

Government of Georgia - Resolution 132 On Approval of the bylaw regarding rules and terms of issuing forest usage licenses (August 11, 2005)

According to Article 40, clause 1 of the law of Georgia on licenses and permits:

1. enclosed resolution on approval of the rules and terms of issuing forest usage licenses shall be approved.
2. the resolution shall be put into effect as of the moment of publication.

Zurab Nogaideli
Prime Minister

Approved by resolution N 132 as of August 11, 2005 of the Government of Georgia

Bylaw on rules and terms of issuing forest using licenses

Article 1. purpose of the bylaw

The present bylaw determines the rules and terms of issuing the general license of forest usage (hereafter – general license), special licenses for hunting and wood processing (hereafter –special licenses);

Article 2. General license

1. The general license of forest usage is the document which includes special licenses for hunting and wood processing;
2. For exercising activities envisaged by the one special license, there is no requirement to obtain the general license;
3. issuance of firewood by the administrative body for personal use of local population, also forest use for special purposes is not subject to licensing (among them special cuttings in these territories) (11.08.06 149)
31. the forest usage for special purposes is exercised: (11.08.06 149)
 - a. when constructing hydro units, pipelines, roads, communication and power transmission lines, channels;
 - b. when implementing fire fighting measures and liquidating results of floods;
 - c. for the reason of tree falling, when any infrastructure or its particular elements functioning are jeopardized or damaged;
4. The decision on issuance of firewood for the purpose of the personal use of local population under the simple administrative proceedings is made by the relevant territorial units of the forestry and protected territories departments existing under the Ministry of Environment Protection and Natural Resources (among them relevant administrations/directions of the protected territories existing under the status of the public legal entity within the system of the Ministry), also bodies of local governments and self governments within the scope of their authorities. Issuance of timber for personal use by the administrative bodies referred in this clause is exercised on the basis of the document certifying legitimacy of the timber. (11.08.06 149).
41. Decision on assigning the special category to the state forest fund land and allocation of forest for the special purpose is made by the Minister of Environment Protection and Natural Resources on the basis of the recommendation of the state commission of land usage and protection, consistent with Article 82 of the Georgian forestry fund and the effective legislation, the decision on allocation of land of the state forestry fund under the recommendation of the land usage and protection state commission consistent with the presidential order as of December 10, 2002 N 506 on approval of the bylaw on allocation of

the land of state forestry fund and use of forest of this territory, its limitation, termination and prohibition.

42. Ministry of Environment Protection and Natural Resources under the simple administrative processing rule makes decision on exercising special cuts in the territories allocated from the state forestry fund. (11.08.06 149).

43. Specially designated user of the state forestry land exercises special cut which ensures submission of the timber resources obtained as a result of such cut under the acceptance certificate to the body determined under clause 4 of this article and placement (storing) within the activity area of the latkter (site indicated by the relevant body). (11.08.06 149).

44. On the basis of clause 41 of this article, timber resources received by the relevant bodies shall be submitted to the legal entity of public law – financial agency of the Ministry of Finance on the basis of the acceptance certificate for further realization consistent with the legislation; (11.08.06 149)

45. Financial agency – legal entity of public law of the Ministry of Finance shall release timber resources after payment of the fee envisaged by the law on payments for the use of natural resources by the purchaser. (26.08.06 165);

5. Form of the document envisaged by clause 4 of this article and the issuance rule are established by the Minister of Environment Protection and Natural Resources (hereafter – minister) by the bylaw act. (16.06.06 112)

Article 3. Administrative body issuing general and special licenses

1. administrative body issuing general and special licenses (hereafter – administrative body) is the Ministry of Environment Protection and Natural Resources of Georgia (hereafter – Ministry), in cases envisaged in sub clause e, clause 1, resolution 21 as of January 26, 2006 of the government of Georgia regarding delegating authority of issuing licenses and permits to the bureau of environment protection and natural resources – sub agency of Adjara AR government, also Adjara AR government sub agency – environment protection and natural resources bureau (16.06.06 112)

11. The bureau of environment protection and natural resources – sub agency of Adjara AR government agrees the terms and timelines of the auction with the Ministry of Environment Protection and Natural Resources. (28.06.06 124).

2. The ministry may grant the license issuance authority to its territorial units.

3. Territorial units of license issuing Ministry are determined on the basis of the order of the Minister of Environment Protection and Natural Resources.

Article 4. The rule on issuance of general and special licenses

1. General and special licenses are issued through the auction.

2. Auction is announced on the basis of the administrative act of the administrative body, which should be released prior to holding auction no later than in a month. (16.06.06 112).

3. the basis of issuing administrative act determined in clause 2 of this article is the application of the applicant, which is reviewed by the administrative body according to the public administration proceedings or the resolution of the administrative body. (16.06.06 112)

4. Information on arrangement of the auction is posted by the administrative body in the central press no later than in a month prior to holding auction. (16.06.06 112).

