

LAW OF GEORGIA

FOREST CODE OF GEORGIA

The forest of Georgia is a major element of the country's natural environment. It is a natural resource having particular value for the country and an important basis for its environmental, social and economic development. The forest of Georgia, irrespective of its form of ownership, shall be managed on the basis of a system developed in accordance with principles of sustainable development, which shall ensure the improvement of the quantitative and qualitative characteristics of forest, the conservation of its biodiversity, the rational use of the economic potential of forest taking into consideration its environmental value, the participation of the public in the management of forest, and the availability of forest resources to the public.

Chapter I – General Provisions

Article 1 – Scope and purpose of the Code

1. This Code regulates legal relations related to forest management.
2. The purpose of this Code is:
 - a) to conserve the biodiversity of the forest of Georgia, and, in order for the environmental, social and economic functions of forest to be performed, to preserve and improve its qualitative properties, and the quantitative and qualitative characteristics of forest resources;
 - b) to preserve the original natural and cultural environment of forest, including the vegetation cover and animal world, and natural and cultural property located in forest, and rare and endangered plant species and other assets for future generations and to ensure the harmonised regulation of their interrelation;
 - c) to ensure targeted and rational use of forest resources and other natural potential of forest;
 - d) to determine the main principles of forest management which shall become the basis for sustainable forest management.

Article 2 – Definition of terms

The terms used in this Code shall have the following meanings:

- a) forest of Georgia – state, municipal and private forests and the resources thereof;
- b) forest – the area inside a forest boundary covered with forest forming species and other areas which are an integral part of the forest ecosystem:
 - b.a) area covered with forest forming species – a minimum area of land of 0.5 hectares and not less than 10 m in width, which is covered with one or more forest forming woody plant species and where the tree density is not less than 0.1 per unit area;



b.b) other areas:

b.b.a) areas where forest forming species are temporarily degraded or destroyed as a result of natural and/or anthropogenic processes;

b.b.b) forest land – an open area of land inside a forest boundary, such as: land used as grassland or pasture; special purpose land; land that comprises marshes, rocks, and rocky ground located in a forest or other land not used for afforestation; infrastructure necessary for the implementation of forestry measures (forest roads, timber yards, landings), etc.

Note: Land outside a forest boundary shall not be considered to be forest, such as: a garden (an orchard, etc.), a square, a park; a shelterbelt which protects soil from erosion (a wind break belt); land outside a forest which is used as a short-term alternative for the period of up to 30 years after planting forest forming species (plantation forest); an arboretum of woody plants, a plantation forest of new year trees; a plantation forest of woody trees (nuciferous) to yield fruit, and a plantation forest of berries and fruits;

c) arid forest – an open forest where forest stand density is less than 0.1 due to the lack of moisture and/or other natural conditions;

d) riparian forest – a forest that is located in a river basin and is periodically covered with water (during flood and/or high water);

e) subalpine forest – a transition zone within a strip of 300 m in width below the alpine zone;

f) forest resources – a unity of wood resources, non-wood forest products, wood products and secondary wood materials:

f.a) non-wood forest products – mushrooms, crude drugs, technical raw materials, other herbs and parts thereof, parts of shrubby plants and products thereof with no wood in their composition;

f.b) wood products – needles, leaves, blossoms, pollen, gum, juice, seed, cones and fruit of woody plants;

f.c) secondary wood materials – roots, bark, phloem and stump of woody plants;

g) wood waste – bark, chips, and sawdust left as a result of carrying out forest tending measures and timber harvesting, as well as branches useless as firewood and fallen deadwood which are no longer valuable as wood resources due to the impact of natural or other factors;

h) pillar – a wood resource of 8 cm to 12 cm in diameter from the thick end, which can be used as a support material;

i) pole – a wood resource of 4 cm to 8 cm in diameter from the thick end, which is used for agricultural purposes;

j) stake – a wood resource of up to 4 cm in diameter from the thick end, which is used for agricultural purposes;

k) forest boundary – a boundary of a forest established by an ordinance of the Government of Georgia;

l) forest forming species – woody plants which are included in the List of Forest Forming Wood Species approved by the Minister of Environmental Protection and Agriculture of Georgia ('the Minister');

an upper canopy cover of a forest stand;

