

**THE CODE OF THE REPUBLIC OF KAZAKHSTAN
FOREST CODE OF THE
REPUBLIC OF KAZAKHSTAN
(as of July 8, 2003, No.477-II)**

SECTION 1. GENERAL PROVISIONS	2
Chapter 1. Basic Provisions.....	2
Chapter 2. Objects and Subjects of Forest Legal Relations.....	7
SECTION 2. PUBLIC ADMINISTRATION AND CONTROL IN THE AREA OF PROTECTION AND USE OF THE FOREST FUND, REFORESTATION AND AFFORESTATION	9
Chapter 3. Public Administration in the Area of Protection and Use of the Forest Fund, Reforestation and Afforestation.....	9
Chapter 4. Public Control In the Area of Protection and Use of Forest Fund, Reforestation and Afforestation.....	13
SECTION 3. THE RIGHT OF FOREST TENURE AND FOREST USE	15
Chapter 5. Right of Forest Tenure	15
Chapter 6. Right of Forest Use	17
SECTION 4. ORGANIZATION OF FOREST MANAGEMENT	22
Chapter 7. Basic Principles of the Organisation of Forest Management	22
SECTION 5. FOREST MANAGEMENT PLANNING, STATE FOREST FUND ACCOUNTING, STATE FOREST CADASTRE AND STATE FOREST MONITORING	25
Chapter 8. Forest Management Planning.....	25
Chapter 9. State Forest Fund Accounting, State Forest Cadastre, and State Forest Monitoring.....	27
SECTION 6. FOREST PROTECTION, REFORESTATION, AFFORESTATION AND FOREST SEED FARMING.....	27
Chapter 10. Preservation and Protection of the Forest Fund	28
Chapter 11. State Forest Guarding of the Republic of Kazakhstan	29
Chapter 11. Reforestation and Afforestation	29
Chapter 13. Forest Seed Farming	31
Chapter 14. Special Features of the Preservation, Protection, Partial Use of the State Forest Fund, Reforestation and Afforestation on Several Land Categories.....	32
SECTION 7. USE OF THE FOREST FUND	34
Chapter 15. Forest Use Types And Licensing Activity Related to Forest Use.....	34
Chapter 16. Effecting Forest Use	35
SECTION 8. ECONOMIC MECHANISM OF FOREST FUND PROTECTION, PRESERVATION AND USE, REFORESTATION AND AFFORESTATION.....	38

Chapter 17. Economic Principles and Methods of Forest Fund Preservation, Protection and Use, Reforestation and Afforestation.....	38
Chapter 18. Financing of Forestry.....	40
SECTION 9. VIOLATIONS OF FOREST LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN	41
Chapter 19. Violations of Forest Legislation of the Republic of Kazakhstan	41
Chapter 20. Final Provisions	42
N. NAZARBAYEV.....	43

SECTION 1. GENERAL PROVISIONS

Chapter 1. Basic Provisions

Article 1. Forest Legislation of the Republic of Kazakhstan

1. The forest legislation of the Republic of Kazakhstan shall be based on the Constitution of the Republic of Kazakhstan and shall consist of this Code and other legal enactments of the Republic of Kazakhstan.

2. Legal relations in the area of use and protection of flora (except for forests) and fauna, water bodies, subsoil, land, atmospheric air, and specially protected natural areas shall be governed by special legislation of the Republic of Kazakhstan.

3. Shall international treaty ratified by the special legislation of the Republic of Kazakhstan set the rules different to those stipulated by the present Code, then the international treaty's rules shall be applied.

Article 2. Relations Covered by This Code

1. The present Code shall regulate public relations in the area of tenure, use, disposal of the forest fund as well as set the legal framework for preservation, protection, reproduction, enhancing environmental and resource potential of the forest fund and its rational use.

2. Regulation of forest legal relations shall be executed based on the principle that forest is one of the most significant components of biosphere that possess global environmental, social and economic importance.

Article 3. Principles of Forest Legislation of the Republic of Kazakhstan

Forest legislation of the Republic of Kazakhstan shall be based on the following principles:

1) acknowledgement of the national importance of forests that implement climate regulation, environment creation, field and soil protection, water protection and sanitary-hygienic functions;

2) sustainable forest development (continuous increased of afforested areas on the territory of the Republic of Kazakhstan);

3) preservation of biological diversity of forests, natural and reserved fund objects, cultural and natural heritage;

4) multifunctional forest use;

5) rational, continuous, non-exhaustive use of forest resources;

6) state regulation and supervision in the area of forest fund preservation, protection, use, reforestation and afforestation;

7) delineation of functions related to forest use regulation and functions

related to felling for the main purpose and processing of the felling wood;

8) compensation of damage caused by violation of forest legislation of the Republic of Kazakhstan;

9) fee-based use of forest resources;

10) accessibility of information pertaining the status of forest fund;

11) involvement of population and society unions in preservation and protection of the forest fund.

Article 4. Basic Terms and Notions as Applied in this Code

Basic terms and notions as applied in this Code:

- 1) "agricultural forest shelter-belts" means a protective forest plant allowing to mitigate the impact of natural conditions unfavourable for agriculture;
- 2) "archives of clones of the positive trees" means plants established using the vegetation breed of the positive trees for the purpose of gene pool preservation and studying inherited features;
- 3) "biological diversity" means aggregate of all vegetation and animal organisms typical for a given territory;
- 4) "biocenosis" means the whole assembly of plants, animals, and micro-organisms, inhabiting a given relatively uniform area of land or water body and interacting with each other;
- ;
- 5) "forest diseases" means pathological processes caused by unfavourable environmental factors or organisms capable to transmit from infected to non-infected vegetations and leading to the changes in vegetation structure or to vegetations' destruction;
- 6) "out-of-cutting area litter" means natural fall of wood (trunks and branches) laying on the ground out of the felling areas and not used for industrial logging;
- 7) "forest regeneration" means a natural process of the development of a new generation of forest under the forest canopy as well as on felling areas, burnt and other areas previously covered with forest
- 8) "cutting age" means the age of stand forest since which it is transferred from "premature" category to the "exploitable" category may be allocated for final felling;
- 9) "reforestation" means the establishment of forest plantations or measures to promote natural regeneration on areas earlier covered with forest as well as natural forest regeneration;
- 10) "forest pests" means organisms damaging forest plants;
- 11) "secondary wood resources (materials) (hereinafter – secondary wood resources)" means bark, branches, stumps, roots, foliage, and buds of trees and shrubs;
- 12) "cut-over area" means a forest area with the trees felled and no new generation of forest grown;
- 13) "burnt area" means a forest area with the plants destroyed by fire and no new generation of forest grown;
- 14) "gene pool" means the set of genes of one group of individuals (a population, a group of populations or species) within which they occur with a definite frequency;

- 15) “geographic species” means test species created using the special methods by seed breeds of the most common populations of several eco-types (climatic types) to be tested in the new environment;
- 16) "urban forests and forest parks" means forests, designated for sanitary and recreation purposes, located within an urban settlement's boundaries, and enrolled into the State forest fund;
- 17) "state forest planning organization" means an organization under the supervision of the authorized body in forestry, which activity is oriented on ensuring accounting of forest resources, territorial structure of forest fund, state monitoring of forests, forestry management planning, forest use regulation;
- 18) “state forestry body” means an institution established upon the procedure set by the legislation of the Republic of Kazakhstan to undertake activities on preservation and protection of state forest fund, reforestation and afforestation, forest use regulation;
- 19) "forest crop" means an aggregate of trees making up the main component of forest plants;
- 20) "oleoresin" means the gummy substance exuded from wounded coniferous trees;
- 21) "forest preservation" means the set of measures to prevent forests from pests, diseases, and impact of adverse human causal and natural factors, undertaken through surface and aviation methods;
- 22) " forest fund inventory" means a set of operations to describe and map individual areas of the forest fund;
- 23) "state forest fund category" shall be delineated upon the procedure set by the legislation of the Republic of Kazakhstan, part of the state forest fund with special protection, water conservation, sanitation and hygiene, recreation, research or other specific functions, on the territory of which the special regime of forestry management and forest use regime;
- 24) "forest" means a natural complex formed on a certain territory based on the aggregate of trees and shrubs vegetations and other wildlife components interacting with environment and having environmental, economic and social importance;
- 25) "percentage of forest land" means the degree to which a territory is covered with forests, measured as a ratio of the area of its stocked forest land to the total area of the territory expressed in percentage;
- 26) “forestry division” means structural branch of the state forestry institution located within its boundaries and destined for planning and implementing forest exploitation activities and calculation of forest exploitation volumes;
- 27) “forest seed breeding” means a set of activities on purchase, processing, storage and use of forest seeds, control over their quality and origin aimed at producing seeds with high value features and high crop production qualifications;
- 28) “forestry” – means sector of economy implementing activity on study and accounting of forest fund including the prevention and protection measures, reforestation and afforestation, forest use regulation and supervising its execution;
- 29) “forest foreman site” means part of a forest division territory consisting of two or more forest ranges committed to one forest foreman and destined for implementing forest economic activities;
- 30) “forest range” – means part of forestry division assigned to one forester for guarding and defined set by the present Code and other legal enactments of the Republic of Kazakhstan;

- 31) "forest nursery" means an area of the Forest Fund designated for producing planting stock of tree and shrub species;
- 32) "forest genetic reserve" means part of the forest with the valuable from genetic and selection sides part of the species or subspecies population;
- 33) "forest species" means artificially established plantations containing forest tree and shrub species;
- 34) "forest owners" means state organizations to whom the Forest Fund sites were made available by the right of permanent land use, as well as natural persons and nongovernmental legal entities that own sections of the forest fund based on the present Code;
- 35) "forest belonging" means the right of possession and use of forest fund sections granted by the Government of the Republic of Kazakhstan to the state forest owners for forestry purposes and forest use, functioning of specially protected natural areas, as well as the right of possession, use and disposal of the private forest fund granted to the private forest owners upon the procedure set by the present Code;
- 36) "forest use" means a legally and economically regulated activity on utilisation of forest resources and beneficial forest features;
- 37) "forest user" means a physical or legal entity with the right of temporary forest use granted in compliance with procedures established by this Code;
- 38) "cutting area" means a forest area allocated for all types of cutting, or an area under cutting;
- 39) "afforestation" means the establishment and cultivation of artificial forest plantations on areas which were not previously covered with forests;
- 40) "forest management activities" means a set of organisational and technical measures for Forest Fund preservation and protection, reforestation and afforestation, forest use regulation conducted based on the forest planning materials;
- 41) "negative plantations" means plantations with low productivity and poor quality for a given forest growing conditions;
- 42) "undercut" means trees and forest areas designated for cutting, but not cut down by the time, indicated in authorising documents (cutting permit, order);
- 43) "non-closed forest species" means artificially established species (by sowing or planting) which did not transform into the areas covered by forest;
- 44) "standard plantation" means a plant with high and average productivity, good or medium quality for a given forest growing conditions;
- 45) "forest invasion" means artificial forest establishment or natural process of forest invasion to non-forest land to overgrow it;
- 46) "especially valuable forestlands" means unique in terms of species composition forests with the presence of relic and endemic species; forests unique in terms of productivity and genetic features; forests serving important shelter functions in difficult natural environments;
- 47) "special danger forest pests" means harmful organisms capable to mass reproduction and dissemination which causes forest damage exceeding economic threshold of harmfulness;
- 48) "demarcation of cutting areas" means a set of activity to delineate

- cutting areas both in the field and cruising documents, to mark trees to be cut, to valuate and measure the timber recorded within the cutting area;
- 49) “forest protection” means a set of measures to prevent and control forest fires, illegal cuttings and other violations of forest legislation of the Republic of Kazakhstan;
- 50) "special-purpose forest plantations" means man-made plantations, cultivated for the needs of industries, energy generation, food production and other purposes;
- 51) “positive tree” means a tree significantly more precious in terms of one or several economically valuable features and merits comparing to the surrounding trees of the same age and phenological form growing in the same conditions;
- 52) “positive plantation” means a high productive and sustainable plantation under a given forest growing conditions;
- 53) “under wood” means a young generation of tree vegetations under the forest canopy or left in the cutting area able to move to the first layer or replace mother stand;
- 54) "tapping" means artificial wounding of tree stems during their vegetation period to harvest oleoresin or sap from them;
- 55) "fire annual season" means the period of the calendar year defined by the authorized body in forestry, oblast governments based on climatic and weather factors during which there may be a risk of forest fire;
- 56) "use of the Forest Fund" means right of physical and legal entities to exercise forest use as well as to use the land, water and mineral resources within the Forest Fund for economic and other purposes established by the legislative acts of the Republic of Kazakhstan;
- 57) “permanent forest seeds storehouse” means an aggregate of selection and seeds growing facilities territorially delineated in the state forest fund upon the procedure set by the forest legislation of the Republic of Kazakhstan for producing seeds possessing valuable hereditary features and high productivity sowing characteristics;
- 58) "gap" means an open space within a forest area free from trees, but preserving elements of forest vegetation;
- 59) "glade" means an open strip in the forest, cleared from forest vegetation to delineate the boundaries of forest compartments or other purposes;
- 60) "reporting period" means the period for which forest husbandry plan for forestry purposes or management plan for specially protected natural area was developed;
- 61) "open stand" means a naturally formed tree stand with the degree of density equal to 0.1 - 0.2, except for young stands of the first and second age classes;
- 62) "final harvest" means felling of a mature and overmature forest stand to harvest timber;
- 63) "thinning" means a regular forest surgery, selective sanitary harvesting and cutting related to reconstruction of low-value forest plantations as well as plantations losing protective, water preservation and other functions, cutting of single trees in young plantations;
- 64) "forest surgery cutting" means a periodical forest surgery through removal of trees that lack behind and hinder other main species from growing in order to create high yielding and stable plantations;
- 65) "sanitation (salvage) cutting" means felling to improve the sanitary conditions in the forest through removal of damaged, dying and dead

