

The Forest Code of Azerbaijan Republic

The present Code establishes legal bases of regulation of forest relations, use, protection, preservation and reproduction of forests, increase of their ecological and resource potential on the territory of the Azerbaijan Republic.

Regulation of forest relations is carried out in view of forest conception as unity of forest vegetation, land, fauna and other components of the natural environment of important ecological, economic and social value.

CHAPTER I. GENERAL PROVISIONS

Article 1. The basic concepts

The concepts used in the present Code, have the following meaning:

Forest - from the biological point of view the unity of interconnected and mutually influencing at development, lands, waters, trees, bushes and grasses, animals, microorganisms and other components of environment;

Plots of forest fund - plots of a forest, and also forest and non-forest plots of land not covered with forest vegetation;

Forest relations - relations in the area of use, preservation, protection and reproduction of forests, lands of forest fund;

Especially valuable large forests - the rare forests consisting from relic and endemic trees and bushes, plots of a forest distinguished with fertility and genetic qualities, and also rarely picturesque;

Forests of gardening zones - the forests located on external borders of cities and other settlements or on plots near to them, with important protective, sanitary-and-hygienic, improving functions and used for rest of the population;

Forests of wild fruit - natural or artificially created forests, forest gardens, gardens, and also plantations with valuable fruit, berries and nut in the amount of economic value, located in the territory of forest fund;

State forest shelter belts- artificially planted forests, which carry out climate-regulation, soil-protection and water-conservation functions;

Non-forest lands - lands envisaged for needs of forestry, and other lands located in borders of forest fund;

Cuttings for reproduction of forest - cutting of mature or overripe trees carried out with the purpose of improvement of a condition of forests and strengthening of their natural protective functions;

Cutting of intermediate using - the cutting connected with forest tending, selective sanitary cutting and improvement thinning, and also other cuttings connected to knocking-over of invaluable groves, trees and bushes that lost protective, water-conservation and other functions;

Relic vegetation - the kinds of vegetation, which remained since times of flora of the last geological periods, adapted to the new habitats, and incorporated in the structure of modern biocenosis;

Arid vegetation - vegetation of territories with a droughty climate on which the amount of evaporated moisture exceeds amount of deposits.

Article 2. The forest legislation of the Azerbaijan Republic

The forest legislation of the Azerbaijan Republic consists of the present Code, other acts of the Azerbaijan Republic.

If the rules envisaged in the international contracts of the Azerbaijan Republic, differ

from the forest legislation of the Azerbaijan Republic, the requirements of the international contracts are applied.

Article 3. The goals and objectives of the forest legislation of Azerbaijan Republic

The forest legislation of the Azerbaijan Republic is directed on maintenance of rational use of forests, their protection, preservation and reproduction on the basis of principles of scientifically proved management thereof, preservation of biodiversity of forest ecosystems, increasing of ecological potential of forests taking into account their value.

Article 4. The relations regulated by the forest legislation of the Azerbaijan Republic

Relations in the area of use, preservation, protection and reproduction of forests, the lands of forest fund (forest relations) are regulated by the corresponding norms of the forest and land legislation of the Azerbaijan Republic.

Relations in the area of use, preservation, protection and reproduction of wood-and-shrubby vegetation not included in the forest fund (hereinafter - wood-and-shrubby vegetation), are regulated by the civil legislation, the legislation on flora, the land and water legislation of the Azerbaijan Republic, and by the corresponding Articles of the present Code.

Relations in the area of use and protection of fauna, water objects, bowels, atmospheric air are regulated by the forest legislation of the Azerbaijan Republic in the extent in what it is necessary for rational use, preservation, protection and reproduction of forests, and also lands of the forest fund not covered with forest vegetation.

The ownership relations arising at use, preservation, protection and reproduction of forests, and also the lands of forest fund, are regulated by the civil legislation of the Azerbaijan Republic, if the present Code does not stipulate otherwise.

