

7. description of the permits for haulage;

8. fact finding record for certification of the felling ground.

(7) (new – SG 101/03) To the dossier of para 5 for felling grounds – ownership of individuals and corporate bodies, shall be attached:

1. the documents of art. 86, para 10;

2. permit for felling;

3. fact finding record for certification of the felling ground.

Art. 98. (1) (new – SG 101/03) The use of timber of art. 61, para 1 of the Law of the forests for constructing of buildings under art. 81, para 1 of the Law of the forests shall be admitted by the order of the Law of the forests, the Law of spatial planning and the normative acts for their implementation.

(2) (prev. (1), amend – SG 101/03) Permit for obtaining of timber under art. 61, para 1 of the Law of the forests shall be issued by the chief of the regional department of forests on the basis of presented request, accompanied by an explanatory note and specification.

(3) (amend. SG 101/03) After using of the materials, obtained under art. 61, para 1 of the Law of forests for the provided designation the chief of the respective structure or territorial unit shall sign a record for establishing of the actually input timber, which shall be attached to the accounting documentation.

(4) (new – SG 101/03) When due to circumstances, which cannot be predicted, there is left timber, obtained under art. 61, para 1 of the Law of forests, it shall be preserved and used for the same or other purposes of the defined in art. 61, para 1 of the Law of forests under the control on behalf of the respective structure or territorial unit of the National department of forests.

(5) (new – SG 101/03) The permit issued under para 2 shall be in effect till the end of the following calendar year.

(6) (prev. (2), amend. SG 101/03) The permits for felling the materials under art. 61, para 2 of the Law of forests, amounting up to 50 cubic meters shall be issued by the state forestry and for bigger amounts – by the regional department of forests.

Section IV. Secondary use

Art. 99. The secondary use of all forests, as well as of the lands of the forest entirety are: the yield of kindling, hay, bark, seeds, the gathering of: mushrooms, herbs, Christmas trees, branches, leaf fodder, other plants, animals which are not game, inert materials and the like, without using wood.

Art. 100. (1) The secondary use, when representing economic activity, regardless of the ownership of the forests and the lands of the forest entirety shall be permitted by the state forestry by issuing written permit against payment of a tax for its issuance.

(2) Economic activity shall not be considered and permits for using forest fruits shall not be issued for using forest fruits, seeds, mushrooms, herbs and other plants and animals, who are not game, when gathered for personal needs.

(3) The products from secondary use, gathered according to para 2 cannot be subject to sale.

Art. 101. (1) Permit for secondary use of the state forest entirety shall be issued by the state forestry upon payment of a tax for the determined kind and volume of the use.

(2) Permit for secondary use from forests and lands of the forest entirety - municipal property shall be issued by the state forestry against a document for paid tax in the municipality.

(3) For secondary use of forests - property of physical persons or corporate bodies the owner shall be issued a permit against payment of the tax under Art. 100, para 1. Tax shall not be paid for the subject, the kind and the volume of the secondary use. The carrying out of secondary use, admitted by the issued permit, can be ceded by the owner to third persons gratuitously or against payment by free contracting.

(4) The ceding of the rights under para 3 shall have effect after the registration in the state forestry.

(5) (amend. SG 101/03) The amount of the secondary use, if not explicitly stipulated by the forest development projects, plans and programmes, shall be determined by the director of the state forestry or by a person authorised by him, in the presence of the owner. The occurred disputes shall be settled by the head of the regional department for the forests.

Art. 102. (1) (suppl. SG 101/03) The permit for the secondary use shall indicate: the user, the owner of forests, the region of use – deposits or habitats, the kind, the regime and the quantity of the permitted use, the paid fees and the term of using, but not later than December 31 of the calendar year. Upon expiration of the terms indicated in the permit for obtaining and transportation of secondary forest products the owner shall have the right to dispose of the remaining quantities which have not been obtained and transported. The taxes paid

for the permit shall not be returned.

(2) Corporate bodies and physical persons, merchants in the context of the Commercial Law, can organise the obtaining, as well as purchase and process secondary forest products after issued permit by the state forestry. The permit shall be issued on the grounds of a written application accompanied by a list of the persons, directly occupied in the obtaining of secondary forest products and issued permit.

Art. 103. (1) The secondary use of the forest entirety must not be carried out in ways and by means leading to damaging or destruction of the populations and the locations as well as to exhaustion of the resources.

(2) It shall not be allowed using in protected by a law planting and animal kinds, as well as using in protected territories if the regime determined by a normative act does not allow it.

Art. 104. (1) The production of resin, kindling and bark shall be carried out only in forests where recreational felling is forthcoming.

(2) (amend. SG 101/03) The production of resin shall be carried out in coniferous forests where recreational felling is forthcoming according to the forest development projects, plans and programmes.

(3) The production of stump kindling shall be carried out in ways and by means which do not damage the remaining trees and growing trees and help their natural recreation. After uprooting the stumps the pits shall obligatorily be filled.

(4) (suppl. SG 101/03) Prohibited is the production of bark from standing trees which are not subject to felling except obtaining of bark from cork oak. The production of bark from cut trees shall not be restricted in cases of felling provided by the construction projects, plans and programmes.

Art. 104a. (new – SG 101/03) (1) The obtaining of bark from cork oak shall be implemented during the period May 1 to July 15 at minimum diameter of the stem 15 cm at height 1.30 m.

(2) The maximum height of taking of primary cork from the central stem and the skeleton branches at diameter at height 1.30 m shall be as follows:

1. from 15 to 18 cm – 1 m;
2. from 18.1 to 22 cm – 1.2 m;
3. bigger than 22.1 cm – 1.5 m.