- trees;
- 66) “forest sanitary conditions” mean a characteristic of forest conditions containing information on availability of litter, dying and dead trees, dynamics of the number of pests and spreading of diseases and other negative factors that impact forest conditions;
- 67) "breeding of tree and shrub species (forest breeding)" means a set of activities to select economically and otherwise valuable forms and varieties of forest species in natural populations or to produce them artificially;
- 68) "forest (cutting area) cruising" means activities to identify, record, and assess qualitative and quantitative characteristics of stands, including those, planned to be cut;
- 69) “state forest fund lands” mean ground areas allocated as a part of the state forest fund through forest management for the purpose of the state accounting of the forest fund, special mapping and forest management planning;
- 70) "authorised forestry agency" (hereinafter referred to as the authorised agency) means a government agency vested with the functions of administration and control in the area of protection and use of the Forest Fund, reforestation and afforestation;
- 71) “steading” means a type of state forest fund lands related to non-forest lands represented by steadings with residential and uninhabited premises related to forestry management and functions of forest reserves;
- 72) “economic damage threshold” means a density of forest pests with damage brought to forest resources exceeding pest control costs.

Chapter 2. Objects and Subjects of Forest Legal Relations

Article 5. Objects of Forest Legal Relations

1. The objects of forest legal relations are the Forest Fund of the Republic of Kazakhstan, forest resources, and forest benefits.
2. The objects of forest legal relations are used with due regard to the multi-functional significance of forests, on a payment basis, in compliance with the procedures established by this Code and other laws of the Republic of Kazakhstan.

Article 6. Forest Fund of the Republic of Kazakhstan

1. The Forest Fund of the Republic of Kazakhstan (hereinafter the Forest Fund) comprises all the forests growing on lands of all land categories as well as non-stocked lands of the Forest Fund meant for forestry needs.
2. The Forest Fund consists of both state and private forest funds.
3. The Forest Fund includes:
 - 1) Natural and man-made forests including forest and non-forest lands in the forest reserves;
 - 2) Natural and man-made forests including non-forest lands located on the of the state forest fund areas and meant for forestry needs;
 - 3) Protective forest shelter belts along the right-of ways of public domestic and international roads, canals, trunk pipelines and other 10 and more meters wide line structures with a total area of over 0.05 ha.
4. The private forest fund includes man-made forests, agricultural forest shelter belts, special-purpose forest plantations of 10 and more meters in width and area of over 0.05 ha, created at the expense of natural and non-governmental legal

persons on their lands owned or used as private property or land tenure in compliance with the land legislative act of the republic of Kazakhstan, and meant for afforestation.

5. The Forest Fund does not include:

1) Individual trees and clusters of trees with an area below 0.05 ha, located outside the lands of the Forest Fund, agricultural forest shelter belts and shrub vegetation on agricultural land;

2) amenity greenery plantings within the borders of populated areas, except for urban forests and forest parks;

3) trees and shrubs within household, country cottage and horticultural plots.

Article 7. Forest Fund Proprietary Right

1. The State Forest Fund of the Republic of Kazakhstan pertains to the objects of public property and is owned by the state.
2. Private forest owners possess, use and dispose of the lots of the private forest fund in accordance with this Code and other legislative acts of the Republic of Kazakhstan.

Article 8. Forest Fund Lands

1. Forest fund lands subdivide into the lands of the State (Public) Forest Fund and Private Forest Fund.
2. The State Forest Fund comprises lands covered with natural forests, man-made forests (created at the expense of the public budget) and non-forest lands (both forest and non-forest areas) granted on the permanent use basis to the public agencies in charge of the forestry.
3. The Private Forest Fund comprises lands with man-made forests, agricultural forest shelter belts, special-purpose forest plantations created at the expense of the natural and non-governmental legal persons for the purpose of afforestation on the lands granted as private property or on the basis of a long-term land use in accordance with the Land **Legislative** Act of the Republic of Kazakhstan.
4. The borders of the state forest fund lands shall be established and adjusted during land surveying on the basis of a land management documentation.
5. No alienation of state forest fund lands through sale, pledging and other transaction shall be allowed.
6. Procedures for granting, withdrawal and use of forest fund lands shall be regulated by this Code, land legislation and civil legislation of the Republic of Kazakhstan.

Article 9. Forest Resources and Benefits

1. Forest resources include timber and other plant raw resources, products of tree, plant, and animal origin, located, accumulated, and harvested within the Forest Fund.
2. Benefits of forests include separate groups and types of their positive ecological and socially significant functions inherent to them in their vegetating condition (oxygen education, carbon dioxide absorption, water and wind erosion prevention, transformation of surface water flow into subsurface water flow, and balneal and climate-regulation properties).

Article 10. Subjects of Forest Legal Relations

The subjects of forest legal relations are physical and legal entities as well as

public agencies in charge of forest preservation and protection, reforestation and afforestation and (or) forest use.

SECTION 2. PUBLIC ADMINISTRATION AND CONTROL IN THE AREA OF PROTECTION AND USE OF THE FOREST FUND, REFORESTATION AND AFFORESTATION

Chapter 3. Public Administration in the Area of Protection and Use of the Forest Fund, Reforestation and Afforestation

Article 11. The System of Government Agencies to Execute Public Administration in the Area of Protection and Use of the Forest Fund, Reforestation and Afforestation

In the Republic of Kazakhstan, public administration in the area of protection and use of the Forest Fund, reforestation and afforestation shall be executed by the Government of the Republic of Kazakhstan, an **authorised agency**, its territorial departments, local representative and executive authorities, within their competence as defined by this Code and other laws of the Republic of Kazakhstan.

Article 12. Jurisdiction of the Government of the Republic of Kazakhstan

In the area of governance over forest legal relations, the competence of the Government of the Republic of Kazakhstan shall include the following functions:

- 1) to define guidelines of and implement the national forest policy;
- 2) to exercise the rights of ownership, use and disposal of the Forest Fund;
- 3) to distribute the lands of the state forest fund on the basis of the right of forest belonging to public legal bodies listed in this Code (Article 22, Clause 2);
- 4) to approve sectoral programmes of protection and use of the Forest Fund, reforestation and afforestation;
- 5) to classify the Forest Fund into protection categories;
- 7) to establish the width of restricted forest belts along the banks of rivers, lakes, reservoirs, and other water sites;
- 8) to establish the procedures and arrange for the maintenance of the state account of the Forest Fund, state forest cadastre, state forest monitoring and forest regulation;
- 9) to approve base stumpage rates, to establish procedures for calculating forest use charges and dates to pay them to the budget;
- 10) to approve volumes of harvesting for the herbs listed in the **Red Book** of the Republic of Kazakhstan;
- 11) to approve the rates to assess damages inflicted due to violation of the forest legislation of the Republic of Kazakhstan;
- 12) to approve standards and regulations on protection, preservation, reforestation and afforestation on the lands of the Forest Fund;
- 13) to make decision on prohibition of cuttings on the lands of the forest fund if there is a threat of the forest degradation and death;
- 16) to execute other authorities as established by law and ordinances issued by the President of the Republic of Kazakhstan.

Article 13. Jurisdiction of the Authorised Agency and its Territorial Departments

1. The jurisdiction of the authorised agency shall include the following functions:

- 1) to own and use the Forest Fund within the rights as established by the Government of the Republic of Kazakhstan;
- 2) to develop programs for forest protection and preservation, reforestation and

afforestation and ensure implementation of the programs;

3) to arrange and ensure forest preservation and protection, reforestation and afforestation, regulate use of the forest fund and forest reserves under the jurisdiction of the authorised agency;

4) to develop regulatory legal documents concerning protection and use of the Forest Fund, reforestation and afforestation;

5) to implement state control over the condition, protection, preservation and use of the Forest Fund, reforestation and afforestation;

6) to approve allowable cutting areas and cutting ages, regulations for harvesting of oleoresin, wood sap, secondary wood resources and non-timber forest use on the lands of the forest fund;

7) to approve bidding documentation and terms of contracts for granting of forest resources on the lands of the forest fund under the jurisdiction of oblast (local) executive agencies on the long-term basis;

8) to take stock of the forest fund, keep the state forest cadastre, implement state forest monitoring and arrange forest regulation;

9) to define jointly with the central executive agency in charge of fire safety requirements to fire prevention plans to be developed by long-term forest users;

10) to implement international cooperation in the sector of forest relations according to the procedures established by the legislation of the Republic of Kazakhstan;

11) to review reports of heads of executive agencies funded by local budgets and agencies in charge of forest protection and preservation, reforestation and afforestation;

12) to suspend, constrain and forfeit the right of use of the lands of the forest fund as well as activities that endanger the forest condition or reforestation in accordance with the legislation of the Republic of Kazakhstan;

13) to define the course of the scientific and technical development, organise research and development activities in the sector of protection and use of the Forest Fund, reforestation and afforestation, forest breeding and seed farming;

14) to arrange and conduct tenders to allocate forest resources for long-term use of the lands of the forest fund under its jurisdiction, with participation of a representative of the oblast executive agency;

15) to examine cases of administrative trespasses of **the forest legislation, wildlife legislation, and the forest reserves legislation**;

16) to execute other authorities as established by the legislation of the Republic of Kazakhstan.

2. The jurisdiction of the territorial department of the authorised agency shall include the following:

1) to participate in development of programs for forest protection and preservation, reforestation and afforestation;

2) to arrange and ensure forest preservation and protection, reforestation and afforestation, regulate use of the forest fund and forest reserves under the jurisdiction of the authorised agency;

3) to implement state control over the condition, protection, preservation and use of the Forest Fund, reforestation and afforestation;

4) to take stock of the forest fund, keep the state forest cadastre, implement state forest monitoring and ensure forest regulation and forest management planning;

5) to review reports of the heads of agencies in charge of forest protection and preservation, reforestation and afforestation;

6) to suspend, constrain and forfeit the right of use of the lands of the forest fund as well as activities that endanger the forest condition or reforestation in accordance with the legislation of the Republic of Kazakhstan;

7) to examine cases of administrative trespasses of **the forest legislation, wildlife legislation, and the forest reserves legislation**;

8) to execute other authorities as established by the legislation of the Republic of Kazakhstan.

3. Decisions made by the authorised government agency and its territorial departments within their competence, shall be subject to obligatory execution by all physical and legal entities.

Article 14. Jurisdiction of Oblast Representative Bodies in charge of protection, preservation and use of the forest fund, reforestation and afforestation

The jurisdiction of oblast representative bodies shall include the following:

1) to approve regional programmes of protection and use of the Forest Fund, reforestation and afforestation;

2) to approve the expenditures for forest protection, reforestation and afforestation within the expenditures for the environment protection at the local level;

3) to approve rates of charges for forest uses (except for stumpage rates) on the basis of calculations made by oblast executive agencies and agreed upon by territorial departments;

4) to review reports on the forest status, protection and renewal from the management of executive agencies and organisations in charge of protection, preservation and use of the forest fund, reforestation and afforestation;

5) to execute other authorities as established by the legislation of the Republic of Kazakhstan..

Article 15. Jurisdiction of Oblast/Local Executive Bodies in charge of protection, preservation and use of the forest fund, reforestation, afforestation

1. The jurisdiction of Oblast/Local Executive Bodies shall include the following:

1) to develop and implement regional programmes for protection and use of the Forest Fund, reforestation and afforestation in agreement with the authorised agency;

2) to arrange for and ensure protection, preservation and use of the forest fund, reforestation, afforestation, regulate forest use on the lands of the forest fund under their jurisdiction;

3) to develop and ensure implementation of annual plans of forest fire prevention and fire control activities on the lands of the forestry fund;

4) to define procedures for attraction of natural and legal persons as well as mobilisation of fire fighting equipment, transport and other facilities of the legal persons for forest fire control, provide the attracted natural persons with transportation, fire fighting equipment, food and medical assistance;

5) to assist in operation of public fire fighting associations in accordance with the legislation of the Republic of Kazakhstan;

6) to create a backlog of fuel and lubricants for the forest fire season to extinguish fire on the lands of the forest fund;

7) to ensure control over burning of stubble and other vegetative remains on the agricultural fields, rangelands and haylands that are adjacent to the forest fund by farmers and agricultural organisations;

8) to arrange for fire-prevention propaganda, regular coverage of the information on forest preservation and observance of forest fire safety regulations in the mass media;

9) to coordinate forest fire fighting activities at the local level with establishment of special committees (if necessary);

10) to arrange for pest and forest diseases control and improvement of the sanitary conditions of the forest fund;

11) to make decisions about prohibition of access to the state forest fund for natural persons, suspension of the right of forest use during aerochemical,

- aerobiological and aerosol pest and diseases control activities as well as during the periods of high fire risk;
- 12) to prepare materials for the state forest fund accounting, state forest cadastre and state forest monitoring to be submitted to the authorised agency;
 - 13) to accept completed projects and ready products manufactured as a result of forest management activities on the lands of the state forest fund under their jurisdiction;
 - 14) to arrange and conduct tenders to allocate forest resources for long-term use of the lands of the forest fund under its jurisdiction, with participation of the authorised agency and oblast representative bodies;
 - 15) to execute other authorities as established by the legislation of the Republic of Kazakhstan.