Administrative relations, including financial, arising at use, preservation, protection and reproduction of forests, and also the lands of the forest fund not covered with forest vegetation, are regulated by the present Code according to the administrative and financial legislation of the Azerbaijan Republic.

Article 5. Objects of forest relations

The objects of forest relations are the forest fund of the Azerbaijan Republic (hereinafter - forest fund), plots of forest fund, wood-and-shrubby vegetation and rights of use thereof.

Article 6. Forest fund, lands and plots of forest fund

All forests, and also lands of the forest fund not covered with forest vegetation (the forest and non-forest lands), form the forest fund of the Azerbaijan Republic.

Borders of forest fund are established by delimiting lands of the forest fund from other lands.

Inclusion of lands in the structure of forest fund and their withdrawal from it are carried out in the order established by the forest and land legislations of the Azerbaijan Republic.

To the forest lands are assigned lands covered with forest vegetation and not covered with it concern, but intended for its restoration (places of cutting down, burnt places, lost timber stands, waste grounds, glades, the areas occupied with nurseries,

non-interlocked forest cultures, and others).

To the non-forest lands are assigned lands intended for needs of forestry concern (lands occupied with glades, roads, agricultural lands, and other lands), and other lands located in borders of forest fund (the lands occupied with bogs, stony looses, and other lands inconvenient for use).

Plots of forest, and plots of the forest land, not covered with forest vegetation, and plots of non-forest lands are assigned to plots of forest fund.

Borders of forest fund plots should be designated in a nature with the aiding forestry signs and specified in scheme - cartographical materials (forest maps).

Article 7. Wood-and-shrubby vegetation, not included in forest fund

The following wood-and-shrubby vegetation is not included in forest fund:

Trees and groups of trees located on the lands of agricultural purpose, forest shelterbelts, and another wood-and-shrubby vegetation;

Trees on strips of allotments of trunk-railways and the highways, dividing channels and other water objects;

Trees and groups of trees, including vegetation, in cities and other settlements;

Trees and groups of trees located on personal homestead lands, on summer residences, winterings and garden plots.

Article 8. Ability of rotation of objects of forest relations

The rotation of forest fund, and also sale and purchase, pledge and implementation of other transactions, which attract or can cause alienation of forest fund plots, are not permitted.

Transactions with rights of use of forest fund plots and plots forests, which are not included in forest fund, are carried out in the order established by the present Code.

Transactions with rights of use of forest fund plots are carried out in the order established by the forest legislation of the Azerbaijan Republic, and in the part, not regulated by it, by the civil legislation.

Wood-and-shrubby vegetation can pass from one person to another in the order envisaged by the civil legislation and land legislation of the Azerbaijan Republic.

Article 9. Subjects of forest relations

The Azerbaijan Republic, Nakhchivan autonomous republic, municipalities, physical and legal persons are subjects of forest relations.

On behalf of the Azerbaijan Republic and Nakhchivan autonomous republic, the bodies of public management participate in forest relations within the limits of powers thereof.

Municipalities participate in forest relations within the limits of the competence established by acts, determining their status.

Participants of forest relations are the physical and legal persons who carry out conduction of forestry and use of forest fund.

Participation of the Azerbaijan Republic, Nakhchivan autonomous republic, municipalities, physical and legal persons in the property and administrative relations arising at use, preservation, protection and reproduction of objects of forest relations is established by acts of the civil and administrative legislation of the Azerbaijan Republic in the extent, in what the specified relations are not regulated by the present Code.

Article 10. Forest management stakeholder

Forest management stakeholders are physical and legal persons, to whom are given rights of use of forest fund plots.

CHAPTER II. THE RIGHT OF POSSESSION AND USE OF FOREST FUND AND WOOD-AND-SHRUBBY VEGETATION

Article 11. The right of possession of forest fund

The forest fund in the Azerbaijan Republic belongs to the state and is its property. Forests and the lands of forest fund are not subject to privatization.

Article 12. The right of possession by physical and legal persons of wood-and-shrubby vegetation

Wood-and-shrubby vegetation located on land area, being in the property of a physical and legal person, belongs to him on the law of property, if the legislation does not establish otherwise.

