

Adopted on 24 October, 2005
FOREST CODE OF THE REPUBLIC OF ARMENIA

CHAPTER 1
GENERAL PROVISIONS

Article 1. Subject regulated by the Code

This Code shall regulate relations connected with sustainable forest management - guarding (Forstwart), protection (Forstschutz), rehabilitation, afforestation and rational use of forests and forest lands of the Republic of Armenia as well as with forest stock-taking, monitoring, control and forest lands.

Article 2. Forest Legislation

The relations in the field of forestry of the Republic of Armenia shall be regulated by the Constitution of the Republic of Armenia, Civil Code of the Republic of Armenia, this Code, Land Code of the Republic of Armenia and other legal acts.

If norms set forth by international agreements of the Republic of Armenia are other than those envisaged by this Code, then the norms of international agreements shall be applied.

Article 3. Main concepts used in the Code

The concepts used in this Code are the followings:

Forest - interconnected and interacting integrity of biological diversity dominated by tree-bush vegetation and of components of natural environment on forest lands or other lands allocated for afforestation with the minimal area of 0,1 ha, minimal width of 10 m and with tree crowns covering at least 30% of the area, as well as non-forested areas of previously forested forest lands.

Forest outcome - harvested forest reserve.

Forest reserves – the allowable proportion of forest resources subject to use (by volume, quantity, quality, form and territorial location).

State stock-taking of forests – registration of changes happening during running of forest economy, once in each five years.

Forest lands – forested lands and lands allocated or envisaged for flora and fauna protection, nature protection as well as non-forested lands allocated or envisaged for the running of forest economy.

Forest enterprise – a production unit with the aim of sustainable forest management

Running of forest economy (vedenie lesnogo xozjastwa) - implementation of complex measures envisaged by forest management plans (*plan lesoustrojstwo*).

Person running forest economy – legal persons and citizens running forest economy

Forest resource - integrity of wood, plants, other forest products reproduced in forests and fauna.

State cadastre of forests - periodically updated system of registration and economic assessment of qualitative and quantitative data on forests and forest lands as well as of forest classification.

Forest monitoring (observation) – the process of observations, research and assessment conducted for the purpose of forecasting the state of forests and forest lands.

Sustainable forest management - guarding, protection, rehabilitation, afforestation and rational use of forests by maintaining self-regeneration capacity of forest biodiversity as well as by safeguarding the efficient use of environmental, social and economic potential of forests for present and future generations.

Forest guarding - implementation of complex measures against fires, unauthorized occupations, illegal loggings, grazings, pollution, waste dumping and other actions prohibited by legislation, which cause harm to forest biodiversity.

Forest protection – implementation of complex measures aimed at the prevention of forest destruction, drying, loss of useful properties of forests due to harmful organisms (pests and diseases) and the improvement of sanitary condition.

Forest management planning (lesoustroystvo) – implementation of complex measures once in ten-year period aimed at sustainable forest management planning.

Forest management plan (plan lesoustroystva) - a technical document developed as an output of forest management planning and approved for the purpose of running of forest economy.

Forest rehabilitation - rehabilitation of previously forested areas and safeguarding of natural regrowth.

Forest use - use of the opportunity to get useful natural properties of forests, forest reserves and forest lands, as well as to get benefit from it.

Forest cutting coupon – a document verifying the right to harvest and remove wood and secondary forest products from forest.

Forest coupon – a document verifying the right of the use of non-wood forest product.

Forest use fees – nature use fees for the use of bioresources set up by the Law on Nature Protection and Nature Use Fees of the Republic of Armenia.

Forest roads – transportation ways needed to safeguard sustainable forest management.

Afforestation - establishment and growing of artificial forest cultures through planting and seeding on non-forested lands as well as lands having other special-purpose significance.

Forest user – physical or legal person, who by the order established by the legislation got the right to use useful properties of forest and forest lands.

Wood harvesting - removal from the forest of trees logged at the stump level as well as fallen due to wind and snow.

Secondary forest products - harvested stumps, bark, dry branches, shoots and tar.

Residues – parts or trunks of dead trees fallen on forest land.

Stand – an integrity of trees with similar main external features.

Biotop – a habitat of plant and animal organisms subject to special protection.

Biological diversity – variability of terrestrial, air and water living organisms, which includes diversity within species, between species and diversity of ecosystems.

Annual allowable cut - annual quantity of wood harvesting determined by the forest management plan.

Cutting age - scientifically justified indicator of tree maturity.

Cuttings

Forest regeneration cuttings - cuttings carried out in mature and overmature forests with the purpose to improve the natural environment and forest regeneration.

Other cuttings – cutting of trees for cleaning of forest areas, construction of forest roads and works not connected with the running of forest economy, but determined by the law.

Maintenance (intermediate) cuttings - periodical removal of slow growing trees hampering the growth of main forest species in the stand.

Sanitary cuttings - cutting of trees which have lost viability due to negative impact of pests and diseases or of dead trees and those dead on the top for the improvement of the sanitary condition of the forest.

Non-forested area – non-forested areas of forest lands.

Harvesting of non-wood forest products - harvesting and removal of fruits, berries, nuts, mushroom, edible and medicinal plants as well as technical raw materials.

CHAPTER 2

OWNERSHIP OF FORESTS AND FOREST LANDS

Article 4. The right of property towards forests and forest lands

1. Forests and forest lands can be under state, community and private ownership.
2. State forests and forest lands shall not be subject to alienation to communities, legal persons and citizens.
3. The forest established on the lands owned by communities, legal persons and citizens by their owners shall be regarded as their property.
4. The right of property towards forests and other property rights shall be subject to state registration by the order determined by the legislation of the Republic of Armenia.