Article 16. Jurisdiction of Rayon Representative Bodies in charge of protection, preservation and use of the forest fund, reforestation and afforestation

The Rayon Representative Bodies shall:

1. Participate in development of programs for forest protection and preservation, reforestation and afforestation;
2. Review the reports of the heads of the rayon executive bodies and agencies in charge of forest protection and preservation, reforestation and afforestation;
3. Execute other authorities as established by the legislation of the Republic of Kazakhstan.

Article 17. Jurisdiction of Rayon Executive Bodies in charge of protection, preservation and use of the forest fund, reforestation and afforestation

Rayon Executive Bodies shall:

1. Participate in development and implementation of programs for forest protection and preservation, reforestation and afforestation;
2. Participate in development and implementation of annual plans for forest fire prevention and fire control activities on the lands of the forestry fund;
3. Assist in operation of public fire fighting associations in accordance with the legislation of the Republic of Kazakhstan;
4. Ensure control over burning of grass on the lands of the forest fund by farmers and agricultural organisations;
5. Arrange for fire-prevention propaganda, regular coverage of the information on forest preservation and observance of forest fire safety regulations in the mass media;
6. Accept completed projects and ready products manufactured as a result of forest management activities on the lands of the state forest fund under their jurisdiction;
7. Execute other authorities as established by the legislation of the Republic of Kazakhstan.

Article 18. Functions of the State Forestry Agency in charge of protection, preservation and use of the forest fund, reforestation and afforestation

The State Forestry Agency (hereinafter referred to as "Forestry Agency") shall:

- 1) Participate in development and implementation of programs for forest protection and preservation, reforestation and afforestation;
- 2) Implement activities for protection, preservation, use, reforestation and afforestation of the forest fund, maintenance of forest seed breeding plots and plantations, harvesting, processing and storage of forest seeds;
- 3) Define areas and volumes of forest use in accordance with forest regulation projects;
- 4) Prepare documentation to put forest resources up for tenders;
- 5) Ensure rational use of forest resources;
- 6) Distribute wood cutting and forest permits;
- 7) Take measures to prevent violations of the forest legislation, wildlife legislation

- and forest reserves legislation of the Republic of Kazakhstan;
- 8) Take stock of the forest fund, state forest monitoring and participate in maintenance of the state forest cadastre;
 - 9) Accept completed projects and ready products manufactured as a result of forest management activities on the lands of the state forest fund implemented by forest users in accordance with the forest and civil legislation of the Republic of Kazakhstan;
 - 10) Render chargeable services in growing of planting stock, harvesting of forest seeds, creation of greenery plantations, forest shelter belts and other plantations, consulting and technical assistance in the forestry sector, training including those through participation in the state procurement bids;
 - 11) Implement forest surgery sanitary cuttings, non-timber forest use and sell the products including the timber harvested with participation of local population to satisfy their needs within the limits of their wood cutting permits issued for the head of the forestry division or, if there is no forestry division, for a functionary in charge of forest cuttings;
 - 12) Execute other authorities as established by the legislation of the Republic of Kazakhstan.

Chapter 4. Public Control In the Area of Protection and Use of Forest Fund, Reforestation and Afforestation

Article 19. State Control over the Status, Protection and Use of the Forest Fund, Reforestation and Afforestation

1. The state control over the status, protection, use of the Forest Fund, reforestation and afforestation shall be implemented for the purpose of ensuring that all physical and legal entities comply with requirements of the forest legislation, wildlife legislation, legislation on specially protected natural areas and other laws of the Republic of Kazakhstan.

1. The state control over the status, protection, use of the Forest Fund, reforestation and afforestation shall rest with the authorised government agency and its territorial departments, other government agencies within their jurisdiction established by the legislation of the Republic of Kazakhstan.

Article 20. Functionaries of the authorised agency and territorial bodies in charge of the state control over protection, preservation and use of the forest fund, reforestation and afforestation

1. The person holding the post of the head of the authorised agency shall hold also the post the Chief Inspector for the State Forestry of the Republic of Kazakhstan.

2. Persons holding the posts of the deputy heads in charge of protection, preservation of forests, fauna, forest reserves and reforestation shall hold also the posts of the Deputy Chief Inspectors for the State Forestry of the Republic of Kazakhstan.

3. Heads of the subdivisions of the authorised agency in charge of protection, preservation of forests, fauna, forest reserves and reforestation shall hold also the posts of Senior Inspectors for the State Forestry of the Republic of Kazakhstan.

4. Specialists of the authorised agency in charge of protection, preservation of forests, fauna, forest reserves and reforestation shall hold also the posts of Inspectors for the State Forestry of the Republic of Kazakhstan.

5. Heads of the territorial bodies in charge of protection, preservation of forests, fauna, forest reserves and reforestation shall hold also the posts of Chief Inspectors of the State Forestry of relevant oblasts.

6. Deputy heads of the territorial bodies in charge of protection, preservation of forests, fauna, forest reserves and reforestation shall hold also the posts of Deputy Chief Inspectors of the State Forestry of relevant oblasts.

7. Heads of subdivisions of the territorial bodies in charge of protection, preservation of forests, fauna, forest reserves and reforestation shall hold also the posts of Senior Inspectors for the State Forestry of relevant oblasts.

8. Specialists of the territorial bodies in charge of protection, preservation of forests, fauna, forest reserves and reforestation shall hold also the posts of Inspectors for the State Forestry of relevant oblasts.

Article 21. Rights and duties of the functionaries of the authorised agency and territorial bodies in charge of state control over protection, preservation and use of the forest fund, reforestation and afforestation

1. Functionaries of the authorised and territorial bodies in charge of state control over protection, preservation and use of the forest fund, reforestation and afforestation shall have right to:

i. Check up all activities for protection, preservation and use of the forest fund, reforestation and afforestation and supervise observance of procedures established by the legislation of the Republic of Kazakhstan during forest activities that do not relate to forestry maintenance and use, and give written instructions to both natural and legal persons for the purpose of elimination of revealed defects;

ii. Freely visit any organisation upon showing the service certificate of the established form to check up conditions, protect, preserve, use of the state forest fund, reforestation and afforestation;

iii. Draw up reports on administrative infractions in the sector of the forest legislation, wildlife legislation and forest reserves legislation of the Republic of Kazakhstan.

iv. Suspend, limit, and forfeit the right of forest use in accordance with the legislation of the Republic of Kazakhstan;

v. Advance claims against natural and legal persons for the purpose of recovery of damage caused to the state forest fund through violation of the forest legislation, wildlife legislation and forest reserves legislation of the Republic of Kazakhstan in accordance with procedures established by the legislation of the Republic of Kazakhstan;

vi. Present Notifications on Bringing to Responsibility to the heads of relevant agencies that violate the forest legislation, wildlife legislation or forest reserves legislation of the Republic of Kazakhstan and submit documents in order to bring them to responsibility to the law machinery if necessary.

2. Functionaries of the authorised agency and territorial bodies in charge of the state control over protection, preservation and use of the forest fund, reforestation and afforestation shall be responsible for the control over:

1) Quality of forest management activities and its compliance with forest regulation projects on the lands of the forest fund;

2) Observance of contracts and procedures for assignation of forest resources for the purpose of forest use on the lands of the state forest fund;

3) Observance of requirements to forest fire safety, fire prevention, detection and extinguishing activities as well as the accuracy in burnt area accounting and determination of damage caused by forest fire, timeliness of measures taken to eliminate consequences of forest fires;

4) Implementation of activities for pest and disease control, timeliness of measures taken to prevent occurrence, spread, accounting accuracy and forecasting of initial pestholes, weakening and death of forest plantations, underflooding, pollution, waste water and other types of economic impact;

5) Observance of regulations on stumpage and cutting, and other forest use regulations;

6) Observance of regulations in the forest reserves;

7) Observance of forest seed breeding zoning regulations, harvesting, processing, storage and quality of forest seeds, introduction of nursery forests on

the lands of the forest fund;

8) Use of the lands of the forest fund in accordance with their special purpose and protection of the lands;

9) Observance of procedures for use of the state forest fund during construction activities, mining operations, construction of communications and other activities that do not relate to forestry and forest use;

10) Observance of other requirements of the forest legislation, wildlife legislation or forest reserves legislation of the Republic of Kazakhstan.

3. Functionaries in charge of the state control over protection, preservation and use of the forest fund, reforestation and afforestation shall be allowed to store, bear and use service arms in accordance with procedures established by the legislation of the Republic of Kazakhstan.

4. Functionaries in charge of the state control over protection, preservation and use of the forest fund, reforestation and afforestation shall be provided with the uniform and service arms in accordance with procedures established by the legislation of the Republic of Kazakhstan.

SECTION 3. THE RIGHT OF FOREST TENURE AND FOREST USE

Chapter 5. Right of Forest Tenure

Article 22. Allocation of the Forest Fund Based on the Right of Permanent Land Use

1. Forest tenure shall arise from the right of permanent land use in respect of an area of the Forest Fund.

2. Based on the right of permanent land use, areas of the Forest Fund shall be allocated to:

1) forest offices and other institutions under the authorised government agency for protection and renewal of forests and wildlife, organisations of integrated utilisation of the Forest Fund;

2) state nature reserves, including biosphere and supporter reserves, state national nature parks, nature reservations, state nature parks (hereinafter specially protected natural areas with the status of a legal entity) for purposes related to activities of specially protected natural areas.

3. Legal entities referred to in paragraph 2 of this Article to whom the Forest Fund is made available by the right of permanent land use, are forest owners.

4. The right of permanent land use in respect of the Forest Fund shall be certified with a document for the right of permanent land use issued by the authorised government agency in charge of land resource management.

Article 23. Accrual of the right of private forest tenure

The right of private forest tenure arise on the lands of natural and non-governmental legal persons granted as private property or for a long-term land use in accordance with the Land Law of the Republic of Kazakhstan.

Article 24. Rights of State Forest Owners

State forest owners shall have the right to:

1) exercise use of the state forest fund in compliance with legislation of the Republic of Kazakhstan;

2) exercise forest use on the lands of the state forest fund except for final harvesting as established by this Code;

- 3) build constructions and facilities needed for forest protection and reforestation in compliance with the design and technical documentation agreed with the territorial bodies;
- 4) sell the harvested products and use the acquired income;
- 4) issue cutting permits, orders, forest permits for forest use on the lands of the state forest fund to physical and legal entities.

Article 25. Rights of private forest owners

Private forest owners shall have the right to:

- 1) Possess, use and dispose of the lands of the private forest fund they possess or use on the basis of the right for a long-term land use in compliance with legislation of the Republic of Kazakhstan;
- 2) exercise forest use on the lands of the state forest fund they possess or use on the basis of the right for a long-term land use;
- 3) build constructions and facilities needed for forest protection and reforestation in compliance with the design and technical documentation agreed with relevant public agencies;
- 4) possess the harvested products and income from their sales.

Article 26. Obligations of State Forest Owners

State forest owners shall be obliged to:

- 1) maintain the forestry as established by the legislation of the Republic of Kazakhstan;
- 2) ensure expanded reforestation, protection, health improvement and silvicultural treatment of the forest, increase in forest yield, arrangements for sound forest use, forest inventory and management planning, maintenance of the forest and wildlife account as well as conservation of sites referred to the nature conservation pool, cultural and natural heritage;
- 3) use the resource capacity of the State Forest Fund in compliance with procedures established by the legislation of the Republic of Kazakhstan;
- 4) exercise the activities with environment-friendly methods that ensure preservation of forest functions that create and protect the forest environment as well as conditions of timely reforestation, medical, food and technical raw material, observe other requirements to protection, preservation and use of the state forest fund, reforestation and afforestation provided in this Code and other legislative acts of the republic of Kazakhstan;
- 5) ensure the equipment of the Forest Fund territory with fire and sanitation facilities and inputs to prevent, timely detect and suppress violations of fire safety and forest use rules as well as other forest offences, to take appropriate measures towards forest fire fighting, pest and disease control, and poaching control;
- 6) assist forest users in development of fire control activities;
- 7) Register forest fires and their consequences according to procedures established by the legislation of the republic of Kazakhstan.