Possession, use and disposal of specified wood-and-shrubby vegetation are carried out by the proprietor according to requirements of the forest legislation and other acts of the Azerbaijan Republic.

Article 13. Forest servitudes

Citizens have the right to stay freely in forests if other is not stipulated by the legislation of the Azerbaijan Republic (public forest servitude).

The right of use by physical and legal persons of forest fund plots and the plots, which are not included in forest fund, can be limited for the benefit of other interested persons on the basis of contracts, and also court decisions (private forest servitude). Provisions of civil, land and other legislation of the Azerbaijan Republic are applied to forest servitudes in that extent, in what they do not contradict the requirements of the present Code.

Article 14. Rights of use of forest fund plots

Rights of use of forest fund plots are carried out taking into account recognition of multipurpose value of forests (simultaneous use by different persons and with different purposes).

By the rules determined by the Law of the Azerbaijan Republic "On land reform", the forest plots and the forest plots, not covered with forest vegetation, can be transferred on a contractual basis to physical and legal persons on the terms determined by the present Code, with the purpose of their restoration.

To the rights of use of forest fund plots are applied provisions of the civil and land legislations of the Azerbaijan Republic if otherwise is not established by the present Code.

Article 15. The bases of origin of rights of use of forest fund plots

Rights of use of forest fund plots originate:

- - from contracts;
- - from court decisions.
- - on other bases allowed by the present Code.

Rights of use of forest fund plots, except for public forest servitude, arise from the moment of the state registration of the contract of rent of forest fund plot, reception of the logging ticket, the warrant or the forest ticket.

Article 16. The order of emergence of rights of use of forest fund plots

Rights of use of forest fund plots arise based on the contract of a rent of a plot (lands) of forest fund, the logging ticket, the warrant, and the forest ticket.

Forest management stakeholder in cases and on terms, which are determined by the forest legislation of the Azerbaijan Republic, have the right to transfer with the consent of the proprietor the right of use of forest fund plot to the person who is not his assignee, according to the contract.

In case of death of a citizen - forest management stakeholder the right of use belonging to him passes to other person according to the legislation.

By reorganization of the legal person - forest management stakeholder the right of use belonging to it passes to the legal person - the assignee of the reorganized legal person in the order established by the legislation of the Azerbaijan Republic.

Transition of the right of use by plots (lands) of forest fund is made out by means of amendments in the contract, the logging ticket, the warrant, and a forest ticket.

Article 17. Realization of rights of use of forest fund plots

Forest management stakeholders carry out rights of use of forest fund plots freely if it does not worsen a condition of forests and lands of forest fund, does not harm to the surrounding natural environment, and also does not break legitimate interests of other persons.

Use of forest fund plots with the purpose and by methods that contradict requirements of the forest legislation of the Azerbaijan Republic is forbidden.

Interference of bodies of the public management in activity of forest management stakeholders on use of forest fund plots is not permitted, except for the cases envisaged by the present Code and other acts.

Article 18. Restriction or suspension of rights of use of forest fund plots

Rights of use of forest fund plots can be restricted or suspended in the extent in what it is necessary for maintenance of rational use, preservation, protection and reproduction of forests, and also lands of the forest fund not covered with forest vegetation, maintenance of defense of the country and safety of the state, the public health care, surrounding natural environment, a historical and cultural and natural heritage, the rights and legitimate interests of physical persons.

Article 19. The order of restriction or suspension of rights of use of forest fund plots

Rights of use of forest fund plots can be restricted or suspended by decision of corresponding executive authority in the cases of:

- - infringement by forest management stakeholder of requirements of the forest legislation of the Azerbaijan Republic;
- - Defaults forest management stakeholder conditions of the lease agreement, the logging ticket, the warrant, and the forest ticket.

If circumstances or the conditions caused restriction or suspension of the right of use of forest fund plots, are eliminated, this right is restored in full.