(3) The maximum height for taking of secondary cork from the central stem and the skeleton branches at diameter at height 1.3 m shall be as follows:

1. up to 25 cm – 1.5 m;
2. from 25.1 to 30 cm – 1.8 m;
3. from 30.1 to 40 cm – 2 m;
3. over 40.1 cm – 2.5 m.

(4) the first secondary cork shall be taken at the fifth year after taking of the primary cork and at each 10 years after it shall be implemented the following taking.

(5) The trees, provided for obtaining of cork bark, shall be numbered and described in forest taxation book, approved by the director of the state forestry, against each number being entered: diameter at height 1.3 m; height, at which must be taken the cork, and year of taking.

(6) The forest taxation book of para 5 shall be preserved till the following taking of the bark.

(7) With objective not admitting impairing of the sanitary status the obtained male bark shall be taken out of the forest entirety for the account of the user.

Art. 105. The permit for secondary use in the state and municipal forests shall be personal and the rights under it cannot be ceded to third persons. The permit shall be submitted to the buyer for proving the legal origin of obtained products subject to the sale.

Art. 106. The grazing in the forests and the lands of the forest entirety is an additional reserve for

expanding the possibilities of feeding farm animals.

Art. 107. The permit for grazing shall be issued in a form approved by the National department for the forests. It shall reflect: the user, the owner, the kind and the number of the animals, the paid taxes, the animal crossings and the term.

Art. 108. (1) The grazing of farm animals in all forests and lands of the forest entirety, regardless of their ownership, shall be admitted according to the structural projects, programmes or plans.

(2) (revoked – SG 101/03)

(3) (revoked – SG 101/03)

(4) (amend. SG 101/03) The ceding of the right to grazing in the forests – private property, shall be carried out by the order of art. 101, para 3 and 4.

(5) The grazing shall take place only in the indicated and permitted places.

(6) (amend. SG 101/03) The roads for animal trails and drinking pools for farm animals passing through prohibited for grazing sectors shall be determined by the forest development projects, plans and programmes.

(7) (new – SG 101/03) The annual plan of art. 68, para 1 of the Law of forests shall be prepared according to a model. The annual plan shall be prepared till December 31 of the previous year on the basis of the forest development projects, plans and programmes and the changes, occurred as result of the measures, carried out.

Art. 109. The number of farm animals admitted for grazing in the forests and the lands of the forest entirety shall be determined according to the productivity, the condition of the grazing sectors and the grass cover, in compliance with the following norms for:

1. high-stem forests - per capita of cattle - a minimum of 12 decares, and for sheep or swine a minimum of 2.5 decares;

2. offshoot forests - per capital of cattle - a minimum of 10 decares, and for sheep or swine - a minimum of 2 decares;

3. high-mountain and forest pastures - per capita of cattle - a minimum of 2 decares, and for sheep or swine - a minimum of 0.5 decares;

4. in plantations for clear felling with subsequent artificial recreation - for goat - 12 decares.

Art. 110. (1) Prohibited is the grazing by farm animals in:

1. (revoked – SG 101/03)

2. (revoked – SG 101/03)

3. (amend. SG 101/03) the bases for intensive management of the game and the state hunting economic regions in the state game breeding stations according to the provisions of the forest development project.

4. protected territories, if explicitly stipulated by a law, regulations, ordinance or the order for their announcing.

(2) Prohibited is the night grazing in the forests and the grazing without a shepherd.

(3) (revoked – SG 101/03)

(4) The grazing by goats shall be permitted only for individual herds.

Art. 111. The secondary using under Art. 99 shall be controlled and reported by the National department for the forests and its bodies.

Chapter five.

PROTECTION OF THE FORESTS AND THE LANDS OF THE FOREST ENTIRETY

Section I.
General provisions

Art. 112. (amend. SG 101/03) For the organising of joint measures for protection of the forests and the lands of the forest entirety the National department of forests and its structures shall prepare joint plans and programmes for interaction with the bodies of the state and the local authorities and with non government organisations and can conclude contracts for their fulfilment.

Section II.
Protection

Art. 113. (1) The protection of the forests provides the creation and growing of healthy, stable and highly-productive forests.

(2) The protection of the forests includes: assessment of their health condition, prognosis for the spreading of the pests, the diseases and other damages in the forests, prophylactic and quarantine measures and carrying out fight against the pests, diseases and other damages.

Art. 114. (1) The protection of the forests and the lands of the forest entirety shall be carried out through:

1. prophylactic and quarantine activities;
2. carrying out observations, studies and signalling about the appearance, development and spreading of the agent of diseases, insects, weeds and other pests;
3. assessment and monitoring of the effect of abiotic and biotic factors on the condition of the forest plantation;
4. carrying out plant-protection activities and fight against the pests, including biological, chemical, physico-mechanical and integrated methods and means.

(2) (revoked – SG 101/03)

Art. 115. (1) The head of the National department for the forests shall establish as consultative body a National Commission for protection of the forests for discussing particularly important problems related to the protection of the forests.

(2) The members of the National Commission under para 1 shall be appointed by the head of the National department for the forests. The National Commission shall be convened whenever necessary.

Art. 116. (1) (amend. SG 101/03) Specialised territorial units for protection of the forests at the National department of forests shall be the forest protection stations.

(2) The forest protection stations shall provide methodological management, control on the protection and shall consult the owners of forests on the issues of the forest protection and protection of the lands of the forest entirety.

(3) The head of the National department for the forests shall issue regulations for the structure and activity of the forest protection stations.

Art. 117. (1) The protection of the forests and the lands of the forest entirety shall be organised and carried out by the state forestry, the regional departments for the forests, the forest protection stations, the municipalities and the other corporate bodies - owners of forests.

(2) The state forestry shall carry out monitoring, studies and signalling and fight against the pests and the diseases in the forests.