Article 27. Obligations of Private Forest Owners

Private forest owners shall be obliged to:

- 1) maintain the forestry and forest use on the lands of the private forest fund under their possession or long-term land use through environment-friendly methods as established by this Code and other legislative acts of the Republic of Kazakhstan;
- 2) Ensure protection, preservation, maintenance and improvement of sanitary conditions of forests under their possession;
- 3) Provide materials required to take the stock of the forest fund and maintain

- the state forest cadastre to the authorized agency as established by the legislation of the Republic of Kazakhstan;
- 4) ensure fire-fighting and sanitary arrangements on the lands of the Private Forest Fund under their possession or long-term land use and take measures of fire, pest and disease control;
 - 5) Register forest fires and their consequences on the lands of the private forest fund as established by the legislation of the republic of Kazakhstan.

Article 28. Termination of the Right of Forest Tenure

1. State forest tenure shall be terminated in the following cases:
 - 1) liquidation of the legal entity entitled for permanent land use on areas of the Forest Fund;
 - 2) withdrawal of lands from the Forest Fund for public needs in compliance with the land legislation of the Republic of Kazakhstan;
 - 3) in other cases envisaged by the legislation of the Republic of Kazakhstan.
2. The right of private forest tenure shall be terminated in accordance with the legislation of the Republic of Kazakhstan.

Chapter 6. Right of Forest Use

Article 29. Acquisition of the Right of Forest Use for the Lands of the State Forest Fund

1. The right of long-term forest use shall be acquired on the basis of the records of the outcomes of a tender and contracts based on such records.
2. The right of short-term forest use on the lands of the state forest fund shall be acquired through the issue of a forest permit.
3. In the case of death of a natural person who is a forest user, the person's right of forest use shall be transferred to another person in compliance with procedures established by the civil legislation of the Republic of Kazakhstan.
4. In case a legal entity, being a forest use, is reorganised, its right of forest use shall be transferred to the legal entity, which is the successor to the reorganised legal entity, in compliance with procedures established by the legislation of the Republic of Kazakhstan.
5. The right of forest use may be transferred only provided that the purpose of the forest use is preserved and the successor has the means and producing capacities required for effecting the forest use as well as specialists of relevant qualifications as established by oblast executive bodies and, if necessary, a license to carry out relevant activities.
6. A transfer of the right of forest use shall be processed through making changes to the contract, cutting permit, order, and forest permit.

Article 30. Acquisition of the Right of Forest Use for the Lands of the Private Forest Fund

The right of forest use on the lands of the private forest fund shall arise as established by the private forest owner in accordance with the legislation of the Republic of Kazakhstan.

Article 31. Long-Term Forest Use on the Lands of the State Forest Fund

1. Forest resources of the lands of the state forest fund shall be made available for long-term forest use on the basis of the records of the tender followed by a contract between the authorised agency or oblast executive body under whose jurisdiction the lands are, and the forest user.
2. Forest resources of the lands of the state forest fund shall be made available

for long-term forest use for periods from 10 year to 49 years to forest users who have production capacities and staff with adequate skills.

3. If the forest resources are made available for the purpose of wood harvesting, the forest user should get wood resources on the lands of the state forest fund with the area that allows to ensure continuous and non-depleting harvesting of wood resources in accordance with the materials of forest regulation. However, the area should not exceed the area of a forestry division.

4. Allocation of forest resources of the state forest fund for long-term forest use must be done openly, with due regard to the interests of the population living in the area.

5. Upon expiration of the contract period, non-utilised forest resources allocated for temporary long-term use shall not be subject to a transfer into the ownership of the forest user.

Article 32. Terms and Conditions of the Contract for Long-Term Forest Use of the Lands of the State Forest Fund

1. A Contract for Long-Term Forest Use of the Lands of State Forest shall specify the following terms:

- 1) the boundaries of the land of the State Forest Fund to exercise forest use;
- 2) total area and stand data of the land of the State Forest Fund;
- 3) types of forest use;
- 4) volumes (dimensions) of forest use;
- 5) time frame of forest use;
- 6) amount of payment for forest use and procedures to pay it;
- 7) obligations of the parties concerning forest resource protection and renewal;
- 8) parties' responsibility for contract violation
- 9) licence reference number and date of issue (if the activity is subject to licensing);
- 10) taxpayer registration number;
- 11) other terms and conditions as envisaged by the forest legislation of the Republic of Kazakhstan and defined at the discretion of the parties.

Article 34. Short-Term Forest Use on the Lands of the State Forest Fund

1. Forest resources shall be made available for temporary short-term forest use based on forest permits issued by state forest owners for periods of up to 1 year.

2. The short-term forest use of the state forest fund allows for the following types of forest use:

- 1) Non-timber forest use;
- 2) Use of the lands of the state forest fund for research purposes;
- 3) Use of the lands of the state forest fund for cultural, health-improving, recreation, tourist and sports purposes.

Article 35. Procedures for Holding Tenders to Allocate Forest Resources on the Lands of the State Forest Fund for Long-Term Forest Use

Tenders to allocate forest resources for long-term use shall be conducted as established by the Government of the Republic of Kazakhstan.

Article 36. Authorising Documents for Forest Use on the Lands of the State Forest Fund

1. Forest use shall be permitted only on the basis of special authorising documents: a cutting permit, order, and forest permit.

2. A cutting permit should be issued on the basis of the tender records and long-term forest use contract.

3. The cutting permit shall be the document granting a forest user the right to harvest and remove timber, resin, sap and secondary forest resources.

4. The cutting permit shall contain information on qualitative and quantitative characteristics of the forest resources, rates of payment for forest use, periods to effect operations, conditions concerning reforestation and clearing of cutting areas, silvicultural requirements to logging technologies, conditions of the cutting permit validity termination.

5. The cutting permit shall be annually issued to the forest user to authorise only the forest uses indicated in its underlying documents, in the established volumes and for the specified area of the State Forest Fund.

6. The cutting permit to harvest resin and tree sap shall be issued to a forest user for the whole season of tapping.

7. Cutting and/ or forest use permits for forest surgery and sanitary cuttings and non-timber forest use shall be issued by the state forest owner for the head of the forestry division or, if there is no forestry division, for a functionary in charge of forest cuttings and forest use.

8. The forest permit shall be a document granting the right to effect non-timber forest uses, to use areas of the Forest Fund for purposes of research, culture, recreation, tourism and sports.

9. Forms, procedures of registration, storage, filling-in and issue of cutting permits and forest use permits shall be established by the authorised agency.

10. Permits for use of the fauna on the lands of the state forest fund shall be issued as established by the legislation of the Republic of Kazakhstan.

Article 37. Forest Users' Rights When Effecting Forest Use

1. Forest users shall have the right to:

1) effect the use of the Forest Fund within the limits specified in authorising documents;

2) receive information on the areas of the Forest Fund whose forest resources are allocated for their use;

3) build, for the period of forest use, constructions and facilities, timber yards, construct forest roads, install processing equipment for wood and other forest products related to the use of the State Forest Fund as established by the legislation of the Republic of Kazakhstan.

4) Receive recovery for damage caused through change of a category of the state forest fund as well as withdrawal of the lands of the state forest fund for public needs.

2. Rights of forest users are protected by the court of law.

Article 38. Forest Users' Obligations When Effecting Forest Use

Forest users shall be obligated to:

1) comply with the terms and conditions under the Long-Term Forest Use Contract as well as the conditions set forth in the cutting permit, order, forest permit;

2) preclude harmful effects on human health;

3) carry out operations by methods which prevent soil erosion, exclude or limit negative impact on forest health and renewal and on the condition of water bodies and other natural objects, and ensure conservation of wildlife and its habitats; 4) observe requirements to preservation of optimal conditions for natural reforestation during timber harvesting through utilisation of equipment and technologies approved by the state commission of ecological expertise as established by the legislation of the Republic of Kazakhstan;

5) comply with fire safety rules in the forests within the areas of the Forest Fund allocated to them for forest use, and undertake fire prevention measures within the aforesaid areas, and in the case of fire - to arrange for its fighting;

6) develop and approve plans of fire-fighting activities agreed upon by state forest owners for long-term forest use, and implement the plans within established deadlines;

7) have fire-fighting equipment in the areas of cultural, health-improving, recreational, tourist, sports and other activities in accordance with standards established by the authorised agency and approved by the central executive body of the Republic of Kazakhstan in charge of fire safety; 8) avoid undercuts, and remove all the timber harvested from the cutting areas upon expiration of the established periods of its harvesting and removal;

9) clear the cutting areas from logging residues, concurrently with timber harvesting;

10) prevent cases of poaching, unauthorised forest felling and other forest offences within the areas of the State Forest Fund allocated for forest use;

11) pass the areas of the Forest Fund to the forest owners upon completion of operations thereon;

12) create forest plantations on the lands of the State Forest Fund with total areas exceeding the double area of the cut forest after final harvesting in accordance with forest regulation projects; 13) ensure reforestation, at their own expense, on the cut-over areas and areas with young growth destroyed or tree and shrub vegetation perished as a result of their activities;

14) reimburse for damages and losses to the forestry in compliance with procedures established by the legislation of the Republic of Kazakhstan;

15) effect timely payments for forest use to the state budget;

16) observe regulations on maintenance and improvement of sanitary conditions in the forests;

17) Implement activities for pest and disease control during long-term forest use;

18) Inform state forest owners of pests and diseases on the allocated lands of the State Forest Fund;

19) not to infringe on the rights of other forest users;

20) provide information required to take the stock of the forest fund, maintain the state forest cadastre, implement state forest monitoring and establish payment rates for forest use to the authorised agency and its territorial bodies, oblast executive bodies and state statistic agencies as established by the legislation of the Republic of Kazakhstan;

21) meet other obligations as envisaged by the forest legislation of the Republic of Kazakhstan.

Article 39. Grounds for Suspension and Restriction of the Right of Forest Use on the Lands of the State Forest Fund

1. The right of forest use can be suspended in the following cases:

1) a forest offence by the forest user;

2) non-compliance with the terms and conditions set forth in the long-term forest use contract, cutting or forest use permit, on the part of the forest user.

2. The right of forest use can be restricted in the following cases:

1) Decline of forest resources on the lands of the state forest fund as a result of natural situations or man-made impact that lead to worsening of the conditions;

2) Aerochemical, aerobiological and aerosol pest and disease control activities as well as high fire risk periods.

3. If the circumstances or conditions leading to restriction or suspension of the

right of forest use are removed, this right shall be fully restored.

4. If a forest user disagrees with the decision to restrict or suspend his right of forest use, he may appeal this decision through the judicial process.

5. Restriction or suspension of the right of forest use shall not exempt the forest users from administrative and other liability for violations of the forest legislation of the Republic of Kazakhstan.

Article 40. Grounds for Termination of the Right of Forest Use on the lands of the State Forest Fund

1. The right of forest use shall be terminated in the following instances:

- 1) if the forest user waives his right of forest use;
- 2) upon expiration of the period of forest use;
- 3) upon liquidation of the legal entity who is a forest user;
- 4) if the forest user systematically (more than twice) violates established rules of forest use or terms and conditions specified in the long-term forest use contract, cutting permit and forest permit;

5) in the event of natural calamities or man-made impact that result in changes in the State Forest Fund and hinder forest use activities;

6) systematic (more than two) delays on the part of the forest user with payments for forest use or if the forest user fails to pay for forest use within the three months after the established date;

7) withdrawal of lands from the Forest Fund for public needs, establishment of more stringent regulations to limit forest use on the lands of the State Forest Fund.

2. Termination of the right of forest use shall not exempt the forest user from administrative and other liability for violations of the forest legislation of the Republic of Kazakhstan.

Article 41. Procedures for Termination of the Right of Forest Use on the Lands of the State Forest Fund

1. The right of forest use on the lands of the State Forest Fund shall be terminated on the basis of:

- 1) dissolution of the long-term forest use contract;
- 2) written application from the forest user;
- 3) termination of the validity of the cutting permit and forest permit in accordance with procedure established by the authorised agency;
- 4) withdrawal of the license (in case the forest use is subject to licensing).

Article 42. Stay of Citizens on the Territory of the State Forest Fund

1. Procedures and conditions of citizens' stay on the territory of the State Forest Fund shall be defined by the protection category of the State Forest Fund, the availability of relevant facilities and amenities on the territory, purpose of forest use and special regulations on forest reserves.

2. Natural persons shall have the right for free-of-charge stay, without authorising documents, on the territory of the State Forest Fund where this is allowed for purposes of relaxation, participation in cultural, recreational, tourist and sporting activities, collection of wild-growing fruit, nuts, mushrooms, berries, medicinal and other forest resources, for their own needs.

3. Natural persons' stay on the territory of the Forest Fund to collect wild-growing fruit, nuts, mushrooms, berries, medicinal and other forest resources for their own needs shall be permitted within the norms established by decision of the oblast representative body based on provision of application from the oblast executive body.

4. Natural persons' stay in forests and collection of wild-growing fruit, nuts, mushrooms, berries, medicinal and other forest resources can be limited in the interests of fire safety, nut-harvesting, forest fruit- and seed production and game management, in

accordance with the forest legislation of the Republic of Kazakhstan.