Article 5. Rights and responsibilities of forest owner

1. The rights of the forest owner are as follows:
 - a) possession (holding), use, dispose of forests and running of forest economy according to this Code without damaging the environment;
 - b) definition of the order of forest use in the forests according to the legislation of the Republic of Armenia;
 - c) setting of tariffs for forest use;
 - d) setting terms and fee for lease contract;
 - e) organization of leasing out forest lands according to the order established by the legislation of the Republic of Armenia.
 - f) the right to get indemnification for the damage in case of allocation of an area for forest roads envisaged by the forest management plans.

2. The responsibilities of the forest owner are as follows:
 - a) ensure guarding and protection of forests;
 - b) ordering and implementation of the forest management plans;
 - c) organization of rational use of forest resources and lands according to the forest management plans;
 - d) enhancement and maintenance of forest land fertility, safeguarding of their special-purpose use;
 - e) forest rehabilitation and afforestation, improvement of their productivity and tending;
 - f) implementation of fire safety measures on forest lands, fire spotting and prevention of forest fires, prevention of the harmfulness of pests and diseases;
 - g) timely spotting and prevention of activities having no connection with forest use on the territory of state forest lands, as well as of illegal

loggings, damaging and destruction of trees, bushes, young plantations and forest cultures, pollution of forests by chemical, radioactive substances, wastewater and municipal-domestic waste and other infringements of forest legislation;

- h) allocation of an area for state forest roads envisaged by the forest management plans.

3. The owners of non-state forests and forest lands shall be obliged to provide the state management body in the sphere of sustainable forest management with the data for state forest cadastre maintenance and state stock-taking of forest lands of the Republic of Armenia.

CHAPTER 3

FOREST MANAGEMENT BODIES

Article 6. Competences of the Government of the Republic of Armenia in the sphere of sustainable forest management

The competences of the Government of the Republic of Armenia in the sphere of sustainable forest management are as follows:

- a) disposal of the state forests according to this Code and other legal acts;
- b) safeguarding of state policy implementation;
- c) implementation of control in state and non-state forests;
- d) approval of state programs;
- e) coordination of the activities of the state management bodies in the sphere of sustainable forest management;
- f) approval of annual allowable cut for wood harvesting in state forests;
- g) classification of forests by main special-purpose significance;
- h) adoption of legal acts regulating the forest sector;
- i) other authorities determined by this Code and the legislation of the Republic of Armenia.

Article 7. Competences of the state authorized bodies in the sphere of sustainable forest management and control

1. The competences of the state management body (hereinafter authorized body of state management) in the sphere of sustainable forest management are as follows:

- a) possession and use of the state forests according to this Code and other legal acts;
- b) development and implementation of the state policy;

- c) classification of forests by functional significance;
- d) organization of the running of the state forest enterprises of the Republic of Armenia;
- e) approval of the forest management plans of the state forests;
- f) maintenance of the state forest cadastre of the Republic of Armenia and state stock-taking of forest lands;
- g) development of purposeful programs aimed at the improvement of forest productivity, forest rehabilitation, afforestation and tending;
- h) improvement and maintenance of forest lands fertility, safeguarding of their purposeful use;
- i) organization of the implementation of fire safety measures, fire spotting and prevention of forest fires, prevention of the harmfulness of forest pests and diseases;
- j) implementation of forest monitoring;
- k) organization of identification and prevention of activities having no connection with forest use, namely illegal loggings, damaging and destruction of trees, bushes, young plantations and forest cultures, pollution of forest by chemical, radioactive substances, wastewater, municipal-domestic waste and other infringements of forest legislation as well as immediate provision of information on those to law-enforcement bodies according to the order established by the legislation of the Republic of Armenia;
- l) implementation of international cooperation in the field of sustainable forest management;
- m) giving permit to change special-purpose significance of lands and carry out engineer-geological studies for the activities on construction, blasting, extraction of useful minerals, installation of cables, pipe-lines and other communications, drilling and others having no connection with the running of forest economy and forest use on community forest lands.
- n) control over forest legislation enforcement;
- o) other authorities determined by this Code and the legislation of the Republic of Armenia.

2. Environmental control shall be implemented by the authorized state body in the mentioned sphere.

Article 8. Competences of territorial bodies of state management in the sphere of sustainable forest management

The competences of territorial bodies of state management in the sphere of sustainable forest management are as follows:

- a) participation in the development of state programs and safeguarding of their implementation on the Marz administrative territories;
- b) involvement of specialized services, forest users and population in the works to fight forest fires within Marz administrative territories;
- c) implementation of state programs for guarding and use of forests and forest lands;
- d) other authorities determined by the legislation of the Republic of Armenia.

Article 9. Competences of local self-governing bodies in the sphere of sustainable forest management

The competences of local self-governing bodies in the sphere of sustainable forest management are as follows:

- a) possession, use, disposal of community forests and running of forest economy according to this Code;
- b) participation in the development of state programs and safeguarding of their implementation within their administrative territories according to the order determined by the law;
- c) involvement of specialized services, forest users and population in the works to fight forest fires;
- d) management of state forests given for community management;
- e) giving consent to change special-purpose significance of lands and carry out engineer-geological studies for the activities on construction, blasting, extraction of useful minerals, installation of cables, pipe-lines and other communications, drilling and others having no connection with the running of forest economy and forest use on community forest lands.

CHAPTER 4

CLASSIFICATION OF FORESTS

Article 10. Classification of forests by main special-purpose significance

1. The forests of the Republic of Armenia irrespective of the form of ownership shall be classified by their main special-purpose significance as follows:

- a) forests of protection significance;
- b) forests of special significance;

c) forests of production significance.