(3) In the forests, property of physical persons, activities shall be carried out by the state forestry according to the norms and requirements stipulated for protection of the state forests.

(4) (amend. SG 101/03) The municipalities and the corporate bodies – owners of forests, shall carry out for their account the protection activities, prescribed by the forest protection stations, the state forestries and the state game breeding stations.

(5) The owners of forests under para 4 can assign the protection of their forests to the state forestry by a contract.

Art. 118. (1) The protection of the forests shall be carried out by means and preparations permitted and registered by the Law for the plant protection.

(2) (amend. SG 101/03) The plant protection means and preparations shall be applied under the conditions and by the order determined by an ordinance of the Minister of Agriculture and Forests, co-ordinated with the Minister of environment and waters, with the Minister of Health and the Minister of Transport.

Section III.

Guarding

Art. 119. (1) The guarding of the forests and the lands of the forest entirety shall be carried out through independent beat and group patrolling, post duty and observation from specifically constructed installations: control forest points, forest lodges, towers and shelters.

(2) (revoked – SG 101/03)

(3) (revoked – SG 101/03)

(4) Periodical audits shall be carried out in the guarded sectors (regular and extraordinary) for inspection of the activity of the guarding and the protection of the forest entirety. Regular audits shall be carried out at the end of the half of the year according to a schedule approved by the director of the state forestry. Extraordinary audits shall be carried out when there are signals for offences committed after the regular audits and in cases of appointment of a new forest guard. Written statement in a form shall be issued for the results from the audits.

Art. 120. (1) The owners of forests who organise, for their account, guarding of their forests, shall be obliged to appoint persons who have the qualification required for the forest guards. Their appointment shall be co-ordinated with the state forestry.

(2) (amend. SG 101/03) The directors of the state forestries and the state game breeding stations shall issue to the persons of para 1 official cards according to a model.

(3) (new – SG 101/03) The persons of para 1 can guard and implement checks only in the forests and the lands of forest entirety – ownership of the persons, authorized them.

(4) (new – SG 101/03) Upon establishing of violations the persons of para 1 shall compile fact finding records, which in 7 days term shall be presented at the respective state forestry.

Art. 121. (1) (amend. SG 101/03) The chief of the National department of forests shall annually determine and announce by an order the fire dangerous season in the forests.

(2) The heads of the regional departments for the forests can, if necessary, change the period of the fire dangerous season upon co-ordination with the National department for the forests.

(3) (amend. SG 101/03) The orders for announcing the fire dangerous season shall be promulgated in State Gazette.

(4) (amend. SG 101/03) The immediate organisation and carrying out of fire prevention activities in the forests and the lands from the forest entirety shall be carried out by the state forestries and subjects, managing forests and lands of the forest entirety.

(5) (amend. SG 101/03) During the fire dangerous season the state forestries, respectively the state game breeding stations and the subjects, managing forests and lands of the forest entirety, if necessary, shall appoint persons to implement observation over the properties and to signal upon occurrence of fires. To the

persons, implementing the observation, shall be ensured means for radio connection or mobile phones.

(6) For all forests and lands of the forest entirety, regardless of their ownership, shall be worked out plans for fire prevention activities, which shall be an integral part of the construction projects, plans and programmes.

(7) (amend. SG 101/03) Every year, until the beginning of the fire danger period:

1. the state forestry, respectively the state game breeding stations, shall work out an action plan for extinguishing of forest fires and operation plan for fire prevention activities, which shall be carried out in their region, regardless of the ownership of the lands and the forests of the forest entirety;

2. the subjects, managing forests and lands of the forest entirety, shall prepare and present to the state forestries action plan at extinguishing of forest fires and operation plan for fire safety measures, which will be implemented in their region;

3. in the plans for extinguishing of forest fires shall be included also the obligations of the owners, the persons and the organisations of art. 77, para 7 of the Law of forests.

(8) (amend. SG 101/03) The owners of forests and lands of the forest entirety shall be obliged to carry out fire safety measures and to participate in the extinguishing of forest fires.

(9) The annual plan for fire protection activities shall include the obligations of the owners or the users of engineering and technical and transport and technical equipment in the forest entirety or passing through or in the vicinity of it (roads, railroads, trunks, gas pipes, the installations for them, etc.).

(10) (amend. SG 101/03) The immediate organising of the fight with forest fires shall be implemented by the services for fire and accident safety and by the state forestries, respectively the state game breeding stations.

(11) The owners of forests and lands of the forest entirety, the persons carrying out secondary use in the forests, as well as the owners of real estates in the forest entirety or in the vicinity shall be obliged to carry out fire prevention activities around or inside them for their account.

Art. 122. (1) The bodies of the road offices managing the roads of the republican road network, passing through the forests and the lands of the forest entirety, shall be obliged to clean them from dried up grass, forest waste and other burning materials, the ditches and the servitude strips along them and around the parking lots.

(2) The bodies managing the railway transport shall be obliged:

1. to clean throughout the year the railway tracks passing through the forest entirety, the strips along them and around the respective equipment from dried up grass, fallen wood mass and other burning materials;

2. to cut branches of trees in the vicinity of the railroad tracks and the contact networks and to gather the dried up and fallen mass in the protected regions around them;

3. to determine especially fire dangerous places along the railway track, passing through the forest entirety and render it safe;

4. in cases of noted forest fire to inform immediately the bodies of the National Office "Fire and accident safety" and the state forestry.