5. Collection and harvesting by natural persons of the species of wild-growing plants and mushrooms included in the Red Book of the Republic of Kazakhstan, and in the list of narcotic plants and natural narcotic-containing raw products, shall be prohibited.

6. Natural persons shall be obligated to observe the rules of fire safety in forests, to prevent destruction and cutting of trees and shrubs, to prevent damage of forest plantations, forest littering, destruction and ruining of formicaries and bird nests, to collect wild-growing food forest resources and medicinal resources within the periods and in the manner harmless for their renewal.

7. Natural persons' stay in forests for hunting purposes shall be regulated by this Code and special legislation of the Republic of Kazakhstan.

SECTION 4. ORGANIZATION OF FOREST MANAGEMENT

Chapter 7. Basic Principles of the Organisation of Forest Management

Article 43. Organisation of Forest Management on the Lands of the State Forest Fund

The organisation of forest management shall include:

- 1) conducting the forest inventory and management planning;
- 2) classifying the Forest Fund into protection categories;
- 3) classifying lands of the Forest Fund into land categories;
- 4) establishing cutting ages in forests;
- 5) establishing silvicultural systems for felling in forests and for reforestation;
- 6) establishing allowable cuts and harvests in the Forest Fund;
- 7) identifying forest protection measures;
- 8) forest breeding and forest seed breeding;
- 9) other organisational, technical and legal activities for study, accounting, protection, preservation, reforestation, afforestation, forest use regulation and control over observance of the forest legislation of the republic of Kazakhstan.

2. State forest lands are subdivided into forestry divisions, forest foreman sites and forest ranges to ensure efficient protection and preservation of the State Forest Fund.

Article 44. Protection Categories of the State Forest Fund and Forest Use Restriction Regime

1. All the forests of the Republic of Kazakhstan are referred to protection forests with water-conservation, soil-protection, and genetic, sanitary and hygienic, recreational and other beneficial functions.

2. As a function of prevalence of the functions of forests, the Forest Fund is classified into the following protection categories:

- 1) specially protected forest areas including:
 - forests of state nature reserves, including biosphere and supporter reserves; state national nature parks;
 - state nature reservations;
 - state nature parks;
 - areas of scientific importance, including forest genetic reservations;
 - state forest nature monuments;
 - particularly valuable forest tracts;
 - nut-harvesting areas;

- forest fruit-tree stands;
 - sub-alpine forests;
 - 2) state forest shelter-belts;
 - 3) urban forests and forest parks;
 - 4) green belts of populated areas and health facilities;
 - 5) anti-erosion forests;
 - 6) restricted belts along the banks of rivers, lakes, reservoirs and other water bodies;
 - 7) protective shelter belts on the right-of-ways of the railways and public domestic and international roads, trunk pipelines and other line structures;
 - 8) sheltering forest belts along railways and public automobile roads of international and republican significance;
 - 9) field and soil protecting forests.
3. The sheltering forest belts along railways and public automobile roads of international and republican significance are the forests adjacent to the right-of-ways for railways in operation and under construction, within 500 m from each side of the roadway, and the forests adjacent to the right-of-ways for public automobile roads of international and republican significance within 250 m from each side of the road axis.
4. The categories of the State Forest Fund shall have the following forest use restriction regimes:
- 1) Reserve regime: all types of forest use forbidden, including cuttings except for the cases established by this Code;
 - 2) Wildlife sanctuary regime: final harvesting (other cuttings can take place in cases established by this Code only), harvesting of oleoresin and wood sap, collateral wood resources, mowing and pasturage forbidden;
 - 3) Regime of limited economic activity: final harvesting (other cuttings can take place in cases established by this Code only), harvesting of oleoresin and wood sap and collateral wood resources forbidden;

Article 45. Classification of the Forest Fund into Protection Categories, Transfer from One Protection Category into Another One, and Identification of Special Protection Areas

- 1. The classification of the Forest Fund in protection categories as well as the identification of special protection areas where forest use shall be either prohibited or limited, shall be effected proceeding from its ecological, genetic, social and economic significance on the basis of forest inventory documents and (or) special surveys, provided there is a positive opinion of the state environmental expert assessment.
 - 2. The classification of the Forest Fund into protection categories as well as transfers from one category into another one shall rest with the Government of the Republic of Kazakhstan.
 - 3. Apart from the protection categories indicated in Subclauses 1-5, Clause 2, Article 44, special protection areas with a limited forest use regime may be identified in the Forest Fund.
- Special protection areas shall be identified in the course of forest inventory or special surveys in compliance with the rules for final cutting.

Article 46. Establishing the Age of Cutting on the Lands of the State Forest Fund

- 1. The age of cutting shall be determined based on forest significance, its yield, functions as well as biological peculiarities of tree species.
- 2. The cutting age shall be justified through forest inventory or research.
- 3. The cutting age shall be approved by the authorised agency.

Article 47. Allowable Cut on the Lands of the State Forest Fund

- 1. The allowable cut (i.e. the officially allowed volume of annual timber harvest

from final cutting) shall be established through forest inventory and management planning for auditing periods and for each forest holding or a part thereof based on the principles of continuous and non-depleting forest use.

For a region or the Republic, it shall be determined as the sum of allowable cuts for individual forest holdings and parts thereof.

2. Annual allowable cut shall be approved by the authorised agency provided there is a positive opinion of the state environmental expert assessment, and shall be effective as of the 1st of January of the year following the year when forest inventory and management planning operations are completed.

3. The authorised government agency shall identify the cases when the allowable cut shall be established for the areas of the Forest Fund where timber resources have been allocated for temporary long-term use, and shall define the procedure for calculating these allowable cuts.

4. In the event of change to the boundaries and status of the Forest Fund, the ages of final cutting, protection categories of the Forest Fund, and allowable cut shall be adjusted.

The adjusted allowable cut shall be established and approved by the authorised government agency provided there is a positive opinion of the state environmental expert assessment.

Article 48. Classification of the Forest Fund Lands into Land Categories

1. The Forest Fund is classified into:

- 1) forest lands (including: stocked lands; free-growing forest plantations; forest nurseries; and non-stocked lands: cut-overs, burnt areas, clearings, open stands);
- 2) non-forest lands (agricultural lands, roads, rides, fire-breaks, etc.).

Article 49. Conversion of Forest Lands into Non-Forest Lands to be Used for Purposes Related to Forest Management and Use

1. The conversion of forest lands into non-forest lands to be used for purposes related to forest management and forest use shall be effected by the territorial department of the authorised government agency based on forest inventory and management planning data or special surveys.

Non-stocked forest lands (clearings) may be converted into non-forest lands in the event they are found unsuitable for forest growing on the basis of soil surveys conducted by specialised organisations.

2. The decision of the territorial body of the authorised agency with respect to the conversion of forest lands into non-forest lands to be used for purposes related to forest management or use, shall specify the location of the area, its size, the purpose and period of the conversion, the list of allowed operations on that area, and rehabilitation activities to be conducted after the expiration of the conversion period.

Article 50. Conversion of Non-Forest Lands into Forest Lands

The conversion of non-forest lands into stocked forest lands shall be effected by the forest owner on his own in compliance with procedures established by the authorised agency.

Article 51. Conversion of Lands of the Forest Fund into Lands of Other Categories for Purposes Which Are Not Related to Forest Management, and (or) Withdrawal of Lands from the State Forest Fund

1. The conversion of lands of the Forest Fund into lands of other categories for purposes which are not related to forest management and (or) withdrawal of lands from the Forest Fund shall be effected by the Government of the Republic of Kazakhstan in accordance with the land legislation of the Republic of Kazakhstan.

2. When lands of the Forest Fund are converted into lands of other categories

for purposes which are not related to forest management, and (or) withdrawn from the Forest Fund, the physical and legal entities in whose interests the aforesaid conversion and (or) withdrawal is effected, shall reimburse the losses incurred by the forestry operations in accordance with procedures established by the Government of the Republic of Kazakhstan.

3. When lands of the Forest Fund are converted into lands of other categories for purposes which are not related to forest management and (or) are withdrawn from the Forest Fund, it shall be decided whether the forest would be preserved or cut down, and how the harvested timber would be utilised.

Article 52. Change of the specified purpose of the lands of the private forest fund

The change of the specified purpose of the lands of the private forest fund shall be effected in accordance with the land legislation of the republic of Kazakhstan.

Article 53. Approval of the Sites to Construct Facilities Affecting the Health and Reforestation

1. Sites for constructing facilities affecting forest health and reforestation shall be agreed with the authorised agency, thereby the state environmental expert assessment shall be a mandatory procedure.

2. When locating, designing, constructing and commissioning enterprises, installations and other facilities as well as when introducing new technological processes affecting the health and renewal of forests, targeted measures must be envisaged and implemented to ensure protection of the forests against adverse impact of sewage waters, industrial and utility emissions, wastes and garbage.

3. It shall be prohibited to commission enterprises, works, transportation routes and other facilities without equipment for preventing harmful effects on forest health.

Article 54. Carrying Out Works in the Forest Fund Which Are Not Related to Forest Management and Forest Use

1. Civil works, extraction of wide-spread mineral resources, development of utilities, and other operations which are not related to forest management and forest use shall be conducted on the basis of a decision by the oblast executive body upon agreement with the authorised agency unless conversion of lands of the Forest Fund into other categories of land and (or) their withdrawal is needed.

2. The decision of the oblast executive body shall specify the titles of the works to be carried out, time frame and conditions of their conducting, and ecological requirements for environment protection.

SECTION 5. FOREST MANAGEMENT PLANNING, STATE FOREST FUND ACCOUNTING, STATE FOREST CADASTRE AND STATE FOREST MONITORING

Chapter 8. Forest Management Planning

Article 55. Forest Management planning

1. Forest management planning includes a system of measures to increase forest management efficiency, pursue a uniform science and technology policy in forestry, and ensure sound use of the Forest Fund.

Forest management planning includes:

- 1) defining the boundaries of the Forest Fund and the structure of economic activities of state forest lands;
 - 2) topographic, land-surveying works, and special mapping of the State Forest Fund;
 - 3) Forest Fund inventory with defining the species and age composition of forests, their condition, as well as qualitative and quantitative parameters of forest resources;
 - 4) identifying natural reserve objects, relict forest vegetation, and specially protected forest areas;
 - 5) designating State Forest Fund areas requiring final felling, intermediate and miscellaneous cutting, reforestation and afforestation operations, drainage, forest protection, and other forest management operations, as well as defining procedures and methods for their implementation;
 - 6) providing substantiation for State Forest Fund classification in protection categories, preparing proposals on transferring State Forest Fund from one protection group to another, converting forest lands into non-forest ones, as well as substantiation and designation of State Forest Fund areas as other categories of forest lands;
 - 7) defining annual allowable cut, amounts of intermediate cutting, age of cutting;
 - 8) defining the scope of reforestation and afforestation operations, forest protection, as well as other forest management activities;
 - 9) defining the scope of non-timber forest use and harvesting of secondary forest resources, Forest Fund use for hunting, cultural purposes, recreation, tourism and sports;
 - 10) forest biological and other special surveys;
 - 11) supervision of forest management plans;
 - 12) developing fundamental arrangements for forestry, and consolidated forest management plans by regions;
 - 13) other forest management planning and inventory operations.
2. Forest management related to establishing the boundaries of the Forest Fund, forest inventory and forestry operations shall refer to the state monopoly.
 3. Forest management documents are used to establish and specify the Forest Fund boundaries when implementing land management operations.

Article 56. The System of Forest Management Planning

1. Forest management planning and inventory shall be performed based on a uniform system according to a procedure established by the authorized government agency.
2. Forest management planning on the territory of the Forest Fund shall be performed by state-owned forest management offices under the jurisdiction of the authorized agency.
3. Forestry operations and Forest Fund use shall be prohibited without forest management planning and existence of forest management documents approved as established by this Code.

Article 57. Forest Management Plans for State Forest Lands

1. Forest management plans shall be prepared during forest management planning to provide an integrated assessment of forestry operations and State Forest Fund use during the previous audit period, and develop major provisions for the organization and implementation of forestry operations.
2. Forest management plans and other forest management planning and inventory documents, which had passed through the state environmental expert review, shall be approved by the authorized agency, and shall be obligatory regulations governing forestry operations, current and longer term planning and forecasting of Forest Fund use.
3. Forest Management Plans shall take effect on the 1st of January of the year following the year of completion of forest management activities.

Article 58. Forest Fund Data

1. Forest Fund data includes data from the records of the State Forest Account, State Forest Cadastre, forest management planning and inventory, and other data obtained by the authorized agency and/or its subordinate units in the process of implementation of their functions.

2. Forest Fund data shall be public property, and shall be made available to physical and legal entities as established by the Government of the Republic of Kazakhstan in accordance with the international agreements ratified by the Republic of Kazakhstan.