p) brushwood – fallen branches of woody plants of not more than 6 cm in diameter in the bottom part;

q) forest stand – a part of a forest distinctly differing from an adjacent territory in its composition and structure;

r) round timber (log) – a wood resource of more than 12 cm in diameter from the narrow end, produced as a result of timber harvesting (including from uprooted and broken trees);

s) special tag – a tag which certifies a legal origin of round timber (log) in the cases provided for by the legislation of Georgia and which is registered in a unified database in accordance with the established procedure;

t) sustainable development principles – principles integrated in the following final documents adopted by the United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992: Rio Declaration on Environment and Development, Global Sustainable Development in the 21st Century – Agenda 21, Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests;

u) forest management – the planning and implementation of measures for using the useful properties of forest and forest resources, as well as for the protection, tending, reforestation and afforestation of forests;

v) sustainable forest management – the management and use of forest in a manner and extent so as to maintain forest biodiversity, productivity, regeneration capacity, vitality and potential, such that the environmental, social and economic functions of forests are performed at local, national and global levels both at present and in the future, and whereby other ecosystems are not damaged;

w) national registration of forest – the registration of the forest of Georgia in order to obtain statistical information on forests and forest resources, to carry out continuous monitoring of the condition of forest, to provide international reporting on forest data and to plan a unified policy in the field of forestry;

x) forest planning – planning the implementation and the increase of efficiency of measures for registration, protection, tending, reforestation and afforestation of the forest of Georgia, as well as the sustainable use of forest resources;

y) forest monitoring – a system of assessment of forest conditions and continuous observation on, and analysis and forecasting of, forest dynamics;

z) facilitation of natural regeneration – the implementation of the following measures: full or partial fencing of a land (area) to be reforested, protecting new shoots and/or regrowth from grazing, cleaning soil from undergrowth within a fenced area, and removing grass and loosening soil in order to facilitate natural seeding;

z₁) forest pests and diseases – harmful organisms (insects, rodents, fungi, bacteria, viruses) which, when increased in quantity, may threaten the ecological condition of a forest or substantially worsen the quality of the wood therein;

z₂) forestry measures – organisational and technical measures implemented for the purpose of the reforestation, afforestation, protection, tending and sustainable use of forest;

z₃) forest use – using forest within the framework of common forest use and special forest use, and obtaining forest resources having economic and other values in order to meet the environmental, economic and social needs of the State and its population;

z₄) common

- z₅) special forest use – forest use other than common forest use;
- z₆) forest user – an authorised person determined by the legislation of Georgia who is using forest;
- z₇) felling area – a forest area where the number of fallen deadwood and trees to be felled is determined and trees are marked for felling;
- z₈) timber harvesting – felling of standing trees and/or the removal of wood from fallen deadwood, and sorting and hauling them to a landing;
- z₉) commercial felling – felling in accordance with the procedures established by this Code for obtaining wood;
- z₁₀) improvement felling – a forestry measure carried out for improving the species composition, structure and sanitary conditions of forest and for forming forest stands with high yielding capacity;
- z₁₁) felling for special use – felling for the purposes of special forest use provided for by this Code, except for commercial felling;
- z₁₂) forest use plan – a planning document developed by a forest user, which contains information on measures to be taken within the framework of forest use and on the stages and the extent of such measures;
- z₁₃) forest road – a road in forest used for carrying out forestry measures:
- z₁₃.a) earth road – a forest road constructed for short-term forest use;
- z₁₃.b) metalled road – a gravel and/or levelled road in forest that is constructed and rehabilitated for long-term use;
- z₁₄) temporary structure – a structure without a foundation constructed or to be constructed in forest area within the framework of special forest use, which is used to exercise a respective right to forest use;
- z₁₅) Minister – the Minister of Environmental Protection and Agriculture of Georgia;
- z₁₆) Ministry – the Ministry of Environmental Protection and Agriculture of Georgia.