(3) (amend. SG 101/03) The owners or the user of air power lines, gas pipelines, petrol pipelines and other linear installations, passing through the forest entirety, shall be obliged:

1. to maintain in fire safe status the track of the linear facility, including also easement zone, cleaning it periodically from trees, branches, bushes, already dry, and from other flammable materials;

2. to take out the cut wood mass, the dry grass and other flammable materials;

3. to define and make safe the particularly dangerous in fire aspect places along the track of the linear facility, passing through the forest entirety, with follow up notification of the state forestry;

4. upon noticed forest fire to notify immediately the bodies of National service "Fire and accident safety" and the respective state forestry.

Art. 123. (revoked – SG 101/03)

Art. 124. (1) Prohibited is the cleaning of cutting areas through burning remnants of the felling during

the fire danger season.

(2) Prohibited are fire operations in the forest entirety during the fire danger season. These activities shall only be admitted in cases of accidents and urgent repair, in co-ordination with the bodies of the National office "Fire and accident safety" and with the state forestry.

(3) (revoked – SG 101/03)

Art. 125. (1) (amend. SG 101/03) The mayors of municipalities and populated areas shall organise annually voluntary formations for forest fire extinction, ensured with instruments for extinction of fire, and determine the gathering point upon fire signal. The lists of the participants in the voluntary formations shall be presented before the beginning of the fire danger period at the state forestry and at the regional division of the National service "Fire and accident safety".

(2) The groups for fire extinction shall include obligatory the owners of forests and other real estates in the forest entirety living on the territory of the populated area.

(3) The mayors shall organise the transportation of the groups and of the other participants of the local population to the place of the fire.

Art. 126. (1) The director of the state forestry shall organise specialised groups of workers and employees in the forestry for activities in cases of forest fire.

(2) Every person who notices fire in the forest entirety shall be obliged to inform immediately the bodies of the National service "Fire and accident safety" and the state forestry.

Art. 127. (revoked – SG 101/03)

Art. 128. (1) The expenses related to the extinguishing of fire shall be paid by the owners of the forests, without the expenses of the National Office "Fire and accident safety".

(2) The amount of the expenses under para 1 shall be determined by a commission appointed by an order of the director of the state forestry which shall issue a statement of establishment.

Section IV. Control

Art. 128a. (new – SG 101/03) The officials of forests shall control:

1. the activities, implemented in the forests and in the lands of the forest entirety;
2. the transportation and the processing of timber and the side uses.

Art. 129. (1) At the control forest points shall be placed warning tables, signs and constructions for stopping vehicles, providing widening of the road for turning off vehicles and for warehouse for detaining wood materials and forest products, obtained and transported in violation of the requirements of the law for the forests and the regulations.

(2) (amend. SG 101/03) At the control forest points shall be kept dairy for the inspected transport vehicles, transporting wood materials and other forest products and certification of the accompanying documents shall be implemented.

(3) (new – SG 101/03) The control forest points shall be permanent and temporary.

(4) (prev. (3), amend. SG 101/03) The forest guards at the permanent control forest points shall be employees of the respective regional department of forests.

Art. 130. (1) (revoked – SG 101/03)

(2) The control forest mark has a hexagonal form with diameter 3.5 cm on the percussion part of a metal hammer. The National department for the forests shall keep a register for them.

(3) The control forest marks shall be provided by the National department for the forests to:

1. (amend. SG 101/03) the regional departments for the forests and they, on their part, to the state forestries, the state game breeding stations and study trial forest farms, which directors shall provide by an order the control forest mark to the employees of forests;

2. (amend. SG 101/03) the persons, exercising private forestry practice.

(4) (revoked – SG 101/03)

Art. 131. (1) (revoked – SG 101/03)

(2) The expedition forest mark has a rectangular form with dimensions 6 cm by 3 cm on the percussion part of a metal hammer.

(3) (revoked – SG 101/03)

(4) (amend. SG 101/03) The timber, obtained by users to whom expedition forest mark has not been conceded, shall be marked with expedition forest mark by official of forests of the respective state forestry.

(5) (amend. SG 101/03) The users, to whom expedition forest mark has been conceded, shall return it to the state forestry in term, defined in the fact finding record for certification of the felling ground.

Art. 131a. (new – SG 101/03) (1) The round timber from export shall be marked with expedition forest mark and the shaped timber materials – with production mark, at the place of their unloading or reloading.

(2) The marked timber of para 1 shall be accompanied by a transport license.

Art. 131b. (new – SG 101/03) (1) The timber, obtained out of the forest entirety under the conditions and by the order of the Law of preservation of the agricultural possessions, shall be marked before transportation with mark – ownership of the municipality, on which territory it has been obtained. The mark shall be worked out according to a model, approved by the Minister of Agriculture and Forests. The marking shall be implemented by an official, determined by the mayor of the municipality.

(2) The timber, obtained out of the forest entirety under the conditions and by the order of the Law of preservation of the agricultural possessions, shall be transported accompanied by transport license or written certificate, issued by an official, determined by the mayor of the municipality. For each transport vehicle shall be issued separate transport license or certificate, containing all the requisites of the transport license.

Art. 131c. (new – SG 101/03) (1) The marking with control forest map of the round timber materials shall be implemented at one of the cuts before loading and the fire wood shall be marked on not less than 30 percent of the total amount.

(2) The marking with expedition forest mark of the round timber materials and of the fire wood shall be implemented on a visible place before transportation in a way, allowing control during the transport, observing the requirements of para 1.

Art. 132. (1) (amend. SG 101/03) The shaped wood materials and the processed fire wood, before their expedition, shall be marked by the producer and/or the trader at a visible place with the production mark, owned by them, registered in the state forestry.

(2) The production mark has a triangle form with a side of 4 cm.

(3) The state forestry shall keep register of the production marks.

(4) (amend. SG 101/03) The producers of shaped wood materials and processed fire wood shall keep a diary, according to a model, for the received, processed and expedited wood material. The diaries shall be registered, threaded through and with numbered paged by the respective state forestry after presenting of document for entering into operation of the site, in which is implemented the processing of timber, issued by the competent bodies.