The order of forest classification by main special-purpose significance shall be determined by the Government of the Republic of Armenia.

2. In case of the change of the special-purpose significance of non-state forests for the state or community needs, the owner shall be compensated the damages and losses caused, according to the order determined by the law of the Republic of Armenia, unless the special-purpose significance of the forests is changed by the owner's initiative.

Article 11. Forests of protection significance

1. Forests of protection significance are the followings:

- a) forests in the water protection zones of water bodies;
- b) forests located on steep slopes (more than 30 degree);
- c) forest belt with the width of 200 m on the upper and lower timberline;
- d) forests growing in semi-desert, steppe and forest-steppe areas;
- e) forests within the radius of 100 m surrounding botanical gardens, zoological parks and arboretums.

2. Implementation of forest regeneration cuttings shall be prohibited in the forests of protection significance.

3. The order of forest use and guarding in the forests of protection significance shall be determined by the Government of the Republic of Armenia.

Article 12. Forests of special significance

1. Forests of special significance are the followings:

- a) forests included in the specially protected areas of nature;
- b) municipal forests and forests located close to cities;
- c) forests of recreational and health protection significance;
- d) border forests and forests of military significance;
- e) forests having historical and scientific value;
- f) forests protecting sanitary zones.

2. Those types of forest use which do not meet the requirements of the protection regime of a given area determined by the legislation of the Republic of Armenia shall be limited and prohibited in the forests of special significance.

3. The order of forest use and guarding in the forests of special significance shall be determined by the legislation of the Republic of Armenia.

Article 13. Forests of production significance

1. Forests of production significance are the forests ensuring continuous wood production and those not classified as forests of special and protection significance.
2. Wood harvesting in the forests of production significance shall be carried out on the basis of forest management plans through intermediate (maintenance), sanitary and forest regeneration cuttings for the improvement of biological peculiarities of the forests, on the basis of cutting age, with safeguarding the prevention of negative environmental impacts and safeguarding liquidation of the consequences of negative impacts if the prevention is not possible.
3. The order of forest use and guarding in the forests of production significance shall be determined by the Government of the Republic of Armenia.

CHAPTER 5

FOREST MANAGEMENT PLANNING

Article 14. Principles of forest management planning

1. Forest management planning is the basis for sustainable forest management.
2. Forest management planning includes the following:
 - a) definition of the borders of the forest enterprise;
 - b) topographic works and mapping of forests;
 - c) inventory of forest lands including the description of natural conditions, species and age composition of forests, state of forests, quantitative and qualitative characteristics of forest resources;
 - d) definition of the location, order and ways for implementation of forest regeneration cuttings, maintenance, sanitary and other cuttings, forest rehabilitation and afforestation, forest guarding and protection, as well as other economic activities taking into account the species composition of forests and the presence of forest roads;
 - e) justification for forest classification by their significance;
 - f) calculation of annual allowable cut - volumes of forest regeneration, maintenance, sanitary and other cuttings;
 - g) decision on the scales of forest rehabilitation, afforestation, forest guarding and protection and other forest management operations;
 - h) description of biodiversity, decision on the possibilities for use of non-wood forest products, secondary wood products and forest lands for cultural, health and recreational needs;

3. Forest management planning enters into force only after the approval of the forest management plans according to the determined order;

Article 15. Forest management plan

1. Respective plans for the purpose of running forest economy shall be developed in the process of forest management planning; they provide full evaluation of the running of forest economy and forest use for the previous period, as well as the measures to be implemented for the running of forest economy in coming 10 years.
2. The instruction of forest management plans development shall be approved by the authorized body of state management.
3. Forest management plans upon approval by the authorized body of state management shall be regarded as obligatory technical documents for the current and prospective planning for the running of forest economy.

CHAPTER 6

STATE STOCK-TAKING, STATE CADASTRE MAINTENANCE AND MONITORING OF FOREST

Article 16. State stock-taking and state cadastre maintenance of forests

1. State stock-taking and state forest cadastre maintenance of forests and forest lands shall be carried out for the purpose to manage forests sustainably, register periodically qualitative and quantitative changes of forests as well as provide the Government of the Republic of Armenia, local self-governing bodies, interested legal persons and citizens with information about forest lands.
2. Data of state stock-taking and state cadastre maintenance of forests can be used for the organization and implementation of activities on forest lands, change of special-purpose and functional significance of forests and evaluation of economic activities by forest users.
3. State stock-taking of forests shall be carried out once in every five year period at the expense of the state budget of the Republic of Armenia as well as other means not forbidden by the law.
4. Data of state cadastre and state stock-taking of forests shall be available for all.

5. The order of state cadastre maintenance and state stock-taking of forests as well as of data provision shall be determined by the Government of the Republic of Armenia.

Article 17. State monitoring of forests

1. State monitoring of forests shall be organized by the authorized body of state management irrespective of the form of ownership.
2. State monitoring of forests shall be implemented for the assessment of the processes of quantitative and qualitative changes in the forests and forest lands, assessment and prediction of the negative impact of anthropogenic and natural factors, and for initiating measures for prevention or liquidation of negative phenomena.
3. The data obtained in the result of the state monitoring of forests shall be used for sustainable forest management purposes.

CHAPTER 7

RUNNING OF FOREST ECONOMY

Article 18. Principles of running of forest economy

1. Running of forest economy in the Republic of Armenia shall be done by the organizations functioning in the system of state management and local self-governing bodies, as well as legal persons and citizens.
2. The aims of the running of forest economy shall be as follows:
 - a) ensuring sustainable forest management through the implementation of complex measures envisaged by forest management plans;
 - b) ensuring the implementation of measures aimed at the improvement of forest productivity;
 - c) biodiversity protection;
 - d) protection of natural and historical monuments.