41. Object of the general license on forest use or timber processing is the determined district of the state forestry fund according to calculable forest cutting as determined by the legislation (13.03.07 48).

5. Prior to holding an auction the ministry may establish the quantitative, qualitative and time norms for the wood materials (location of wood manufacturing, species of timber plants, capacity of manufacturing, particular usage rule, mandatory requirements against the subject

of the activity etc), also for using objects of fauna and arrangement of hunting, which are approved by the special normative act of the minister for each particular occasion.

6. The ministry establishes the rule on arrangement of the auction, revealing the winner and issuing relevant license certificate.

Article 5. Rule and terms on participating in the auction

1. all license applicants are eligible to participate in the auction held for issuing a license who meet the license terms established by the legislation and undertake the obligation to meet the requirements set forth by the usage license issuing body.
2. list of documents for participation in the auction is determined by Georgian legislation.
3. Application on participation in the auction is accepted no later than 15 days before the auction is held.
4. If the license applicant, before expiration of the term for submission of the application refuses to take part in the auction, the license fee paid by such applicant is subject to refund. In case of violation of the set timelines, the licensee fee is shall not be repaid.
5. the rule on paying fee for using natural resource and on settlement is determined consistent with the legislation effective in the sphere of compensation of the fee for the natural resources;
6. in order to take part in the auction, the license applicant should make an advance payment. The rule on determining the amount of advance payment, its payment and return is established by the minister through the bylaw normative act. (23.09.05 168).

Article 6. Refusal on participation in the auction

1. the applicant shall not be accepted for participation in the auction if such person:
 - a. submitted the documents necessary for participation in the auction with delays;
 - b. submitted prior false or inaccurate information;
 - c. on the basis of the requirements established by the legislation, is not entitled to take part in the appointed auction;
2. Substantiated refusal should be provided to the applicant no later than in 3 days after accepting the application.

Article 7. Initial price

The rule on determining the initial price of issuance of general and special licenses submitted to the auction and the rule on settlement are determined by the minister following the principles outlined in the law of Georgia on licenses and permits.

Article 8. License terms

1. Other than the license terms established by relevant legislative acts of Georgia, the following additional license terms shall be determined for the applicant:
 - a. when issuing the forest usage license for the purpose of timber manufacturing or the general license:
 - a.a. when issuing the forest usage license for up to 20 year term, assuming the obligation by the legal entities to conduct activities envisaged by the forest arrangement project to maintain, protect and restore forest in the area allocated under the license.
 - a.b. assuming the obligation of maintenance and special cutting of the trees and meeting relevant criteria in this regard;
 - a.c. when transporting timber hold and produce the documents on legitimacy and or origin of wood to the customs officials, the form and issuance rule of which is established by the minister. Along with these documents, the receipt of payment of the natural resource usage fee should also be enclosed. (21.09.05 161).
 - a.d. when selling timber, documents envisaged in a.c. sub clause and the copy of the payment receipt should be given to the purchaser.

- a.e. within two months after receiving the license, EIA should be submitted.
- b. prior to issuing the general license or special hunting license by the ministry, the procedures envisaged by the law on flora and fauna are exercised in advance, including preparation of the initial findings on allocation of hunting areas, approvals and presenting consent of the owners of the territories.

Article 9. Transitional provision

1. the procedures commenced for the purpose to grant wood processing right which have been initiated prior to entry into force of this resolution, should be completed according to the rule provided by the bylaw normative acts issued on the basis of the forestry code of Georgia.
2. procedures commenced for the purpose to arrange hunting activities, which have been initiated prior to entry into force of this resolution, (including consent of land owners on allocation of the land for hunting activities) should be completed according to the competition rule provided by the bylaw normative acts issued on the basis of the law on wildlife.
3. Forms of the general license of forest usage, special license of timber manufacturing and hunting are approved by the bylaw normative acts of the minister.
4. the ministry shall not allow maintenance and special cuts at the potential license objects without reviewing the issue raised on the basis of simple administrative proceeding.
5. the winner of the auction held for obtaining the general license of forest usage or special license on timber processing should, consistent with clause 41, article 4, provide exercise works on allocation of forest cut area in the amount of resource attached to it. (13.03.07 48)
6. After completion of the allocation works the auction winner will submit relevant materials to the forestry department for agreement. The forestry department (territorial unit) shall identify the compliance of the allocation work performed by the winner of the auction with the requirements set forth by the legislation and in cases of necessity make relevant adjustments and consequently allocates the forest cut area. (13.03.07 48)
7. Timber manufacturing is prohibited without allocation of the forest cut area, unless otherwise determined by the requirements of license issuing administrative body for using particular object. (13.03.07 48).