(5) (new – SG 101/03) The persons of para 4 shall present at each 6 months summarized information at the respective state forestry about the quantities of the received, processed and expedited wood materials.

(6) (new – SG 101/03) The shaped wood materials and processed fire wood at transportation shall be accompanied by transport license for processed wood materials, issued by the producer of the materials. The transport licenses for the processed wood materials shall be conceded to the producer by the state forestry after payment of their value.

(7) (new – SG 101/03) The producers of shaped wood materials and processed fire wood shall present at the state forestry the second copy of the documents of para 6 in 3 days term after issuing them and description. The description shall be certified by an official of the state forestry, authorized with order by the director.

(8) (new – SG 101/03) The state forestry shall register the production marks and concede transport licenses for processed wood materials to the producer and/or the trader after presentation of document for entering into operation of the site, in which is implemented the processing of timber, issued by the competent bodies.

Art. 133. (1) (prev. art. 133, amend. SG 101/03) The corporate bodies and the individuals, who possess warehouses and who carry out transactions with round or shaped wood materials, shall be obliged to keep diary for the received and the expedited wood material and the documents with which they have been obtained and sold. The dairy shall be kept according to a model and shall be registered, threaded through and with numbered pages at the respective state forestry.

(2) (new – SG 101/03) The persons of para 1 shall present at each 6 months summarised information in the respective state forestry about the quantities of the received and expedited wood materials.

Art. 134. The control forest mark and the expedition forest mark shall be worked out by an order of the National department for the forests by a producer appointed by it.

Art. 135. (1) In case of damage of the control and the expedition marks they shall be returned to the body which has provided them, who shall replace them. The damaged production marks shall be destroyed in the presence of a representative of the state forestry.

(2) (amend. SG 101/03) The decommissioning of the forest marks shall be implemented with an order by the chief of the National department of forests.

(3) (revoked – SG 101/03)

Art. 136. (revoked – SG 101/03)

Art. 137. The marking of the trees for felling by control forest mark shall be made by a black, dark blue or dark brown colour.

(2) The marking of the wood materials by expedition forest mark shall be made by a green colour.

Art. 138. (revoked – SG 101/03)

Chapter six. CONSTRUCTION IN THE FORESTS

Art. 139. (revoked – SG 101/03)

Art. 140. (revoked – SG 101/03)

Art. 141. (amend. SG 101/03) The right of construction in the forests and lands of the forest entirety, ownership of individuals or corporate bodies, or municipalities and the right of superstructure and additional

construction of sites on the territory shall be established by their owners.

Art. 142. (1) (amend. SG 101/03) Platforms and tracks for the constructions according to art. 81, para 1 of the Law of forests shall be determined upon consent of the National department of forests and its structures.

(2) (amend. SG 101/03) For the sites under para 1 shall be worked out detailed development plan or parcel plan, which shall be approved by the municipal expert council for spatial planning.

(3) (revoked – SG 101/03)

(4) (amend. SG 101/03) The approved detailed development plan or parcel plan shall be reflected in the digital model of the forest development project.

(5) (revoked – SG 101/03)

(6) The permit for construction shall be issued to the name of the owner of the terrain or to the titular of the right of construction, if such right is established.

Art. 143. (revoked – SG 101/03)

Art. 144. (1) (amend. SG 101/03) In case of established illegal construction by officials an act shall be issued pursuant to Art. 107, 108 and 109 of the Law for the forests. Copy of the act and of the penalty decree shall be sent to Directorate “National construction control” for issuance of order for proceeding by the order of the Law of spatial planning.

(2) (amend. SG 101/03) It shall not be permitted to legalise constructions in the forests and the lands of the forest entirety for which there is no approved detailed development plan or parcel plan.

Art. 145. (revoked – SG 101/03)

Art. 146. (revoked – SG 101/03)

Art. 147. (1) Construction of temporary transportation roads and descending lines shall be permitted by a technological plan approved by the director of the state forestry in M 1:10 000, as the term shall be the one determined by the felling permit.

(2) The closing of roads under para 1 shall be carried out by the act for certifying the cutting areas.

Art. 148. (1) The driving out and the transportation of products obtained from the forests shall be carried out on forest roads, rope-lines and descending lines in a way which does not cause damages to the roads and installations and to the trees in the forests and lands of the forest entirety.

(2) Movement of chain vehicles shall not be permitted in the forest entirety on the roads with permanent cover.

(3) (Revoked, SG 39/04)

(4) (amend. SG 101/03, Revoked, SG 39/04)

(5) (new – SG 101/03, Revoked, SG 39/04)

Art. 149. (revoked – SG 101/03)

Art. 150. (revoked – SG 101/03)

Art. 151. (revoked – SG 101/03)

Art. 152. (revoked – SG 101/03)

Art. 153. (revoked – SG 101/03)

Art. 154. (1) Forests and lands of the forest entirety can be fenced upon proving the specific needs of:

1. (amend. SG 101/03) protection against grazing of cultures and recreational sectors indicated in Art. 68, para 11 of the Law for the forests.

2. (amend. SG 101/03) strictly guarded zones under Art. 7, para 2, item 3;

3. forest nurseries;

4. acclimatisation of game and other game breeding activities;

5. farm animals where grazing is permitted.

(2) (amend. SG 101/03) In the cases when the fencing is provided in forest development projects, plans and programmes the permission for fencing shall be considered as issued with the act for approval of the respective project, plan or programme by the competent body of art. 25, para 3 or 5.

(3) (new – SG 101/03) In the cases when the fencing is not provided in forest development projects, plans and programmes, permission for fencing shall be issued by the director of the state forestry on the basis of submitted written application by the owner of the property and in compliance with the requirements, determined by the order of art. 48, para 2 and 7 of the Law of spatial planning.