In case of disagreement of a forest management stakeholder with the decision on restriction or suspension of his right of use of forest fund plot the forest management stakeholder can appeal against this decision in the judicial order.

Restriction or suspension of rights of use of forest fund plots does not exempt forest management stakeholders from disciplinary, administrative, civil and criminal responsibility for infringement of the forest legislation of the Azerbaijan Republic.

Article 20. The bases of termination of rights of use of forest fund plots

Rights of use of forest fund plots are terminated at refusal by a forest management stakeholder from rights of use, after expiry of the term of use, at the termination of activity of the legal and physical person-forest management stakeholder and in other cases envisaged by the present Code and the legislation of the Azerbaijan Republic. The compulsory termination of the right of use of forest fund plot is possible only in the following cases:

- - infringement by a forest management stakeholder of the forest legislation of the Azerbaijan Republic;
- - accidents, natural disasters and other similar circumstances of emergency character;
- - non-payment by a forest management stakeholder of payments for use of forest fund plots in the target term;
- - infringement by a forest management stakeholder of the established instructions for use plots (lands) of forest fund or the conditions stipulated by the lease agreement, the logging ticket, the warrant, the forest ticket;
- - non-observance by forest management stakeholder of fire prevention rules;
- - withdrawal of forest fund plots for the public needs.

Termination of rights of use by plots of forest fund does not exempt forest management stakeholders from disciplinary, administrative, civil and criminal responsibility for infringement of the forest legislation of the Azerbaijan Republic.

Article 21. The order of termination of rights of use of forest fund plots

Rights of use of forest fund plots terminate because of cancellation of the contract of rent of a plot (lands) of forest fund, cancellation of the logging ticket, the warrant, and the forest ticket.

At refusal of a forest management stakeholder from the right of use of forest fund plot this right is terminated on the basis of his official application.

Corresponding executive authority with the written notice of the forest management stakeholder carries out the compulsory termination of rights of use of forest fund plots.

Article 22. Leasing of forest fund plots

In accordance with the Article 14 of the present Code, the corresponding executive authority (lessee) may transfer forest and forest plots not covered with forest vegetation, to forest management stakeholder (tenant) with the purpose of their restoration for the term of from one till ten years.

Forest resources (production) extracted according to the contract of rent of forest fund plots are the property of the tenant.

Sublease of forest fund plots is forbidden.

Tenancy of forest fund plots is regulated by the present Code and corresponding acts of the Azerbaijan Republic.

Article 23. Contract provisions of rent of forest fund plot

In the contract of rent of forest fund plot the following conditions are specified:

- - Borders of forest fund plot;
- - Volumes (sizes) of forest management;
- - Term of rent;

- - Amount of a rental fee and the order of its paying up;
- - Duties of the parties on protection, preservation of forest fund plot and reproduction of forests;
- - Other conditions envisaged by the forest legislation of the Azerbaijan Republic and determined under the discretion of the parties.

Article 24. The order of granting of forest fund plots in rent

The order of granting of forest fund plots in rent is established by the corresponding executive authority of the Azerbaijan Republic.

Granting of forest fund plots in rent should be carried out publicly taking into account interests of the population living on the corresponding territory.

Article 25. The logging ticket, the warrant and the forest ticket

The logging ticket is the document giving the right on preparation and export of forest and minor forest resources. In the logging ticket based on the of project forest husbandry are specified the arrangement of the forest fund plot allocated for use, quantity and quality of forest and minor forest resources, their price, term of manufacture of works, conditions and the order of clearing of a place of cutting down, reproduction of a forest .

The warrant is the document giving the right on preparation and removal wind-fallen trees and/or deadwood forest, branches and minor forest resources. The warrant is given out on the basis of the logging ticket.

The forest ticket is the document giving to the owner the right on realization of subsidiary forest management. In the forest ticket are specified parameters of use of forest fund - a kind, an arrangement, amount of forest, term of works, conditions and the price.