Chapter 9. State Forest Fund Accounting, State Forest Cadastre, and State Forest Monitoring

Article 59. State Forest Account

1. State Forest Account shall be maintained to arrange for forest protection and reforestation, Forest Fund use, regular monitoring of the qualitative and quantitative changes occurring in the Forest Fund, and make reliable Forest Fund data available to government authorities, concerned physical and legal entities as established by the legislation of the Republic of Kazakhstan.

All nature reserves of the State Forest Fund should be accounted separately.

The natural heritage of the state forest fund within the boundaries of nature reserves including biospheric reserves and supporter reserves, national parks are accounted as part of the specially protected natural areas.

State Forest Account data shall be used to maintain the State Forest Cadastre.

2. The list of State Forest Account indicators, as well as the forms of relevant documents shall be established by the authorized agency.

Article 60. State Forest Cadastre

1. State Forest Cadastre contains a data system on the legal regime of the forest fund, its distribution to forest owners, qualitative and quantitative characteristics and other economic and ecological data of the Forest Fund required to maintain the forestry and assess results of its economic activities.

2. State Forest Cadastre data are used during state forestry management and organization, converting forest lands into non-forest ones for purposes other than forest management and forest use, and/or withdrawal of Forest Fund areas, defining forest use charges, assessing the economic activities of forest users and forest owners.

4. The list of State Forest Cadastre indicators, and methods of forest economic evaluation shall be defined by the authorized agency.

Article 61. State Forest Monitoring

The State Forest Monitoring is a system of observations, evaluation and forecast of Forest Fund condition and dynamics for the purposes of forest management in the area of forest protection, reforestation, Forest Fund use, conservation of biological diversity and environmental functions of forests.

SECTION 6. FOREST PROTECTION, REFORESTATION, AFFORESTATION AND FOREST SEED FARMING

Chapter 10. Preservation and Protection of the Forest Fund

Article 62. Goals and Objectives of the Forest Fund Protection

Major objectives of forest protection include:

- 1) measures on forest fire prevention, early detection and liquidation;
- 2) ensuring that all institutions operating and located within the Forest Fund, as well as individual citizens staying in the forest comply with fire safety rules and sanitary forest regulations;
- 3) protection of forests from illegal cutting, damage, theft, and other violations of forest legislation of the Republic of Kazakhstan, as well as protection of Forest Fund lands;
- 4) ensuring that forest users comply with rules for making available sold standing timber, and rules for other types of forest use;
- 5) timely detection of forest pest and disease foci, their forecasting and control;
- 6) biotechnical activities;
- 7) ensuring compliance with hunting and fishing regulations in Forest Fund areas;
- 8) other actions to ensure the protection, reforestation and sound use of forests.

Article 63. Forest Fund Protection Measures

1. The Government of the Republic of Kazakhstan, authorized agency and its territorial bodies, local executive bodies, forest owners and users shall ensure implementation of measures on forest protection and preservation.

2. Fire prevention arrangements shall be regulated by fire safety regulations approved by the authorized body with approval of the central executive body of the Republic of Kazakhstan in charge of fire safety.

3. Burning of grass shall be forbidden for all land categories except for regulated burning on the lands of the forest fund and adjacent territories conducted by forest owners for the purpose of reduction of fire risks in accordance with forest fire safety regulations.

4. Oblast executive bodies shall restrict, if necessary, during fire emergency periods in forests, entry and stay of citizens, entry of means of transportation in forests, as well as carrying out specified types of operations in Forest Fund areas.

5. The procedure of engaging citizens and legal entities in fire extinguishing is established by the laws of the Republic of Kazakhstan.

Article 64. State Fire Surveillance in the Forest Fund

1. State fire surveillance in the Forest Fund shall be regulated by the agreement between the central executive body of the Republic of Kazakhstan in charge of fire safety and authorized agency, its territorial bodies and/ or oblast executive body of the relevant oblast. 2. Forest users, other citizens and legal entities carrying out works or staying in the Forest Fund shall be made liable for the violation of requirements to and rules of fire prevention in forests in accordance with the laws of the Republic of Kazakhstan.

Article 65. Aerial Protection of the Forest Fund

1. Aerial protection to protect the Forest Fund from fires, pests and diseases shall be implemented by organizations that specialize in this sector including public organizations with a right to participate in tenders of state procurement procedures. .

2. Regulations on aerial protection of the Forest Fund shall be approved by the authorized agency with approval of the authorized body in charge of the state regulation of civil aviation.

3. The organizations specialized in the sector shall be provided with short-term, mid-term and long-term weather forecasts by the state meteorological service for the purpose of aviation activities for forest fire protection.

Article 69. Involvement of Non-Governmental Fire-Fighting Associations in Fire Control of the Forest Fund

1. Non-governmental fire-fighting associations can participate in forest fire control, prevention and fighting.

2. Procedures for establishing and operation of non-governmental fire-fighting associations shall be defined by the laws of the Republic of Kazakhstan.

Article 67. Forest Pest and Disease Control in State Forest Fund

1. Pest and disease control in the State Forest Fund shall be ensured via systematic monitoring of forests, timely identification of the pest foci and forest diseases, measures to prevent, localize and eliminate the aforesaid foci.

2. Pest and disease control in the State Forest Fund includes the following activities:

- 1) current, expeditional, aerovisual and other forest pathology surveys;
- 2) general, reconnaissance and detailed surveillance of the development of pests and forest diseases;
- 3) aerial and surface-based activities to combat pests and control forest diseases;
- 4) prevention and elimination of pest and forest disease foci.

3. Activities on Forest Fund protection from pests and forest diseases shall be regulated by sanitation rules approved by the authorized agency.

Article 68. Participation of Natural Persons and Non-Governmental Associations in Providing for Forest Fund Protection

Natural persons and non-governmental associations participate in providing for Forest Fund protection in accordance with the laws of the Republic of Kazakhstan.

Chapter 11. State Forest Guarding of the Republic of Kazakhstan

1. The State Forest Guarding Service of the Republic of Kazakhstan (hereinafter referred to as “State Forest Guards”) shall consist of the employees of the forest organizations in charge of forest protection and preservation, reforestation and forest use.

2. The State Forest Guards shall have the following rights to exercise its responsibilities:

- 1) Check up the documents of natural persons and functionaries allowing to use the state forest fund;
- 2) Draw up reports on administrative violations of the forest and wildlife legislation, legislation of the Republic of Kazakhstan in accordance with the Code for Administrative Infractions;
- 3) Detain and bring persons who violate the forest and wildlife legislation of the Republic of Kazakhstan to the offices of law machinery;
- 4) Survey transport facilities, other objects and places, and exercise personal examination of the detainees if necessary;
- 5) Withdraw illegally harvested resources of forests and fauna, harvesting instruments and transport facilities and decide upon further belonging thereof as established by the legislation of the Republic of Kazakhstan;
- 6) Exercise other rights as established by the legislation of the Republic of Kazakhstan.

3. The State Forest Guards on the lands of the State Forest Fund shall:

- 1) Prevent and suppress violations of the wildlife legislation of the Republic of Kazakhstan;

- 2) Submit information, claims and other material on violation of the forest and wildlife legislation of the republic of Kazakhstan to the state authorities and offices of the law machinery;
 - 3) Provide written instructions on elimination of revealed violations within their terms of reference to natural and legal persons;
 - 4) Exercise activities on fire prevention, timely detection and extinguishing on the lands of the State Forest Fund and adjacent territories in case of immediate fire risk;
 - 5) Forward proposals on restriction, suspension and termination of economic and other activities;
 - 6) Exercise other duties as established by the legislation of the Republic of Kazakhstan.
4. State forest guards shall be allowed to store, bear and apply service arms as established by the legislation of the Republic of Kazakhstan.
5. State Forest Guards shall be provided with the uniform, service arms and special self-protection means and service land plot as established by the legislation of the Republic of Kazakhstan.
6. State Forest Guards shall have right to apply physical force, special self-protection means and service arms as established by the legislation of the Republic of Kazakhstan.
7. Activities of the State Forest Guards shall be regulated by the Provisions on State Forest Guards approved by the Government of the Republic of Kazakhstan.

Article 70. Legal and Social Protection of the State Forest Guards

State Forest Guards are subject to legal and social protection in accordance with the legislation of the Republic of Kazakhstan.

Chapter 12. Reforestation and Afforestation

Article 71. Objectives of Reforestation and Afforestation

1. The objectives of reforestation include timely regeneration of forests on cutovers, burnt forest areas and other Forest Fund areas previously covered by forests, improvement of tree-species composition of forests, increasing productivity of forests, and ensuring sound use of Forest Fund areas.
2. The objectives of afforestation shall be creation of forest plantations on the non-forest lands.

Article 72. Increase of the Resource and Environmental Capacity on the Lands of the State Forest Fund

1. Forest management shall ensure increasing the resource and environmental capacity of forests.
2. The resources and environmental capacity of forests shall be increased through implementing a system of scientifically substantiated cutting, reforestation, improvement of their tree-species composition, development and efficient use of a seed pool on genetic selection basis, hydrotechnical amelioration, forest care activities, and other forest management operations.
3. Activities to increase the resource and environmental capacity of forests shall be performed by forest owners and forest users in accordance with forest management planning and inventory projects.

Article 73. Implementation of Reforestation and Afforestation Activities

1. Reforestation activities shall be performed in compliance with environmental requirements using methods ensuring as prompt as possible creation of highly productive and sustainable stands, with due regard for forest vegetation conditions and economic efficiency.

2. The volume of reforestation and afforestation works shall be defined in accordance with projects provided by forest management planning and inventory agencies and other specialized organizations that had passed through the state environmental expert assessment.

3. Procedures for reforestation and afforestation activities, procurement of seeds, and growing of seedlings shall be established by the authorized agency.

4. Afforestation activities on the lands of the Private Forest Fund shall be performed at the owner's expense.

Article 74. Allocation of Lands to Forest Offices for Afforestation Purposes

In order to ensure the optimal forest stock in the territory of the Republic, afforestation of river and water body banks, and in other cases as appropriate, lands of other categories, first of all, the ones unsuitable for agricultural use (ravines, gullies, sands, degraded lands, etc.), as well as the lands of state land reserves, may be included in the State Forest Fund.

The above lands shall be transferred to the Forest Offices in accordance with the land legislation of the Republic of Kazakhstan.

Article 75. Introduction of Forest Flora and Fauna

1. Regeneration and reproduction of flora and fauna species and forms in forest biocenoses is carried out through re-introduction of the best representatives of indigenous flora and fauna.

2. Introduction in forest biocenoses shall be performed in coordination with the authorized agency, and the central executive body in charge of science and scientific and technical activities.

3. Introduction of flora species causing damage to major indigenous flora species shall be prohibited.

Chapter 13. Forest Seed Farming

Article 76. Tasks of Forest Seed Farming

The basic tasks of the forest seed farming are provision of seeds with valuable hereditary properties and high sowing properties for reforestation and afforestation activities; creation of forest seed basis based on selection and genetics.

Article 77. Permanent Forest Seed Base on the Lands of the State Forest Fund

1. Permanent forest seed base on the lands of the state forest fund shall include the following objects designated for seed selection and farming:

- 1) forest seed plantations;
- 2) permanent forest seed lands; and
- 3) positive plantations.

2. The permanent forest seed base shall be created on the lands of the state forest fund in accordance with the scientifically justified norms of demand for seeds and planting stock for needs of reforestation and afforestation.

3. The objects for seed selection and farming on the lands of the state forestry fund shall be attested and accounted by the specialized departments of the authorized body as established by the authorized body.

4. Objects for seed selection and farming on the lands of the state forest fund their operation regime shall be established and by the projects that pass the state environmental appraisal, developed by forest management and other research and planning, and scientific organizations specialized in the sector.

Article 78. Objects for Selection and Genetic Purpose

1. Objects for selection and genetic purpose shall be detected and established on the lands of the state forest fund for the purpose of guaranteed preservation of the gene pool of forest plants, appraisal of hereditary properties, selection of the most perspective items to be used in the forest seed farming.

2. Objects for selection and genetic purpose are:

- 1) positive trees;
- 2) archives of positive clones;
- 3) geographical crops;
- 4) experimental crops of populations and hybrids.

3. Objects for selection and genetic purpose shall be detected and created as established by the authorized agency.

4. Objects for selection and genetic purpose shall be guarded by the state forest owners.

Article 79. Forest Seed Zoning

1. Forest seed zoning shall be established on the grounds of scientific developments and approved by the authorized agency.

2. Use and transportation of seeds and planting stock for reforestation and afforestation shall be exercised as established by the authorized agency.

3. Sowing of forest seeds and use of planting stock with violation of requirements to forest seeds zoning shall be prohibited.

Article 80. Harvesting, Processing, Storage and Use of Forest Seeds

1. Forest seeds shall be harvested at the objects of permanent forest seeds base and, in case of deficit, harvesting on the regular plantations shall be allowed.

2. Harvesting of forest seeds on the negative plantations and from negative trees shall be prohibited.

3. Sowing properties of forest seeds, their compliance with the state standards, terms of reference and other normative documents for the forest seed farming which are subject to sale and sowing shall be assessed by the specialized departments of the authorized agency.