Article 19. Rights and responsibilities of persons running forest economy

The persons running forest economy have the rights defined in Article 34 of this Code.

The persons running forest economy shall be obliged to:

- a) ensure purposeful use of forest lands and their guarding;
- b) ensure forest rehabilitation and afforestation of non-forested areas, implementation of measures aimed at the improvement of their productivity and rational use of forest resources;

- c) carry out fire-spotting and prevention of forest fires, fire safety measures, prevention of the harmfulness of forest pests and diseases;
- d) ensure maintenance of water protection, anti-erosion, sanitary-hygienic, health and other useful properties of forests;
- e) support biodiversity protection and reproduction.

Article 20. Order on implementation of activities having no connection with the running of forest economy

1. Construction and blasting, extraction of minerals, installation of cables, pipelines and other communications, drilling and other activities having no connection with the running of forest economy and forest use on state forest lands shall be carried out on the basis of the consent by the authorized body of state management. The consent shall be given on the basis of the positive outcome of the environmental expertise.
2. The order on implementation of the works defined by this Article shall be determined by the Government of the Republic of Armenia.

CHAPTER 8

FOREST GUARDING AND PROTECTION

Article 21. Forest guarding

1. Forest owners, persons running forest economy and forest users shall have the right to guard forests from unauthorized occupation, illegal loggings, illegal grazings, pollution, waste dumping and other activities prohibited by legislation and causing damage to forest biodiversity as well as infringements of forest legislation.
2. Forest owners, persons running forest economy and forest users shall be obliged to:
 - a) follow the rules of fire safety;
 - b) develop and implement complex programs on respective measures aimed at fire spotting and fire fighting including construction and rehabilitation of the roads of fire-prevention significance;
 - c) alarm and involve specialized fire-fighting services and local self-governing bodies in case of fire spotting.
3. Design, location, construction and exploitation of objects in the areas adjacent to forest lands should ensure the prevention of negative impacts on the state of

forests. The issue whether the territory is adjacent to forest lands shall be decided on the basis of environmental expertise of particular activity.

Article 22. Forest protection

1. Forest owners, persons running forest economy and forest users shall be obliged to protect forests against massive outbreaks of harmful organisms, as well as other natural harmful impacts.
2. The protection of forests against harmful organisms and diseases shall include the implementation of the following measures:
 - a) forest-pathological studies;
 - b) prevention of forest pests and diseases;
 - c) sanitary cuttings.

Article 23. Forest-pathological studies

1. Forest pathological studies shall be carried out for the purpose of clarification of natural development and spread of pests and diseases, development and implementation of plans on efficient measures for harmfulness prevention.
2. Sanitary state of the forests shall be assessed as well as the quantity of sick, dying and dead trees and the necessity of sanitary cuttings with their scales shall be defined through forest-pathological studies.
3. Forest users running forest economy in the forests under their possession (holding) shall be obliged to carry out forest-pathological studies with the aim to obtain necessary information on the sanitary condition of forests.

Article 24. Prevention of forest pests and diseases

1. The implementation of measures on the prevention of forest pests and diseases in state forests shall be organized in centralized order by the authorized body of state management.
2. Activities shall be carried out on the basis of forest-pathological studies.
3. Ways and methods having minimal negative impact on forest ecosystems and environment shall be applied in the activities on the prevention of the harmfulness of forest pests and diseases. The preference shall be given to biological ways of prevention of the harmfulness of pests and diseases.
4. Activities on the prevention of the harmfulness of forest pests and diseases shall be carried out according to this Code and the rules on sanitary cuttings of forests.

Rules of sanitary cuttings of forests shall be approved by the authorized body of state management.

Article 25. Sanitary cuttings

1. Sanitary cuttings shall be carried out for the improvement of sanitary state of the forests, as well as for elimination of trees which lost viability due to negative impact of pests and diseases or of trees dead on the top and dead trees.
2. The necessity and scales of sanitary cuttings shall be justified on the basis of data obtained in the result of forest-pathological studies or monitoring.
3. Two types of sanitary cuttings - complete and selective cuttings - shall be applied in the forests.
4. Complete sanitary cuttings shall be carried out in dead plantations and stands as well as those, which lost viability due to negative impact of fires, pests and diseases.
5. Forest regeneration measures shall be mandatory carried out on the forest lands with complete sanitary cuttings.
6. While carrying out selective sanitary cuttings, individual trees dead on the top, dead trees and those which lost viability due to negative impact of pests and diseases shall be cut.
7. Sanitary cuttings shall be carried out by the permit of the authorized body of state management.

Article 26. State Forest Service

1. The State Forest Service shall control the enforcement of forest legislation.
2. Forest guarding and protection shall be implemented by the State Forest Service functioning in the system of the authorized body of state management.
3. The officials of the State Forest Service shall be obliged to:
 - a) prevent infringements of forest legislation within their jurisdiction;
 - b) proceed cases of forest legislation infringements by the determined order;
 - c) submit a solicitation to the respective state body to hold responsible persons committed administrative or criminal violations of forest legislation, as well as, within their jurisdiction, to bring a suit to the court with the demand to get compensation for the damage caused to the forest enterprise;
 - d) take from forest legislation violators those items and documents which are regarded as the tools or direct objects of violation;
 - e) give mandatory instructions, within their jurisdiction, to citizens, official and legal persons regarding the infringements of forestry legislation of the Republic of Armenia and elimination of their consequences;
 - f) make decisions, within their jurisdiction, on the cessation of forest use;

- g) carry out other duties determined by the law.
- 4. The officials of the State Forest Service shall have the rights as follows:
 - a) to make protocols, within their jurisdiction, regarding forest legislation infringements;
 - b) to carry and use weapons, special means during their service duties, by the order determined by the legislation of the Republic of Armenia;
 - c) to be provided by other technical means necessary for their service provision;
 - d) to wear approved uniform, which shall be provided for free.
- 5. The order of the activities of the State Forest Service shall be determined by the law.