Forms of the logging ticket, the warrant and the forest ticket, the order of registration thereof, storage, filling and delivery are established by the corresponding executive authority of the Azerbaijan Republic.

Article 26. The order of granting of forest fund plots in short-term use

Granting of forest fund plots in short-term use for the term of until one year is carried out based on the order established by the corresponding executive authority of the Azerbaijan Republic.

CHAPTER III. PUBLIC MANAGEMENT IN THE AREA OF USE, PRESERVATION, PROTECTION OF FOREST FUND AND REPRODUCTION OF FORESTS

Article 27. The public management in the area of use, preservation, protection of forest fund and reproduction of forests and its main principles

The public management in the area of use, preservation, protection of forest fund and reproduction of forests is carried out by the corresponding executive authority of the Azerbaijan Republic. With the purpose this body:

- - Establishes the basic directions of state policy in the area of conducting of forestry;
- - Carries out the state control over observance of the forest legislation, including control over use, preservation, protection of forest fund and reproduction of forests, establishes the order of carrying out of this control;
- - Adopts legal acts about use of forest fund and about forest fund;
- - Carries out investment policy;

- - Approves the state programs of use, protection of forest fund and reproduction of forests;
- - Establishes norms and instructions for use of forest fund;
- - Establishes and approves settlement wood-cutting areas;
- - Establishes kinds of payments for use of forest fund, and also the minimal rates of payment for forest, sold in standing condition, amount of discounts on payments for separate forest management stakeholders and the order of their payment, establishes the price for forest products;
- - Establishes the republican fund on protection and preservation of forests and their reproduction, establishes the order of use of fund;
- - Approves rules of selling of forest in standing condition, forest cutting, protection, preservation of forest fund and reproduction of forests;
- - Organizes and coordinates research and construction work on conducting of forestry;
- - Establishes the order of conducting the state register of forest fund, the state forest cadastre, monitoring of forests and forest husbandry;
- - Carries out the international cooperation in the area of use, preservation, protection of forest fund and reproduction of forests, concludes contracts and organizes their performance;
- - Establishes the procedure of the state statistical reporting in the area of conducting of forestry;
- - Suspends, restricts, terminates rights of use of forest fund plots, and also the works representing a danger to the condition and reproduction of forests;
- - Carries out conducting of forestry and transfer of forest lands in non-forest lands with the purpose not connected with conducting of forestry and use of forest fund, and makes withdrawal of lands of forest fund;
- - Declares forest fund plots as zones of ecological emergency and zones of ecological disaster;
- - Carries out other powers determined by the legislation.

The public management in the area of use, preservation, protection of forest fund and reproduction of forests is based on the following principles:

- - Development of economy;
- - Protection of natural environment;
- - Rational use of forest fund according to interests of the country.

Article 28. Activity of Nakhchivan autonomous republic in the area of use, preservation, protection of forest fund and reproduction of forests

The activity that is carried out by Nakhchivan autonomous republic in the area of use, protection of forest fund and reproduction of forests, is regulated by the present Code.

Article 29. Powers of bodies of local self-governance in the area of use, preservation, protection of forest fund and reproduction of forests

Powers of bodies of local self-governance in the area of use, preservation, protection of forest fund and reproduction of forests are established according to the Constitution of the Azerbaijan Republic and corresponding acts of the Azerbaijan Republic.

CHAPTER IV. ORGANIZATION OF FORESTRY

Article 30. The basic requirements made to organization of forestry

The organization of forestry and use of forest fund should be carried out based on the principles, which do not render harm to the surrounding natural environment, to natural resources and human health.

Conducting of forestry should provide:

- - Preservation and strengthening of environmental, water-conservation, protective, sanitary-and-hygienic, improving and other useful natural properties of forests in interests of protection of human health;
- - Multi-purpose and rational use of forest fund for satisfaction of requirements for forest and other forest resources;
- - Reproduction, improvement of species' structure and quality of forests, increase of their efficiency, protection and preservation of forests;
- - Rational use of lands of forest fund;
- - Increase of efficiency of forestry conducting on the basis of uniform technical policy, use of scientific achievements, engineering and the best practices;
- - Protection of biodiversity;
- - Preservation of objects of historical-cultural and natural heritage.