(4) (new – SG 101/03) The permission for fencing shall be issued in 7 days term after submitting of the application of para 3.

Art. 155. When, for activities not stipulated by this chapter, it is necessary to cut trees, the owners of forests shall have the right to use the wood in compliance with the conditions and the order of these regulations.

Chapter seven. FINANCING THE FORESTRY

Art. 156. (amend. SG 101/03) The financing of the activities for management, reproduction, management, guarding and protection of the forests and the lands of the state forest entirety shall be implemented for the account of the collected incomes by the order of art. 93 of the Law of forests and the resources, conceded from the budget of the Ministry of Agriculture and Forests for the respective year by the order of art. 94 of the Law of forests.

Art. 157. (amend. SG 101/03) The resources for maintenance of the forest guard of art. 94, item 1 of the Law of forests, as well as for the measures of art. 94, item 14 of the Law of forests shall be ensured every year with the Law of the state budget of the Republic of Bulgaria through the budget of the Ministry of Agriculture and Forests for the respective year.

Art. 158. (amend. SG 101/03) For sums and incomes in the budget of the National department of forests, not paid within terms for voluntary payment interest shall be due according to the Law of the interests of taxes and fees and other similar state receivables.

Art. 159. (amend. SG 101/03) For the sums not paid within the terms for voluntary payment to the income of the budget of the Ministry of Agriculture and Forests shall be informed the bodies for the state receivables for their compulsory collection and depositing according to their purpose.

Art. 160. (revoked – SG 101/03)

Art. 160a. (new – SG 101/03) (1) A person, who in violation of art. 26a, para 2 issues international seed control certificates for seeds, designated for export, shall be punished with fine from 50 to 500 levs.

(2) When the violation is implemented by a corporate body or sole entrepreneur proprietary sanction shall be imposed in extent from 500 to 3000 levs.

Art. 160b. (new – SG 101/03) (1) A person, who does not fulfil the provisions of art. 55, para 6 and 8, shall be punished with fine from 50 to 500 levs.

(2) When the violation of para 1 is implemented by a corporate body or sole entrepreneur, to the violator shall be imposed proprietary sanction in extent from 500 to 3000 levs.

Chapter eight. ADMINISTRATIVE AND PUNITIVE PROVISIONS

Art. 161. (revoked – SG 101/03)

Art. 161a. (new – SG 101/03) (1) Who uses reproduction materials, conceded to him gratuitously for purposes, different from the permitted, shall be punished with fine from 50 to 500 levs.

(2) When the violation of para 1 is implemented by a corporate body or sole entrepreneur, to the violator shall be imposed proprietary sanction in extent from 500 to 3000 levs.

Art. 161b. (new – SG 101/03) (1) Who uses for agricultural purposes the area between the rows in newly created forest crops or not renewed felling grounds not according to the order, established in art. 63, para 1, shall be punished with fine from 50 to 500 levs.

(2) Who damages the planted saplings using for agricultural purposes the area between the rows in newly created forest crops or not renewed felling grounds shall be punished with fine from 50 to 500 levs.

(3) When the violation of para 1 and 2 is implemented by a corporate body or sole entrepreneur, to the violator shall be imposed proprietary sanction in extent from 500 to 3000 levs.

Art. 161c. (new – SG 101/03) (1) Who in violation of art. 94, para 7 or 8 transports wood materials without document, shall be punished with fine from 100 to 1000 levs.

(2) Who in violation of art. 94, para 9 does not present at the state forestry te sccond copy of the documents of art. 94, para 7 or 8 in 3 days term after issuing them, accompanied with a description, shall be punished with fine from 100 to 1000 levs.

(3) When the violation is implemented by a corporate body or sole entrepreneur, to the violator shall be imposed proprietary sanction in extent from 200 to 2000 levs.

Art. 161d. (new – SG 101/03) (1) Who in violation of art. 96, para 19 cleans felling ground by burning of wastes during the fire dangerous season, shall be punished with fine from 500 to 1000 levs, if the act does not constitute a crime.

(2) When the violation of para 1 is implemented by a corporate body or sole entrepreneur, to the violator shall be imposed proprietary sanction in extent from 1000 to 2000 levs.

Art. 162. Who carries out felling outside the terms indicated by Art. 78, if the act does not represent a crime, shall be fined with 100 to 2 000 levs.

Art. 163. Who, in violation of Art. 89, para 5, uses the remnants of wood before the conclusion of the felling and the certifying of the cutting areas shall be fined with up to 100 levs.

Art. 164. Who carried out felling in violation of the requirements under Art. 93 shall be fined with 100

to 500 levs.

Art. 165. Who, in violation of Art. 96, para 9, does not clean the cutting area according to the felling permit, shall be fined with 20 to 500 levs.

Art. 166. Who, in violation of Art. 117, para 4, does not fulfil the prescribed protection measures shall be fined with 100 to 5 000 levs.

Art. 167. (amend. SG 101/03) (1) Producer and/or merchants of shaped wood material or processed fore wood, who in violation of art. 132, para 1 does not have production mark and/or does not mark with the production mark, owned by him, the shaped wood materials or processed fire wood before expediting them shall be punished with fine from 100 to 1000 levs.

(2) Who does not keep diary in violation of art. 132, para 4 or art. 133, para 1, shall be punished with fine from 100 to 1000 levs.

(3) Who, in violation of art. 132, para 6, does not issue transport license for shaped wood material or processed fire wood, shall be punished with fine from 100 to 1000 levs.

(4) Who, in violation of art. 132, para 6, transports shaped wood material or processed fire wood without transport license, shall be punished with fine from 100 to 1000 levs.