Article 3 – Legislation of Georgia in the field of forestry

1. The legislation of Georgia in the field of forestry comprises the Constitution of Georgia, the international agreements of Georgia, the National Forest Concept for Georgia, this Code, other legislative acts of Georgia and subordinate normative acts adopted/issued on their basis.
2. Issues related to the protection of species and habitats in forest, as well as the availability of genetic forest resources and the fair distribution of benefits shall be regulated by a relevant legislative act, unless otherwise provided for by this Code.
3. This Code shall apply to relations in respect of the management of the forest located within the administrative borders of Tbilisi Municipality, unless otherwise provided for by the legislation of Georgia.
4. Issues related to the management of forest located within protected areas shall be regulated by this Code, unless otherwise provided for by the Law of Georgia on the System of Protected Areas.



5. If an activity requiring special forest use is subject to environmental impact assessment, an appropriate decision shall be made in compliance with the requirements of the Environmental Assessment Code.

Article 4 – Principles of sustainable management of the forest of Georgia

1. The sustainable management of the forest of Georgia, taking into consideration the environmental, social and economic functions of forest, shall be based on the following principles:

a) methods ensuring the preservation and improvement of forest biodiversity, productivity, regeneration capacity and vitality shall be used in the process of forest management;

b) the functional purpose of forest shall be taken into account in the process of forest management planning in order to avoid the degradation of other functions of forest as a result of obtaining benefits from one function;

c) when making a decision on forest management, the interests of the local population shall be taken into consideration on the basis of sustainable forest management. For the purposes of common forest use, the availability of forest shall be ensured for everyone;

d) taking into consideration state and public interests, appropriate compensatory measures determined by the legislation of Georgia shall be taken when using forest for non-forest purposes, except for the exceptions determined by this Code.

2. Assessment of and reporting on sustainable forest management shall be carried out on the basis of the criteria and indicators for sustainable forest management determined by the Regulations on the Criteria and Indicators for Sustainable Forest Management, which are based on sustainable development principles and the Criteria and Indicators for Sustainable Forest Management adopted by the Ministerial Conference on the Protection of Forests in Europe ('Forest Europe'). The above Regulations shall be drawn up by the Ministry and approved by the Government of Georgia.

Article 5 – Right of ownership of forest

1. The right of ownership of forest shall be inseparable from the right of ownership to a plot of land. The forest of Georgia may be under state, municipal or private ownership.

2. State forest is a part of the forest of Georgia which is not under municipal or private ownership.

3. Municipal forest is a forest of local importance under municipal ownership, in relation to which managerial authority shall be exercised by the representative and executive bodies of a municipality in accordance with this Code and other legislative and subordinate acts of Georgia.

4. Private forest is a part of the forest of Georgia located on a plot of land which is under the ownership of a natural or legal person.

5. An autonomous republic may have a forest under its ownership only if the forest is planted on the land owned by the autonomous republic and complies with the requirements of the definition of the term 'forest' provided in Article 2(b) of this Code.

6. The rules established by this Code shall apply to the forest of Georgia, irrespective of its form of ownership, unless otherwise provided for herein.



Article 6 – Purposes of dividing the forest of Georgia into categories

The forest of Georgia shall be divided into categories for the following purposes:

- a) to preserve the environmental function and biodiversity of forest, to ensure sustainable use of the economic potential of forest and to facilitate the performance of the social function of forest;
- b) to facilitate the preservation and restoration of soil protecting and water and climate regulating functions of forest, and to enhance those functions;
- c) to use rationally the productivity of forest, including forest resources, and tourism and recreational potential of forest, taking into consideration the receipt of long-term benefits;
- d) to facilitate the harmonised and sustainable development of various sectors of economy (agriculture, energy, etc.) related to forest ecosystem services, and to protect forest ecosystems from negative cumulative effects.

Article 7 – Dividing the forest of Georgia into categories and their management objectives

1. Taking into consideration the environmental, social and economic functions of forest and the main purposes of forest management, the forest of Georgia shall be divided into the following categories:

- a) a protected forest;
- b) a protection forest;
- c) a resort and recreational forest;
- d) a commercial forest.

2. The objective of the management of a protected forest is to conserve biodiversity and to protect rare and/or endangered species and vulnerable ecosystems of the forest.

3. The objective of the management of a protection forest is to preserve and enhance the protective function (regulatory ecosystem services) of the forest.

4. The objective of the management of a resort and recreational forest is to preserve and improve the recreational function, landscape and natural elements of the forest.

5. The objective of the management of a commercial forest is to ensure the sustainable use of forest resources and to preserve the protective function of the forest.