Article 31. Groups of forests and categories of protection of forests

The forest fund of the Azerbaijan Republic consists of mountain and plain forests.

According to economic and ecological value, location and carried out functions the forest fund of the country is attributed to forests of the first group and is divided into the following categories of protection:

- - Reserved forests;
- - Resort forests;
- - Especially valuable large forests;
- - Forests of green zones of cities and other settlements;
- - Forests of wild fruit;
- - State forest shelter belts;
- - Other forests.

In case of need in the forests attributed to the specified categories, especially protective plots of forest (anti-erosion forests, plots of forests on banks of rivers, lakes and other water objects, protective belts of forests along the trunk-railways and highways, etc.) and especially protected plots of forest (forests and forest of scientific or historical value, thin arid forests, t forests located in places of pilgrimage, etc.) are established.

Attribution of forests to categories of protection, and also transfer from one protection category in other protective category is carried out on the basis of materials of forest husbandry or special inspection in the order determined by the corresponding executive authority of the Azerbaijan Republic.

Article 32. Delimitation of forest lands on each category of protection

At attribution of forests to protection categories simultaneously are established the borders of forest fund plots in each category of protection of forests in the order established by the present Code.

Parameters of especially protective plots of forests are approved by the corresponding executive authority of the Azerbaijan Republic based on materials of forest husbandry or special inspection. The corresponding executive authority establishes the list of especially protected plots of forests.

Article 33. The order of determination of age of cuttings

The age of cuttings is established based on value and efficiency of the forests, functions they carry out, and biological features of growing tree species.

The substantiation of age of cuttings is carried out at forest husbandry or based on results of scientific researches.

The corresponding executive authority carries out determination of age of cuttings.

Article 34. Settlement woodcutting area and the order of its approval

Settlement woodcutting area is established at forest husbandry proceeding from principles rational and long-term use of forest fund.

Settlement woodcutting area is approved by the corresponding executive authority in coordination with the body of protection of the surrounding natural environment.

Settlement woodcutting is commissioned since January 1 of the year following the year of termination of forest husbandry works.

At change of borders of forest fund plots, age of cuttings, categories of protection of forests and other changes in forest fund the settlement wood-cutting area is approved again.

Article 35. The order of management of forestry and transfer of the forest lands in non-forest lands for their use with the purpose, not connected with conduction of forestry, and/or the order of withdrawal of forest fund lands

The order of management of forestry and transfer of the forest lands in non-forest lands for their use with the purpose, not connected with conduction of forestry, and/or withdrawal of the lands of forest fund are carried out by the corresponding executive authority of the Azerbaijan Republic.

In this case physical and legal persons to whom the forest fund plots are allocated, pay calculated cost which amount is established based on a cadastral estimation of the given plot which is sent to corresponding forestry.

The losses connected with withdrawal of lands of forest fund, are compensated by a forest management stakeholder in full in the order established by the corresponding executive authority of the Azerbaijan Republic.

Article 36. The order of the coordination of plots of the objects influencing a condition and reproduction of forests

Plots of the objects influencing a condition and reproduction of forests are coordinated with corresponding executive authority with obligatory carrying out of the state ecological examination.

Article 37. The order of conducting forestry of forest fund and the work, not connected with conducting of forestry

Carrying out in forest fund of civil work, extraction of minerals, laying of communication lines and performance of other works which are not connected with conducting of forestry of forest fund and realization of forest management (if for this purpose are not required transfer of the forest lands in non-forest lands and/or their withdrawal), are carried out on the basis of the permission of the corresponding executive authority.

In the given permission are specified the name of carried out works, terms and conditions of their performance, the requirement to protection of the surrounding natural environment.

In a case if performance of these works is connected to cutting, the forestry writes out the logging ticket.

Methods that are applied at realization of the specified works, should not worsen a condition of forest fund, and reproduction of forests.