4. Sale and sowing of the forest seeds that are not subjected to examination for compliance with the requirements of Clause 3 of this Article shall be forbidden.

5. Procedures for harvesting, processing, storage and use of forest seeds shall be determined by the authorized agency.

Chapter 14. Special Features of the Preservation, Protection, Partial Use of the State Forest Fund, Reforestation and Afforestation on Several Land Categories

Article 81. Special Features of the Preservation, Protection, Use of the State Forest Fund, Reforestation and Afforestation in the Specially Protected Natural Areas with a Status of a Legal Entity

Preservation, Protection, Use of the State Forest Fund, Reforestation and Afforestation in the Specially Protected Natural Areas with a Status of a Legal Entity shall be performed in accordance with this Code and the laws of the Republic of Kazakhstan on specially natural areas.

Article 82. Special Features of Forest Use in the Urban Forests and Forest Parks

1. Forests located within the boundaries of urban settlements (urban forests) are intended for the purposes of recreation, cultural and health rehabilitation activities, and sports, as well as for preserving favorable environmental conditions.

2. The final harvest and other forest use incompatible with the intention of the urban forests shall be prohibited.

Article 83. Special Features of the Use of Forest Fund lands in Boundary Zones

Forest management and forest use activities in Forest Fund areas located in boundary zones shall be carried out according to a procedure established in this Code and the legislation of the Republic of Kazakhstan on the state border.

Article 84. Special Features of Protection, Preservation, Reforestation and Use of Tree and Shrub Vegetation on the lands of the Forest Fund Allocated to Land Owners and Users

1. Protection, reforestation and use of tree and shrub vegetation in Forest Fund areas allocated to other land owners and users, as established by the legislation of the Republic of Kazakhstan, to implement integrated agricultural and forest management activities shall be carried out by the aforesaid land users in accordance with requirements of this Code.

2. Land users having over 1 hectare of forest in their territory shall be obliged to carry out forest management planning and inventory, and keep forest account in accordance with a procedure established in this Code.

3. The authorized agency and its territorial bodies shall monitor the condition, protection, and use of forests and reforestation specified in Clause 1 of this Article.

Article 85. Special Features of the Protection, Preservation, Reforestation and Use of Tree and Shrub Vegetation on the lands of the Forest Fund Located among the Lands of Other Land Owners and Users

1. In order to implement protection and preservation, reforest and use the lands of the Forest Fund located among the lands of other land owners and users, state forest owners shall have the right of limited targeted use of the aforesaid land areas as established by the land legislation of the Republic of Kazakhstan.

2. In order to protect natural forests from the unfavorable impact, 20-meter wide protective areas shall be arranged along the borders of the lands of the state forest fund located among the land plots of other land owners and users.

No activities that make a negative impact on the forest condition shall be allowed within the protective areas.

Article 86. Special Features of Protection, Preservation and Use of Agricultural Forest Shelter Belts Funded by the State Budget

1. Agricultural Forest Shelter Belts created at the expense of the state budget shall be intended for protection of lands from the negative impact of natural and man-caused phenomena.

2. Agricultural Forest Shelter Belts created at the expense of the state budget shall be preserved, protected and used by the relevant land owners and users.

The Agricultural Forest Shelter Belts created at the expense of the state budget on the agricultural land can be bought by farmers and other agricultural organizations as established by the Government of the Republic of Kazakhstan.

3. Forest surgery cutting, sanitation cutting, cutting relating to reconstruction of low-value species as well as plantations that lose protective and other functions and other types of

cuttings shall be allowed to preserve the protective functions of the Agricultural Forest Shelter Belts.

Article 87. Special Features of Protection, Preservation and Use of Protective Plantations along Right-of-Ways for Railroads, Highways, Channels, Main Pipelines and Other Line Structures

1. Protective plantations located along right-of-ways for railroads, highways, channels, main pipelines and other line structures are intended for the protection of these facilities from adverse natural impact, prevention of environmental pollution, reduction of noise impact.

2. Improvement cutting, sanitation cutting, reconstruction cutting and miscellaneous cutting shall be allowed in shelter belts along right-of-ways for railroads, highways, main pipelines and other line structures in accordance with the projects of establishing such shelter belts.

3. Protection, preservation and use of the protective plantations specified in Clause 1 of this Article shall be carried out by the relevant land users as established by this Code.

SECTION 7. USE OF THE FOREST FUND

Chapter 15. Forest Use Types And Licensing Activity Related to Forest Use

Article 88. Types of Forest Use on the Lands of the State Forest Fund

1. The following forest use may be carried out in the State Forest Fund:

- 1) harvesting of wood;
- 2) procurement of oleoresin, tree sap;
- 3) Procurement of secondary forest resources (stumps, bark, tree branches, etc.);
- 4) secondary forest use (haymaking, cattle pasturing, placement of hives and apiaries, use of Forest Fund areas to grow medicinal plants and technical and vegetable crops, procurement and harvesting of medicinal plants and technical raw resources, wild-growing fruits, berries, nuts, mushrooms and other forest food products, moss, forest litter and fallen leaves, reed);
- 5) using Forest Fund areas for hunting purposes;
- 6) using Forest Fund areas for research purposes;
- 7) using Forest Fund areas for purposes of cultural activities, recreation, tourism and sports.

2. Use of the lands of the State Forest Fund may be carried out with or without withdrawal of forest resources.

3. A Forest Fund area may be made available for carrying out one or several types of forest use, to one or several forest users.

4. Peculiarities of the use of forest resources and Forest Fund areas in carrying out specific types of forest use shall be defined by regulatory and legal documents of the Government of the Republic of Kazakhstan, and other regulatory and legal documents in accordance with this Code.

Article 89. Licensing of Forest Use Activities on the Lands of the State Forest Fund

Harvesting of wood being carried out by forest users on the lands of the state forest fund shall be subject to licensing as established by the legislation of the Republic of Kazakhstan.

Chapter 16. Effecting Forest Use

Article 90. Cutting Operations on the Lands of the State Forest Fund

Wood harvesting in forests shall be carried out through the following types of cutting operations:

- 1) final felling executed in mature and over-mature forest stands;
- 2) intermediate cutting (improvement cutting, selective sanitation cutting, and cutting related to reconstruction of low-value forest stands, as well as the stands losing their protective, water-conserving and other functions, removal of individual trees in young stands);
- 3) miscellaneous cutting (clear sanitation cutting, cleanup of forest areas related to building of integrated hydro-schemes, pipelines, highways, cutting rides, establishing fire prevention swaths, cutting for other purposes).

Article 91. Satisfaction of the Needs of Local Population for Timber by the State Forest Owner through Forest Surgery and sanitary cuttings

1. The Needs of the Local Population for Timber shall be satisfied upon presentation of applications through sale of the timber harvested with participation of the local population in the forest surgery and sanitary cutting by the state forest owner.

The local population shall also be provided with fuelwood through removal of the “out-of-cutting-area” litter in the places established by the state forest owner on a free-of-charge basis if applications are available.

2. The applications set forth in Clause 1 of this Article shall be submitted to the relevant state forest owner one month prior to forest surgery and sanitary cutting or removal of the “out-of-cutting-area” litter.

Article 92. Restriction of Forest Use for Some categories of the State Forest Fund

1. The use restriction regime of the nature reserve shall be established for the following categories of the state forest fund: “forests of the national nature reserves including biospheric reserves and supporter reserves”, “state natural forest monuments”, “forest lands having scientific importance including forest genetic reserves”, “especially valuable forestlands” as well as lands of the nature reserve regime of the national natural parks, reserved areas or areas reserved for nature reserves or natural parks or for preservation of especially valuable natural resources.

2. Wildlife sanctuary regime shall be established for the following categories of the state forest fund: forests of state national natural parks in the recreational areas and subareas, administrative and manufacturing areas, areas to serve visitors and tourists, forests of the state nature reserves in the areas of restoration of disturbed landscape, forests of the state nature reserves in the areas of sanctuary regime, nut-harvesting areas, fruit-tree plantations, Subalpine forests, state protective forest shelter belts, erosion-control forests, prohibitive forest belts along the banks of rivers, lakes, water reservoirs, canals and other water bodies and protective shelter belts on the right-of-ways of the railways and public domestic and international roads, trunk pipelines and other line structures and shelter forest belts along railways and public automobile roads of international and republican significance.

3. The regime of restricted economic activities shall be established for the forests of the national natural parks in the areas of restricted economic activities and forests of the state nature reserves located in the areas of restricted economic activities.

Article 95. Special properties of Felling Operations in Forests Referred to Particular Protection Categories of the Forest Fund, and Mountain Forests

1. Final felling operations are carried out in mature and over-mature forests referred to protection category “Field and Soil Protecting Forests”, in deciduous forests with coppice regeneration referred to protection category “Restricted Forest Belts along the Banks of Rivers, Lakes, Water Reservoirs and Other Water Bodies”, as well as in forests located in sustainable development areas in state natural reservations.

Final felling operations shall be prohibited in forest stands referred to other protection categories of the Forest Fund.

2. Miscellaneous cutting operations, as well as cutting related to reconstruction of low-value forests and the ones losing their protective, water-conserving and other environmental functions as listed in Subclauses 1-6, Clause 2, Article 44 of this Code, shall be carried out only if permitted by the authorized agency if a positive decision from the state ecological expertise is available.

Intermediate and other cuttings in accordance with the established procedures shall be allowed for the following categories of the state forest fund: protective shelter belts on the right-of-ways of the railways and public domestic and international roads, trunk pipelines and other line structures, shelter forest belts along railways and public automobile roads of international and republican significance and forest crops in the areas of stable development of state natural reserves.

3. Only sanitation and miscellaneous cutting required to implement forest protection activities and ensure the functioning of specially protected natural areas shall be permitted in the forests of state nature reserves (including biospheric and supporting reserves), in protective areas of state national natural parks, state natural parks and state protective zones, in core protective zones of state natural reservations.

The above felling operations shall be carried out if permitted by the authorized government agency.

4. Final felling operations in mountain forests shall be carried out with allowance for the protective, anti-erosion and water-regulating importance of these forests.

Article 94. Volume of Wood Harvesting during Wood Harvesting on the Lands of the State Forest Fund

1. Final harvesting on the lands of the state forest fund shall take place within the designated cutting area.

2. The volume of wood harvesting during intermediate cutting shall be defined during forest management planning and inventory based on the condition of forest stands, established norms of improvement cutting, selective sanitation cutting, cutting related to reconstruction of low-value forests and the ones losing their protective functions, and shall be approved by the authorized government agency.

3. The volume of wood harvesting during miscellaneous cutting shall be defined based on materials on allocating areas for clear sanitation cutting, amount of works to clear forest areas during construction, cutting rides and other forest management activities, and shall be approved according to a procedure established by the authorized government agency.

Article 95. Cutting Fund on the Lands of the State Forest Fund

1. The cutting fund on the lands of the state forest fund comprises reserves of mature forest crops for final harvesting.

2. The volume of the cutting fund shall be established annually by categories with separation of data on coniferous wood, firm-leave and soft-leave species shall be approved by the authorized agency.

Article 96. Procurement of Resin and Tree Sap

1. Procurement of resin and tree sap is carried out in mature and over-mature tree stands that upon the expiration of the tapping period will be designated as final felling areas. With a lack of mature and over-mature tree stands, tapping of maturing tree stands that will reach the cutting age by the time when the tapping is completed, is permitted.

Making the aforesaid tree stands available for resin tapping shall be prohibited without plans of final felling and tapping approved by established procedure.

2. Premature termination of resin tapping in tree stands shall be allowed only in cases of their deteriorated sanitary condition or fire damage.

3. The rules of resin and tree sap tapping, as well as the areas of possible tapping in tree stands shall be approved by the authorized government agency.

Article 97. Procurement of Secondary Forest Resources

1. The procurement of secondary forest resources to carry out commercial processing, develop forest trades and meet the population's needs must be implemented with no damage caused to the forest.

2. The harvesting of bark and tree greens (pine and deciduous tree branches) shall be allowed only from trees cut during felling operations.

3. The harvesting of bark from dead trees and brushwood may be carried out within the whole territory of the Forest Fund.

4. The harvesting of besoms, brooms, braiding materials and other similar products from growing trees shall be permitted according to a procedure defined by the Rules for Felling Operations.

Article 98. Conditions for Non-Timber Forest Uses

The procurement and harvesting of wild-growing fruits, nuts, mushrooms, berries, medicinal plants and technical raw resources, placement of hives and apiaries must be carried out with no damage caused to the forest environment, and on conditions defined by the Rules for Non-Timber Forest Use in the Republic of Kazakhstan approved by the authorized government agency.

Article 99. Haymaking and Cattle Pasturing in the Forest Fund

1. Forest owners shall establish the areas where haymaking and cattle pasturing may be carried out in accordance with forest management planning and inventory projects.

2. Cattle pasturing without a shepherd on pastures included in the Forest Fund shall be permitted in exceptional cases in remote, difficult of access and low-populated areas. The list of such areas is approved by the regional representative authority at the request of the territorial department of the authorized agency.