Article 27. Social and other guarantees for the State Forest Service officials

- 1. The state shall guarantee for the State Forest Service officials the following:
 - a) mandatory state social insurance for the cases and by the order determined by the law;
 - b) compensation for the damage caused to their health and belongings during implementation of the service duties;
 - c) provision of respective payment, according to the order determined by the legislation of the Republic of Armenia, to the official in case of disability due to implementation of service duties and to the official's family members in case of his/her death.
 - d) ensuring security for the official and his/her family members from violence, terrorism and other encroachment connected with the service duties on the basis of the State Forest Service official's application in the cases and by the order determined by the legislation of the Republic of Armenia.
- 2. The State Forest Service employees shall be subject to state protection according to the order determined by the legislation of the Republic of Armenia.

CHAPTER 9

FOREST REGENERATION AND AFFORESTATION

Article 28. Aims of forest regeneration and afforestation

The aims of forest regeneration and afforestation are the prevention of degradation of forest ecosystems damaged due to the impact of negative factors, rehabilitation of forest resources in previously forested areas which were deforested due to forest fire, logging and other reasons, safeguarding forest productivity enhancement as well as forest biodiversity protection, natural regrowth and expansion of forested areas.

Article 29. Forest regeneration

1. Forest regeneration activities shall be carried out to ensure regeneration and natural regrowth of previously forested areas which were deforested due to the impact of fire, loggings and other negative factors on the forest lands.
2. The selection of the scales and methods of forest regeneration activities as well as of economically valuable tree species for those activities shall be carried out by the forest owners, legal and physical persons running forest economy according to the forest management plans, forest regeneration instruction and the regulation on the transfer of forest cultures to the category of forests.
3. The regulation on the transfer of forest cultures to the category of forests shall be determined by the authorized body of state management.

Article 30. Afforestation

1. Afforestation is the establishment and growing of artificial forest cultures through planting and seeding on non-forested forest lands as well as on the lands of other special-purpose significance.
2. Afforestation of non-forested forest lands shall be carried out according to the forest management plans, instruction on afforestation and the regulation on the transfer of forest cultures to the category of forests.
3. The instructions on forest regeneration and afforestation shall be approved by the authorized body of state management.

Article 31. Forest seed harvesting and growing of seedlings

1. Forest seeds harvesting and growing of seedlings for the purpose of forest regeneration and afforestation shall be carried out according to the rules on running forest-seed and nursery economy.
2. The rules on the running forest-seed and nursery economy shall be approved by the authorized body of state management.

CHAPTER 10 FOREST USE

Article 32. Allocation of forests and forest lands for use

1. The owners of the forests and forest lands shall allocate forests or forest lands for free of charge or on lease, as well as for other purposes envisaged by this Code.
2. State forests or forest lands shall be allocated for free of charge use in the cases envisaged by the law and other normative-legal acts.
3. The relations connected with leasing or use right shall be regulated by the Civil Code, Land Code and this Code.
4. The order of the allocation of state forests and forest lands for use shall be determined by the Government of the Republic of Armenia.

Article 33. Allocation of state forest lands for free of charge use for afforestation purposes

1. Those areas of the state forest lands which are non-forested and do not have natural regrowth can be allocated for free use with the term of getting property right towards forest, if the users carry out afforestation at their own expenses and according to afforestation rules, and those lands are transferred to the category of forest. The fact of the transfer to the category of forest shall be verified by an act based on this Code and the contract between parties; the act shall be the basis for getting property right towards forests.
2. The contract of free of charge use of forest lands shall be made by the order determined by the legislation of the Republic of Armenia.

Article 34. Forest users

1. The forest users shall be obliged to:
 - a) use forests and forest lands according to their special-purpose significance;
 - b) ensure maintenance of sanitary state of the forests;
 - c) prevent land-slides and other negative impacts on the state of forests;
 - d) not to allow overcuttings and undercuttings, not to leave logged wood in the logging areas and forests;
 - e) clear logging areas from cutting residues;
 - f) observe fire safety rules and carry out fire prevention measures;

- g) compensate or restore the damage caused to forests and forest lands due to forest use;
- h) not to damage adjacent forest lands while carrying out loggings on the used area;
- i) ensure protection of rare and endangered species of fauna and flora registered in the Red Data Book of the Republic of Armenia;
- j) fulfill other requirements determined by this Code.

2. The forest users shall have the right to:

- a) carry out only those types and scales of forest use, which are mentioned in the documents providing the forest use right;
- b) select by their own the forms of economic activity for forest use;
- c) by the determined order, establish roads of forest management significance, build places for storing forest products, build temporary constructions of production and economic purposes, organize parking places for means of transportation according to the forest management plans.

It shall be prohibited to interfere in the activities by the forest users except for cases of infringement of the forest and other environmental legislation.

Violated rights of forest users shall be subject to restoration.

3. The construction activities on the forest lands for the needs of forest economy can be carried out by the order determined by the Land Code of the Republic of Armenia.

Article 35. Types of forest use in the forests

The following types of forest use can be carried out in the forests without causing damage to forest ecosystem:

- a) wood harvesting;
- b) harvesting of secondary wood products;
- c) use of non-wood forest products;
- d) forest use for the purpose of organization of fauna reproduction and use;
- e) forest use for scientific-research purposes;
- f) forest use for cultural, health, sport, recreation and tourism purposes.