(5) Who, in violation of art. 132, para 7, does not present in the state forestry the second copy of the documents of art. 132, para 6 in time or does not present description, shall be punished with fine from 100 to 1000 levs.

(6) When the violation of para 1 - 5 is implemented by a corporate body or sole entrepreneur, to the violator shall be imposed proprietary sanction in extent from 200 to 2000 levs.

(7) For violation of art. 132, para 4 or art. 133, para 1 the chief of the National department of forests or an official, authorized by him, shall issue order for prohibition of the use of the workshops for processing of timber, the storehouses and the sites for sale of timber, in which the violation has been implemented, for a term up to 6 months. The order shall enter into force from the moment of issuing and the body, who has issued it shall seal the respective site.

(8) A person, who unseals or orders to be unsealed the sites of para 7, or violated the prohibition for using them, shall be punished with fine from 1000 to 5000 levs.

(9) To a corporate bodies or sole entrepreneurs, who in violation of the prohibition of para 7 implement activity in the sealed sites, shall be imposed proprietary sanction from 2000 to 10 000 levs.

Art. 168. Who works out control or expedition forest mark without its assignment by the National department for the forests by the order of Art. 134, if the deed does not constitute a crime, shall be fined with 500 to 10 000 levs.

Art. 169. (amend. SG 101/03) Who in violation of art. 131, para 1, does not return the expedition mark, conceded to him in the term, defined with the fact finding record for certification of the felling ground, shall be punished with fine from 50 to 200 levs.

(2) To a corporate body or sole entrepreneur, who implements violation of para 1, shall be imposed proprietary sanction in extent from 100 to 400 levs.

Art. 170. (amend. SG 101/03) (1) Who violates the provisions of art. 111 and 124, shall be punished with fine from 100 to 1000 levs.

(2) When the violation is implemented by a corporate body or sole entrepreneur, proprietary sanction shall be imposed in extent from 200 to 2000 levs.

Art. 171. (revoked – SG 101/03)

Art. 172. Who, in violation of the provisions of Art. 153, installs without permit prefabricated buildings and installations or does not remove them after dropping the necessity of their use, shall be fined with 500 to 5 000 levs.

Art. 173. (amend. SG 101/03) The offences under these regulations shall be established by acts of the employees for the forests. The Minister of Agriculture and Forests shall empower the directors of the state forestry to issue penalty decrees.

Additional provisions

§ 1. (1) depending on their functional purpose the forest roads are:

1. transport vehicle roads for connecting forest regions and with the republican and local road network;

2. carry out roads without cover for servicing cutting areas and other forestry sites;

(2) The vehicle forest roads are divided into:

1. first, second and third degree with permanent cover;

2. fourth degree - without cover.

(3) The norms for the four degrees of vehicle forest roads shall be determined by the ordinance under Art. 142, para 4.

(4) Temporary forest roads are all driving out and vehicle roads of fourth degree.

§ 1a. (new – SG 74/02) In the sense of the regulation:

1. “Collecting of dry and fallen timber from sole scattered trees” is a sanitary measure in the forests, when is used timber from dry standing, fallen, green torn up, green with crushed crown (when the remaining part of the crown does not ensure normal growth and development) trees as result of unfavourable atmospheric conditions, wind, snow, ice, fungi and insect pests, fires etc. and the quantity of the standing mass of the inventoried dry and fallen timber from sole scattered trees in the forest stand does not exceed 5 percent of the total reserve of the forest.

2. “Positive trade reputation” has a trader, who presents reference letters for his work from the state forestries and/or the state game breeding stations, in which regions for use he has implemented use. In the recommendations must be pointed out, that the trader has observed the conditions and the terms of the signed contracts.

3. “Obtaining of timber” is felling and hauling of timber to temporary store.

4. “Damages from abiotic factors“ are visible changes of tissues and organs of the tree vegetation, caused by elements of non living nature – wind, snow, low and high temperatures, fires etc.

5. “Damages from biotic factors“ are visible changes of tissues and organs of the tree vegetation, caused by live organisms – fungi diseases, insect pests, mammals etc.

6. “Assortment“ is round or chopped timber material with certain designation and also crushed timber, meeting the requirements of the respective standards.

7. (new – SG 101/03) “Forests with worsened status” are:

a) forests with seed and/or sprout origin, included in the economic class for reconstruction, in which according to forest development project is provided afforestation and when:

- the autochthonic and the economically valuable vegetation is replaced by forest biocenoses, which do not fulfil their functions – the growth places are of the type D1, D2,D3, D2-3, CD2, CD3, C1, C2, BC2 and BC2-3;

- they are tree – bush formations on poor and dry growth places on terrains, possible to be used for forests of the type A0, A1, A1-2, AB1 and AB1-2 with strong or very strong erosion of the soil;

b) are natural plantations and crops with average density according to FDP up to 0.2 inclusive, in which afforestation is provided;

c) are not renovated felling grounds, fired and dried crops and plantations with degree of damage over 80 percent.

8. (new – SG 101/03) “Primary cork” is the bark, which is taken from the trees of the cork oak (*Q. suber*) for the first time.

9. (new – SG 101/03) “Secondary cork” is the bark, which is taken from the trees of the cork oak (*Q. suber*) after taking the primary cork.

10. (new – SG 101/03) “Forest economic section” is administrative – economic unit, covering the area of group of sections, being in one or several watersheds or territorially united regions in the territorial range of activity of the state forestry or the state game breeding station, in which the management, the use and the preservation of the forests are implemented within the boundaries, defined with the forest development projects.

11. (new – SG 101/03) “Guarded section” is part of the territory of forest economic section, included in the boundaries of the state forestry or the state game breeding station, being guarded by forest/hunting guard with objective preservation of the forests, the game and the fish.