3. Goat pasturing is permitted on specially allocated fenced areas.

4. The rules for haymaking and cattle pasturing in the State Forest Fund are approved by the Government of the Republic of Kazakhstan.

Article 100. Use of Forest Fund Areas for Hunting Purposes

1. Forest Fund areas shall be made available for use by physical and legal entities for hunting purposes based on an agreement on temporary long-term forest use in accordance with a procedure established in this Code.

2. The harvesting of wood leading to destruction or degradation of habitats of rare and disappearing animal species shall not be permitted.

3. Authorizations to use wildlife in the Forest Fund are issued in accordance with a procedure established by the laws of the Republic of Kazakhstan.

4. Procedures for the use of Forest Fund areas for hunting purposes are defined by the Government of the Republic of Kazakhstan.

Article 101. Use of Forest Fund Areas for Research Purposes

1. Forest Fund areas shall be made available for use by physical and legal entities for research purposes based on an agreement on temporary long-term forest use in accordance with a procedure established in this Code.

2. Procedures for the use of Forest Fund areas for research purposes are defined by the Government of the Republic of Kazakhstan.

Article 102. Use of Forest Fund Areas for Purposes of Recreation, Tourism and Sports

1. Forest Fund areas shall be made available for use by physical and legal entities for purposes of recreation, tourism and sports based on an agreement on temporary long-term forest use in accordance with a procedure established in this Code.

2. In allocated Forest Fund areas, forest users shall conduct activities to develop/improve them, and provide cultural and consumer services to population on condition that forests and natural landscapes are preserved, and fire prevention and sanitary rules are complied with.

3. Procedures for the use of Forest Fund areas for purposes of recreation, tourism and sports are defined by the Government of the Republic of Kazakhstan.

Article 103. Use of the Gene Pool of Forest Biocenoses

1. The gene pool of forest biocenoses in the Republic of Kazakhstan refers to the republican ownership, and is territorially distinguished as separate zones of restricted use including genetic flora and fauna reservations, plus stands and trees, other objects used for selection and genetic purposes.

The aforesaid zones are established by the Government of the Republic of Kazakhstan at the request of scientific organizations and the authorized government agency.

2. The exchange of reproduction resources of flora and fauna gene pool with other states shall be carried out based on the decision of the Government of the Republic of Kazakhstan with a positive decision of the state environmental expertise.

SECTION 8. ECONOMIC MECHANISM OF FOREST FUND PROTECTION, PRESERVATION AND USE, REFORESTATION AND AFFORESTATION

Chapter 17. Economic Principles and Methods of Forest Fund Preservation, Protection and Use, Reforestation and Afforestation

Article 104. Economic Principles and Methods of Forest Fund Preservation, Protection and Use, Reforestation and Afforestation

The Economic principles and methods of forest fund preservation, protection and use, reforestation and afforestation are:

- 1) planning of activities for forest preservation, protection and use, reforestation and afforestation;

- 2) funding of forest management on the lands of the state forest fund in accordance with the norms established by the Government of the Republic of Kazakhstan;
- 3) charges for use of forest resources and benefits;
- 4) charges for use of reserved areas;
- 5) stimulation of increase of percentage of forest land in the republic of Kazakhstan;
- 6) insurance of responsibility of state forest owners and users of the lands of the state forest fund.

Article 108. Forest Use Charges

1. The use of the State Forest Fund shall be chargeable..
2. Some types of forest use shall be charged as established by the Tax Code of the Republic of Kazakhstan.
3. The payment rates shall be established on the grounds of forest benefits, quality and availability of forest resources and market prices for the forest products.
4. The rates, procedures for calculation and transfer to the budget of forest use charges are defined in accordance with the Tax Code of the Republic of Kazakhstan.

Article 106. Economic Stimulation of Increase of Percentage of Forest Land

Economic Stimulation of Increase of Percentage of Forest Land shall be effected through:

- 1) transfer of the lands of the land reserve and other lands that are not suitable for agricultural purposes to the forest fund as established by the land legislation of the Republic of Kazakhstan;
- 2) stimulation of afforestation, creation of special-purpose plantations, agricultural forest shelter belts and other plantations as established by the tax legislation of the Republic of Kazakhstan;
- 3) stimulation of creation of highly-productive forest plantations in order to satisfy the need for fuelwood;
- 4) stimulation of production and application of forest seeds with improved hereditary properties and planting stock produced on the selection and genetic basis;
- 5) creation of favorable conditions to attract investments in the forestry.

Article 107. Insurance of Responsibility of State Forest Owners and Users of the Lands of the State Forest Fund

1. The insurance of responsibility of state forest owners and users of the lands of the state forest fund shall be aimed at protection of their proprietary interests in case of risks of responsibility for the obligations under the contract in consequence of damage to the state forest fund as well as health, lives and property of the third parties.
2. The voluntary insurance of the responsibility of state forest owners and users of the lands of the state forest fund shall be effected at their will.
Types, conditions and procedures of the voluntary insurance shall be regulated by the contract between the insurer and the insured.

Article 108. Planning of Activities for Forest Protection, Preservation, Reforestation and Afforestation on the Lands of the State Forest Fund

1. Current and prospective planning of activities for forest protection, preservation, reforestation and afforestation shall be exercised on the basis of programs, forest management planning projects and other document of forest management planning and shall be included in the indicative plans for socio-economic development of the Republic of Kazakhstan.

2. Programs on forest protection, preservation, reforestation and afforestation shall be developed and implemented as established by this Code and other legislation of the Republic of Kazakhstan.

Chapter 18. Financing of Forestry

Article 109. Sources to Finance Forest Management Expenditures

Forest management expenditures shall be financed from:

- 1) Republican budget;
- 2) local budgets;
- 3) proceeds from payment-based services and sales of goods produced by forest offices;
- 4) forest users' funds;
- 5) voluntary fees and contributions of natural and legal persons;
- 6) other funding sources that are not prohibited by the laws of the Republic of Kazakhstan.

Article 110. Financing of Forest Management Expenditures from the State Budget

The following shall be financed from the state budget:

- 1) forest management planning and inventory, keeping of the State Account of the Forest Fund, State Forest Cadastre, forest monitoring;
- 2) aerial protection of forests, forest fire prevention, control of pests and forest diseases;
- 3) scientific research, and research and development works in the area of Forest Fund protection and use, reforestation and afforestation;
- 4) forest seed-breeding, including establishment of the forest breeding and certification of forest seeds;
- 5) pest and disease monitoring and control;
- 6) training of staff for forest management and hunting organizations;
- 7) issue of forest permits;
- 8) activities on the lands of the state forest fund under the jurisdiction of the authorized agency and other governmental bodies in charge of:
 - Forest fire safety, unauthorized cuttings and other violations of the forest legislation of the Republic of Kazakhstan, pest and disease control;
 - Reforestation and afforestation;
 - Construction and maintenance of forestry roads, forest fire control arrangements;
 - Scientific research in the sector of forest protection, preservation and use, reforestation and afforestation;
 - Forest surgery and sanitary cutting, demarcation and cruising of cutting areas;
 - Capital investments in forest protection, preservation, reforestation and afforestation.

Article 111. Financing of Forest Management Expenditures from the Local Budget

Local budget shall fund the following activities on the lands of the state forest fund under the jurisdiction of oblast executive bodies:

- 1) Forest fire safety, unauthorized cuttings and other violations of the forest legislation of the Republic of Kazakhstan;
- 2) Reforestation and afforestation;
- 3) Treatment of pest and disease foci;
- 4) Construction and maintenance of forestry roads, forest fire control arrangements;

- 5) Scientific research in the sector of forest protection, preservation and use, reforestation and afforestation;
- 6) Forest surgery and sanitary cutting, demarcation and cruising of cutting areas;
- 7) Capital investments in forest protection, preservation, reforestation and afforestation.

Article 112. Proceeds from Payment-Based Services and Sales of Goods Produced by Forest Offices

1. Forest offices can receive proceeds from:
 - 1) Chargeable services to legal and natural persons with respect to: production of planting stock and harvesting of forest seeds, creation of greenery, protective and other forest plantations, conduction of training practices, technical and consulting assistance in the forest sector;
 - 2) sales of products of surgery and sanitary cuttings including fuelwood and non-timber forest use.;
2. The procedure for generation and spending of funds by forest offices is approved by the Government of the Republic of Kazakhstan.
3. The use of funds of forest offices for purposes other than protection and renewal of forests and wildlife shall be prohibited.

**SECTION 9. VIOLATIONS OF FOREST LEGISLATION OF THE
REPUBLIC OF KAZAKHSTAN**

Chapter 19. Violations of Forest Legislation of the Republic of Kazakhstan

Article 113. Violations in the Area of Forest Fund Protection and Use, Reforestation and Afforestation

1. Violations in the area of Forest Fund protection and use, reforestation and afforestation include:
 - 1) destruction or damage to the forest management signs in the forest fund;
 - 2) sale, donation, pledging, unauthorized occupation and exchange of the lands of the state forest fund as well as unauthorized transmission of the right for forest use that violate the right of state forest ownership plots;
 - 3) illegal use of the lands of the state forest fund for stubbing, construction, timber processing, arrangement of storage facilities and other unauthorized activities;
 - 4) illegal cutting of and damage to trees and shrubs including damage with fire, destruction or damage to forest crops, planting stock in the nursery forests and forest plantations as well underwood of natural origin and self-seed crops intended for reforestation and afforestation;
 - 5) destruction or damage to forest fund or plantations not included in the forest fund as a result of careless handling of fire or other source of high risk;
 - 6) intended destruction or damage to forest fund or plantations not included in the forest fund as a result of arson or other generally known dangerous method, or as a result of pollution with wastes;
 - 7) violation of fire prevention requirements and sanitary rules in forests;
 - 8) violation of procedures established by the legislation off the republic of Kazakhstan for use of cutting areas, harvesting and removal of timber, collateral wood resources and wood sap;

- 9) non-compliance with the period of return of temporarily occupied Forest Fund areas or non-fulfillment of obligations to bring them to a condition suitable for their intended use
 - 10) ;
 - 11) damage to or pollution of the Forest Fund caused by chemicals and radioactive substances, industrial waste and wastewater, industrial, domestic and sanitary emissions, waste and discharge;
 - 12) damage to haylands and rangelands on the lands of the state forest fund;
 - 13) violation of procedures and period of reforestation in cutovers and other Forest Fund lands intended for reforestation and afforestation;
 - 14) destruction of fauna useful for forests;
 - 15) damage to the forest through disposal of waste water, chemical substances or industrial wastes that cause its dying and diseases or pollution;
 - 16) destruction or damage to forest drainage canals, drainage systems and roads on the lands of the state forest fund;
 - 17) forest use non-complying with the objectives and requirements provided for in a felling license, order, forest permit;
 - 18) construction and operation of objects that make a negative impact on forest conditions and reforestation;
 - 19) violation of procedures established by the legislation of the republic of Kazakhstan for demarcation and cruising of cutting areas;
 - 20) harvesting of wood in volumes exceeding the allowable cut;
2. Liability for other violations of the forest legislation may also be established by the laws of the Republic of Kazakhstan.

Article 114. Responsibility for Violations of Forest Legislation

Physical and legal entities guilty of violation of the forest legislation shall be liable as established by the legislation of the Republic of Kazakhstan.

Article 115. Return of Forest Fund Areas Occupied without Authorization

1. Forest Fund areas occupied without authorization shall be returned under their original ownership without compensation of costs incurred during their illegal use. The damage caused to the forest owner shall be reimbursed.

2. Unauthorized buildings shall be removed, lands brought in compliance with their intended use, and forestlands recovered at the expense of violators.

Article 116. Responsibility for Destruction of or Damage to Tree and Shrub Vegetation not Included in the Forest Fund

Persons guilty of illegal destruction of or damage to tree and shrub vegetation not included in the Forest Fund, except those specified in Subclause 3, Clause 6, Article 6 of this Code, shall bear responsibility established by the laws of the Republic of Kazakhstan.

Chapter 20. Final Provisions

Article 117. International Cooperation in the Sector of Forest Protection and Preservation, Reforestation and Afforestation.

The international cooperation in the sector of forest protection and preservation, reforestation and afforestation shall be effected in accordance with the principles established by the international agreements ratified by the Republic of Kazakhstan.

Article 118. Procedures for This Code to take Effect

1. This Code shall take effect on the date of its official publication.

2. The following document shall be considered as stale:

1) The Forest Code of the Republic of Kazakhstan of Jan. 23, 1993 (Bulletin of the Supreme Council of the Republic of Kazakhstan, 1993, No. 3, p. 45; 1995, No. 20, p. 120; Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 11, p. 357; 2001, No. 3, p. 20; No. 24, p. 338);

2) Statute of the Supreme Council of the Republic of Kazakhstan of Jan. 23, 1993 “On procedures to effect the Forest Code of the Republic of Kazakhstan” (Bulletin of the Supreme Council of the Republic of Kazakhstan, 1993, No. 3, p. 46).

N. NAZARBAYEV
THE PRESIDENT OF THE REPUBLIC OF KAZAKHSTAN