Article 36. Wood harvesting

1. Wood harvesting in the state and community forests of production significance shall be carried out through intermediate (maintenance) and sanitary cuttings, whereas in mature and overmature stands - through forest regeneration cuttings.

2. Wood harvesting in the forests of protection and special significance shall be carried out through intermediate (maintenance) and sanitary cuttings except those in state reserves.
3. Wood harvesting shall be carried out and annual allowable cut decided on the basis of the forest management plans. In case the forest management plan is lacking or expired, wood harvesting shall be carried out on the basis of the documented studying and conclusions by the specialized commissions established by the authorized body of state management.
4. The order of wood harvesting in state and community forests shall be approved by the authorized body of state management.

Article 37. Harvesting of secondary wood products

1. The harvesting of secondary wood products shall be carried out without causing damage to the forest.

The harvesting of secondary wood products in the state forests shall be carried out on the basis of forest cutting coupon.

2. The harvesting of stumps shall be prohibited on slopes with steepness of 12 or more degree, as well as in those forests, where it can cause landslides or damage to plantations.
3. The harvesting of secondary wood products shall be allowed in the forests of protection and production significance unless otherwise is determined by the owner.
4. The order of the harvesting of secondary wood products in the state and community forests shall be determined by the authorized body of state management.

Article 38. Use of non-wood forest products

1. Harvesting of non-wood forest products, such as fruits, berries, nuts, mushrooms, edible and medicinal plants, technical raw material, as well as installation of apiaries and bee-hives, hay-making and grazing can be carried out on forest lands without causing damage to the forest on the basis of forest use contract and forest coupon.

Use of forest lands for the purpose of growing of agricultural cultures and establishment of fruit-berry, nut and medicinal plant plantations, as well as of hay-making and grazing can be carried out on forest lands without causing damage to the forest on the basis of lease contract.

2. On the areas allocated for use of non-wood forest products shall be prohibited to cut trees, as well as collect rare species and those under the threat of extinction, which are registered in the Red Data Book of the Republic of Armenia.

Grazing of cattle and small cattle shall be prohibited in the forests.

3. The order of use of non-wood forest products in the state and community forests shall be determined by the authorized body of state management.

Article 39. Forest use for the purpose of organization of fauna use and reproduction

1. Forests or forest lands can be used for the purpose of organization of fauna species reproduction and use by the order determined by the law.
2. The relations connected with the fauna use and reproduction by forest users shall be regulated by this Code and the order determined by the Law on Fauna of the Republic of Armenia.
3. The order on the use of forest lands in the state and community forests of protection, production and special significance for hunting needs, for the purpose of organization of fauna use and reproduction shall be determined by the Government of the Republic of Armenia.

Article 40. Forest use for scientific-research and educational purposes

1. Forest use for scientific-research and educational purposes is the implementation of scientific-research, experimental and scientific-practical activities on the forest lands allocated for those purposes.
2. In the state and community forests allocated for the implementation of scientific-research and educational activities the use of forests for other purposes should be limited or prohibited if it is not compatible with the aims and objectives of scientific-research activities.

Article 41. Forest use for cultural, health, sport, recreation and tourism purposes

1. Forest use for cultural, health, sport, recreation and tourism purposes shall include in particular:
 - a) organization of services determined by the legislation of the Republic of Armenia in green zones of forests and other territories being used for recreation;
 - b) organization of services for population observing fire safety rules and sanitary requirements;
 - c) organization of tourism, sport and children-youth camps on the forest lands separated for them by the determined order;
 - d) organization of tourist tours;

- e) hunting and fishing.
- 2. Natural landscapes, flora and fauna, water objects should be protected in the areas used for cultural, health, sport, recreation and tourism purposes.
- 3. The order on use of state and community forests of protection and production significance for cultural, health, sport and tourism purposes shall be determined by the authorized body of state management.

Article 42. Peculiarities of forest use in the forests of special significance

- 1. The order of forest use in the forests of specially protected areas of nature shall be determined by this Code and the Republic of Armenia legislation on specially protected areas of nature.
- 2. Municipal forests and forests close to cities, forests of recreational and health significance, forests of scientific and historical value as well as forests protecting sanitary zones shall be used first and foremost for cultural-health purposes, as well as for the recreation of population.
- 3. Forest regeneration cuttings shall be prohibited in municipal forests and forests close to cities, forests of recreational and health significance, forests of scientific and historical value as well as forests protecting sanitary zones.
- 4. The order on forest use in state and community forests of recreational and health significance, those having historical and scientific value, as well as those protecting sanitary zones shall be determined by the authorized body of state management.

Article 43. Peculiarities of forest use in the border forests and forests of military significance

The order of use of forests and forest lands in the border forests and forests of military significance shall be determined by the Government of the Republic of Armenia.

Article 44. General use of forest by citizens

- 1. Citizens shall have the right to be, without any permit, in the forests under the state or community ownership for recreation, collection of wild fruits, berries, nuts, mushrooms and plants for personal consumption except cases envisaged by law or other legal acts.
- 2. Citizens shall not have the right to enter the forest under the ownership by a citizen or legal person without a permit from the owner.

3. Citizens shall be obliged to observe fire safety rules in the forests, not to allow breaking and cutting of trees and bushes, pollution of forests, destruction of anthills, bird nests and animal burrows and other infringements of forest legislation.

Article 45. Use of forests or forest lands

In cases envisaged by Article 34 of this Code the forest use shall be carried out on the basis of forest use contract and forest cutting coupon or forest coupon.

Forest cutting and forest coupons shall provide the forest user with the right to use forest reserves or forests or forest lands in state and community forests.