6. The forest of Georgia shall be divided according to its functional purposes by the Ministry, and in the territory of an autonomous republic, by a relevant authorised body, in accordance with the Procedures for the System of Registration, Categorisation and Monitoring of the Forest of Georgia.

Article 8 – Protected forest

1. A protected forest shall be:

- a) a forest granted the status of a protected area. Such forests shall be managed in accordance with the legislation of Georgia on protected areas and a management plan;
- b) a riparian forest and an arid forest creating a natural landscape, as well as a forest with a high (dominant)



concentration of forest forming species that are protected at the national level.

2. The forest determined by paragraph 1(a) of this article is Category I protected forest, which shall be subject to a special protection regime on the basis of the requirements of the legislation of Georgia on protected areas.

3. The forest determined by paragraph 1(b) of this article is Category II protected forest, which may be a potential/reserve protected area where the network of protected areas is expanded in accordance with the obligations and schedules determined by the international agreements of Georgia.

Article 9 – Protection forest

1. A protection forest is a forest which performs the function of protecting settlements, agricultural land, cultural/historical property, infrastructure and vulnerable land.

2. A protection forest shall be:

a) a forest of up to 200 m in width located alongside a permanent avalanche corridor or mud flow channel;

b) a forest located on a slope with an inclination angle of more than 35 degrees;

c) a forest with an area of up to 30 ha located between unforested areas;

d) a forest of up to 100 m in width located around the precipice, landslide area, scree, karst area, and a place of exposure of the parent material of mountain soils;

e) a forest of up to 100 m in width from its roadbed, which is located alongside a railway or a motorway;

f) a forest of up to 100 m in width from the riverbank, a shore of a lake or of a water reservoir;

g) a forest located within a radius of up to 50 m from a rockfall area or a rocky area;

h) a forest located within a radius of up to 50 m from a natural cave;

i) a forest located on eroded land;

j) a forest located on creeping soil;

k) a forest located on a slope with a landslide hazard;

l) a subalpine forest;

m) a forest located within a radius of 100 m from headworks;

n) a cultural heritage protection zone, a forest located within a radius of 250 m from a cultural heritage/heritage site.

Article 10 – Resort and recreational forest

1. A resort and recreational forest shall be:

a) a forest located in the sanitary protection zone of a resort;

campfires in places specifically designated for that purpose, in order to avoid fires in the forest.

Article 35 – Obtaining forest resources

1. Common forest use means the free availability of non-wood forest products, wood products and secondary wood materials, as well as brushwood, for the purposes of private use (except in private forest).
2. The free availability of non-wood forest products, wood products and secondary wood materials, may be restricted:
 - a) taking into consideration the status and functional purpose of a forest;
 - b) for the purposes of carrying out forest protection, tending, reforestation and afforestation measures.
3. A decision under paragraph 2 of this article shall be made by a forest owner or a forest management body.

Article 36 – Scope of the right to common forest use

1. The right to common forest use shall imply the obligation on a person exercising such right to take care of the forest and protect its natural wealth, and, if an action damaging the natural environment is detected, to notify the relevant authorised bodies.
2. A person exercising the right to common forest use may not introduce invasive and/or genetically modified species into forest, or use chemical or other means of forest protection.
3. In the case of private forest, the right to common forest use means the availability of the forest for movement therein and for recreational purposes.

Chapter V – Special Forest Use

Article 37 – Types of special forest use

1. The following types of special forest use may be carried out in the forest of Georgia:
 - a) timber harvesting through commercial felling;
 - b) the harvesting of non-wood forest products, wood products and secondary wood materials;
 - c) the establishment of a plantation forest;
 - d) forest use for agricultural purposes;
 - e) forest use for resort, recreational, sports and other cultural and health enhancing purposes;
 - f) the establishment of a fishing farm and/or a hunting area;
 - g) the establishment of animal shelters and breeding sites;
 - h) the construction of line structures for electronic communications networks;



2. Article 69(5) of this Code shall enter into force on 1 January 2023.

3. Article 12(4)-(6) of this Code shall enter into force on 1 January 2025.

President of Georgia

Salome Zourabichvili

Tbilisi

22 May 2020

No 5949-სს