12. (new – SG 101/03) “Undergrowth” are the specimens of forest species, appeared under the crowns of the trees in natural way or imported artificially, on which is relied for the renovation of the forests.

13. (new – SG 101/03) “Certification of felling ground” is activity, at which is checked the fulfilment of the obligations under the permit for felling and the findings are reflected in a fact finding record, which shall be signed by representatives of the owner of the forest and of the user.

14. (new – SG 101/03) “Fire dangerous season” is a period of time, during which the forest plantations are characterised with big fire danger depending on the meteorological conditions and the risk for occurrence of fires.

15. (new – SG 101/03) “Shaped wood materials” are wood materials from solid timber, obtained by cutting or milling, which have defined form, dimensions and quality, subject to standardisation.

16. (new – SG 101/03) “Clear felling” is renewable felling, at which for a period not longer than one year, shall be cut all trees of the mature plantation on defined territory.

17. (new – SG 101/03) “Renovation felling” is felling, at which after cutting of the trees is ensured renovation of the plantation.

§ 1b. (new – SG 74/02) The obtained timber and the products from side use from the forest entirety are chattels, which quickly worsen their quality, which are subject to quickly spoilage and fast sale.

§ 1c. (new – SG 101/03) The combining of the forests for felling in the state and the municipal forests includes the selection of the marked forests, in which will be implemented obtaining of timber during the following calendar year. In the combined forests for felling can also be included forests – ownership of individuals and corporate bodies, ceded for management to the state forestry.

§ 1d. (new – SG 101/03) (1) The models of the documents, provided in the Law of forests and in the regulation for its implementation, shall be approved with an order by the chief of the National department of forests, if with a normative act other order is not provided.

(2) With the order of para 1 shall be determined also the conditions and the order for conceding and accounting of the documents.

Transitional and concluding provisions

§ 2. (amend. SG 101/03) The Minister of Agriculture and Forests shall bring the previous categorisation of the forests and the lands of the forest entirety in compliance with the requirements of the Law for the forests and the regulations.

§ 3. The higher schools and the scientific and research institutes and stations whose basic activity is related to the studies in the forests and to the education of specialists for the forests shall retain the rights given to them by a law or by an act of the Council of Ministers, on forests and lands of the state forest entirety for

research and educational and experimental activity.

§ 4. (amend. SG 101/03) The existing forestry farms until their restructuring by the Minister of Agriculture and Forests shall also have the rights and carry out the functions stipulated by the Law for the state forestry.

§ 5. The existing regional divisions for the forests before the enactment of these regulations shall be renamed into regional departments for the forests and shall acquire the subject rights, the capacities and the functions according to the Law for the forests.

§ 6. (revoked – SG 101/03)

§ 7. For all administrative and technical services for the implementation of the regulations shall be paid taxes according to a tariff adopted by the Council of Ministers.

§ 8. The regulations are adopted pursuant to (9 of the transitional and concluding provisions of the Law for the forests.

§ 9. (amend. SG 101/03) The fulfilment of the regulations is assigned to the Minister of Agriculture and Forests.

Transitional and concluding provisions
of Decree No 153 of July 22, 2002 for amendment and supplement of the Regulation for
implementation of the Law for the forests (SG 74/02)

§ 9. The procedures, opened by the order of Instruction No 36 of 2001 for the conditions and the order for the use and the selling of timber from the forests with tender, competition and negotiations with potential user (SG 98/01) by the date when the decree enters into force, shall be finished by the previous order.

§ 10. The provision of art. 87b, para 2 shall enter into force 6 months after the promulgation of the decree in State Gazette.

§ 11. (1) Till the provision of art. 87b, para 2 enters into force the candidate for participation in a procedure must be trader and have concluded employment contract with at least one person, having license for exercising private forestry practice for the activity working out of transport – technological designs, plans and schemes for use from the forests and the lands of the forest entirety.

(2) For sites, in which apart from use of timber is also assigned the implementation of other forestry measures, for which a license is required, the candidate must have concluded employment contract also with a person, having license for implementing the respective activity.

(3) When the manager or some of the executive members of the management bodies of the candidate or the individual – sole entrepreneur, has license for implementing the respective activity, the candidate can participate in the procedure also without concluded employment contract of para 1 and/or 2.

(4) The circumstances of para 1 and 2 shall be proved with copies of the employment contract and of the license of the hired forester, certified by the candidate.

(5) The circumstances of para 3 shall be proved with certificate for actual status of the court registration of the candidate and a copy of the license.

Additional provisions
OF DECREE No 70 OF MARCH 26, 2003 FOR AMENDMENT AND SUPPLEMENT OF THE
REGULATION FOR IMPLEMENTATION OF THE LAW OF OWNERSHIP AND USE OF FARM LAND
(PROM. SG 34/91)

§ 47. (1) In art 18e, para 1, second sentence, in art. 19, para 13, second sentence and in art. 25, para 5, second sentence, the words “the commission shall be substituted by ”the municipal service for agriculture and forests”.

(2) Everywhere in the regulation and in the other by-law normative acts, approved by the Council of Ministers, the words “land commission, “the land commission”, “the municipal land commissions”, land commissions” and “the land commissions” shall be respectively substituted by “municipal service for agriculture and forests”, “the municipal service for agriculture and forests”, “ municipal services for agriculture and forests” and “the municipal services for agriculture and forests”.

Transitional and concluding provisions
of Decree No 253 of November 18, 2003 for amendment and supplement of the Regulation for
implementation of the Law of forests (SG 101/032)

§ 126. In two months term after the decree enters into force the owners of forest nurseries, existing by the date of promulgation of the Law of forests, shall submit application for registration of the forest nurseries in the state forestry, on which territory the nursery is located.