Forest cutting coupon shall include quantitative and qualitative characteristics of wood and secondary wood products to be harvested, their cost, timeframe for the work implementation, terms of forest regeneration and logging area cleaning works.

Forest coupon shall include the type, area, scales, timeframe, cost and terms of use of non-wood forest products.

Forest cutting or forest coupons shall be issued by an entity running forest economy.

Forest use, forest cutting or forest coupons for state forests shall be documents subject to special registration; their template and the order of issuing shall be approved by the authorized body of state management.

Article 46. Restrictions of the rights for use of forests or forest lands

1. The users' rights towards forests and forest lands allocated from state and community forests or forest lands or obtained on other bases can be restricted by the followings:

- a) Prohibition to give on lease or sub-lease;
- b) Requirement to maintain points of the state geodesy network located in forests and forest lands;
- c) Prohibition of certain types of forest use;
- d) Prohibition of the change of special-purpose use of forest lands;
- e) Provision to follow environmental requirements or carry out certain works, including protection of fauna, soil layer, rare plants, natural, historical and cultural monuments and paleontological objects;
- f) Provision to give the right for hunting, fishing and collecting wild plants within determined timeframe and by determined order;
- g) Provision to protect existence of wild animals, their habitats and migration routes;

- h) Cases of discrepancy with the forest management plans;
 - i) Other obligations, restrictions or provisions.
2. The restrictions of the rights towards forests and forest lands shall be determined by the law, other legal acts, contract or court procedure.

Article 47. Bases for termination of the right for use of forests or forest lands

1. In cases envisaged by Article 34 of this Code the right of use of forests or forest lands shall terminate if:
- a) the term of forest use expired;
 - b) the forest user refuses the right of forest use;
 - c) those provisions occur, which are envisaged by the documents allowing the right of forest use and which make impossible further implementation of forest use;
2. The owner, prior to the end of the contract, can terminate the right for use of forests and forest lands if:
- a) there is a direct hazard to life or health of people residing in the forest use zone;
 - b) forest users infringe determined rules of forest use;
 - c) the forest user in the established timeframe did not started the use of forests and forest lands within envisaged scales;
 - d) the forest user did not pay forest use fee within the timeframe determined by the contract.

CHAPTER 11

LEASING OF FORESTS AND FOREST LANDS

Article 48. The right to lease forests and forest lands

1. The right to lease forests and forests lands is the right of use of forests and forest lands within certain period for the payment according to the lease contract provisions.
2. The right to lease state forests and forest lands shall be provided through public biddings. The cases of giving on lease state forests and forest lands without public biddings shall be determined by the Government of the Republic of Armenia.
3. Public biddings for giving forests and forest lands on lease shall be organized by the authorized body of state management.
4. In case of change of the lessor the lease contract can be terminated only in cases and by the order determined by the Civil Code of the Republic of Armenia.

Article 49. Lease contract of forests and forest lands

1. In forests and forest lands given on lease for running forest economy the lessee shall have a right to apply all types of forest use by following compulsory the requirements of forest management plans, if nothing else is stipulated by this Code or the contract.
2. The lessee shall carry out forest use on the basis of land plan, forest management plan and lease contract.

Article 50. Lease duration and charge for state and community forests and forest lands

1. Lease contract of forests or forest lands shall be made for up to 60-year period. Lease contract of forest lands envisaged for agricultural purposes shall be made for the period determined by the Land Code of the Republic of Armenia.
2. The minimal charge level for the state-owned forests shall be determined by the Government of the Republic of Armenia.

Article 51. Running of forest economy on state forests and forest lands

1. In case of allocation of state forests or forest lands for use for up to one year period the running of forest economy shall be done by the owner.
In case of entering to lease contract for the period of more than one year the lessee shall be obliged to run forest economy and cover the costs of running forest economy.
2. The lessee running forest economy shall have a right to build temporary constructions and carry out those types of forest use, which are envisaged by the contract.
3. The building of temporary constructions by the lessee shall be allowed in cases envisaged by the lease contract. The temporary constructions built by the lessee shall be subject to destruction after the expiry of the lease contract and at lessee's own expenses if nothing else is stipulated by the contract. Their cost shall not be subject to compensation.
By mutual agreement the constructions established by the lessee can be transferred to the forest land owner.

Article 52. Change and termination of lease contract

1. Change of lease contract terms in cases parties disagree shall be made through court procedure in case of:

- a) deterioration of the status of forest lands in a result of fire, severe wind blow, pests and disease, drought and scarce water and other reasons;
 - b) change of the determined order of forest use and regime.
2. The contract of leasing state-owned forests and forest lands shall be terminated prior to the end of the contract if change of special-purpose significance of forest lands occurred. The suffered due to this shall have the right for compensation according to the legislation of the Republic of Armenia.
3. Termination of lease contract prior to the end of the contract shall be done by the order determined by the Civil Code of the Republic of Armenian.

CHAPTER 12

CERTAIN TYPES OF CONTRACTS FOR RUNNING FOREST ECONOMY

Article 53. Standing timber sell contract

1. Communities, legal persons and citizens shall have the right to obtain standing timber subject to cutting by the order determined in this article.
2. The standing timber, which is subject to sell, shall be felled by the purchaser during the period determined by the contract or forest cutting coupon.
3. The methodology for calculation of the quantity of standing timber to be sold in state forests shall be determined by the authorized body of state management.
4. Logging areas and objects within state-owned forest areas shall be decided upon by the authorized body of state management on the basis of forest management plans.

Article 54. Accredited forest management contract

1. The owner can transfer the forest for accredited management to the accredited manager for up to 10 year period on the basis of an accredited forest management contract. The accredited forest management contract shall function by the order determined by the legislation of the Republic of Armenia.
2. The accredited manager shall have the right to carry out only the types of forest use envisaged by the accredited management contract.
3. The accredited forests management contract for state forests shall be made in the result of competition to be organized by the order determined by the Government of the Republic of Armenia.
4. State forests located within administrative borders of communities shall be transferred to community organizations for accredited management without

competition by the order determined by the Government of the Republic of Armenia.

Article 55. Contract for forest management activities

1. Activities on forest guarding, forest management, afforestation and forest rehabilitation, forest protection activities to prevent pests and diseases as well as forest rehabilitation, forest protection activities for the prevention of pests and diseases, forest regenerational curings, intermediate (maintenance) and sanitary cuttings can be carried out by the contract for forest management activities.
2. The template of the contract for forest management activities in state forests shall be approved by the authorized body of state management.
3. The contract for forest management activities in state forests shall be made by the order determined by the legislation of the Republic of Armenia.

CHAPTER 13

CHARGES FOR FOREST USE AND FINANCING OF FOREST GUARDING, PROTECTION, REHABILITATION AND AFFORESTATION MEASURES

Article 56. Charges for forest use

1. Forest use in state forests shall be paid for, except the cases envisaged by this Code.
2. The tariffs of charges for forest use shall be determined by the forest owner.
3. The tariffs of charges for forest use in state forests shall be determined by the Government of the Republic of Armenia.

Article 57. Financing of state forest guarding, protection, rehabilitation and afforestation measures

Financing of state forest guarding, protection, rehabilitation and afforestation and of fire control measures shall be envisaged in the costs section of the state budget of the Republic of Armenia in compliance with the costs norms of activities to be implemented, by the order determined by the budget legislation. The costs norms of activities on state forest guarding, protection, rehabilitation and afforestation and certain activities shall be approved by the Government of the Republic of Armenia.

CHAPTER 14

CONTROL OVER USE OF FOREST LEGISLATION

Article 58. State control over use of forest legislation

1. The objective of state control over use of forest legislation is to secure observance of the determined order of running forest economy, forest lands use by forest users, forest use norms, forest guarding rules as well as other norms determined by the forest legislation.
2. The state control over use of forest legislation shall be carried out by the State Forest Service according to the order determined by the law.

Article 59. Community forest control

1. Community forest control over sustainable forest management within administrative borders of communities shall be done by local self-governing bodies.
2. Community forest control over sustainable forest management within administrative borders of communities shall be done by the order determined by the law.

CHAPTER 15

RESPONSIBILITY FOR FOREST LEGISLATION INFRINGEMENTS

Article 60. Cases of forest legislation infringement

1. The cases of forest legislation infringement are as follows:
 - a) infringement of forest property right;
 - b) cutting and unrooting of trees and bushes on forest lands;
 - c) damaging and destroying forest due to lighting fire or inattention towards fire, as well as infringement of fire safety rules in forests;
 - d) infringement of regime of specially protected nature areas;
 - e) pollution of forest with chemical and radioactive substances, production wastewaters, industrial emissions, domestic residues and production wastes;
 - f) destruction or damaging of forest;
 - g) infringement of forest rehabilitation order and term;
 - h) use of forest lands without permit, unrooting trees and bushes on those lands, building of roads, pipe-lines, buildings and constructions, exploitation of mines, wood harvesting and use for other purposes, unauthorized occupation of forest areas;
 - i) unauthorized hay-making and grazing on forest lands;

- j) damaging or destruction of fertile soil layer of forest lands, infringement of sanitary rules in forests;
 - k) infringement of forest use, forest rehabilitation and afforestation order;
 - l) damaging of irrigation system;
 - m) damaging or destruction of marsh lands, drainage systems as well as roads on forest lands;
 - n) unauthorized collection of wild fruits, nuts, mushroom, berries and others in those forest areas, where it is prohibited;
 - o) infringement of terms and ways of collecting wild fruits, nuts, berries and others;
 - p) damaging forest fauna objects;
 - q) destruction or damaging restricting signs concerning forest management and others on forest lands;
 - r) putting production objects into operation without having stations in place for the prevention of negative impact on forest;
 - s) causing substantial damage to forest economy due to water pollution;
 - t) appropriation of windblown trees, those with broken branches and cut at root and other infringements.
2. People found guilty for the infringement of forest legislation shall bear responsibility by the order determined by the law. The responsibility towards those committed infringement of forest legislation shall not annul the obligation to restore the infringement and indemnify caused damage by the order determined by the law.

Article 61. Indemnification for the damage caused by forest legislation infringement

- 1. The damage caused by citizens or legal persons in the result of forest legislation infringement, forest land damaging and unauthorized occupation shall be subject for indemnification by the order determined by the law.
- 2. The forest lands occupied without authorization shall be returned to the owner, without compensation of made expenses.

CHAPTER 16

CONCLUSIVE AND TRANSITIONAL PROVISIONS

Article 62. Order enacting the Forest Code of the Republic of Armenia

1. The Forest Code of the Republic of Armenia shall become enacted on the 10th day upon its official publication.
2. Requirements of Provisions 2 b), c) and e) of Article 5, Provision 3 of Article 36 and Provision 2 of Article 38 of this Code towards forests owned by legal and physical persons shall be enacted in 10 years after transferring to the category of forest.
3. The Forest Code of the Republic of Armenia (October 11, 1994) and the Decree on “Application of the Forest Code of the Republic of Armenia” by the Supreme Council of the Republic of Armenia (June 8, 1994) shall be found invalid as soon as this Code becomes enacted.
4. The Forest Code of the Republic of Armenia shall be applicable to forest relations emerging after the Code enters into force.

President of the Republic of Armenia

R. Kocharyan

2005 November 26

Yerevan

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