Article 38. The state register of forest fund

The state register of forest fund is conducted for organization of rational use, preservation, protection of forest fund and reproduction of forests, the regular control over quantitative and qualitative changes of forest fund, maintenance with authentic data on forest fund of bodies of the public management, the local self-governance, and corresponding physical and legal persons.

The data of the state register of forest fund are used at conducting of the state forest cadastre.

The corresponding executive authority establishes the list of parameters of the state register of forest fund, and the form of corresponding documents.

The order of conduction of the state register of forest fund is established by the legislation of the Azerbaijan Republic.

Article 39. The state forest cadastre

The state forest cadastre contains data on registration, on ecological, economic, quantitative and qualitative characteristics of the forest fund.

The data of the state forest cadastre are used at management of forestry, organization of its conduction, transfer of the forest lands in non-forest lands with the purpose, not connected with conducting forestry and use of forest fund, and/or withdrawal of lands of forest fund, determination of amounts of payment for use of forest fund, estimation of economic activity of forest management stakeholders and the persons who carry out conduction of forestry. The corresponding executive authority carries out conduction of the state forest cadastre.

The corresponding executive authority establishes the list of parameters of the state forest cadastre and methods of economic estimation of forests.

The corresponding executive authority of the Azerbaijan Republic establishes the order of conduction of the state forest cadastre.

Article 40. Monitoring of forests

Monitoring of forests represents a system of supervision over use of forest fund, estimation and the forecast of a condition and dynamics of forest fund with a view of the public management in the area of use, preservation, protection of forest fund and reproduction of forests and increase of their ecological functions.

The corresponding executive authority establishes the procedure of monitoring of forests.

Article 41. The state programs of use, preservation, protection of forest fund and reproduction of forests

For use, preservation, and protection of forest fund and reproduction of forests the state programs are developed.

The state programs of use, preservation, and protection of forest fund and reproduction of forests are developed and carried out by the corresponding executive authority.

Article 42. Obligatory certification of forest resources

To obligatory certification are subject wood, sold in standing condition and minor forest resources. The organization and carrying out of obligatory certification of the specified forest resources are carried out in the order determined by the corresponding executive authority of the Azerbaijan Republic.

Article 43. Forest organization and carrying out of forest organization

Forest organization includes a system of actions on maintenance of rational use of forest fund, increase of efficiency of conduction of forestry and realization of united scientific and technical policy in forestry.

At forest husbandry there are carried out:

- - Determination in accordance with established procedure of borders of forest fund plots and the interfarm organization of territories of forest fund, national parks, the state natural reserves, other forestry enterprises;
- - Performance of land works and special mapping of forest fund;
- - Inventory of forest fund with definition of species' and age structure of forests, their conditions, and also definition of qualitative and quantitative characteristics of forest resources;
- - Revealing of relic forest vegetation, plots of especially protective and especially protected forests;
- - Revealing of plots of the forest fund that require cutting for restoration and intermediate use of forests, afforestation, land improvement, preservation and protection of forests and others forestry actions, and also determination of the order and methods of carrying out thereof;
- - Substantiation of classification of forests into categories of forest protection, transfer of forests from one category of protection in other category, transfer of lands not covered with forest in lands covered with forest, non-forest lands in the forest lands;
- - Determination of settlement wood-cutting area, the sizes of cutting of intermediate use;
- - Scoping of actions on restoration of forests and afforestation, preservation and protection of forests, and also volume of other forestry actions;
- - Determination of the sizes of subsidiary forest management and preparation of minor forest resources, the size of use of forest fund for needs of hunting farms and the cultural - improving, tourist and sports purposes;
- - Forest biological and other special inspections;
- - Supervision over realization of forest organizational projects;
- - Other forest organizational actions.

At forest husbandry of forest fund, the projects of forest organization are made. In the projects is given the complex estimation of conduction of forestry and use of forest fund for past period, substantive provisions of the organization and conduction of forestry are developed. The given projects, appendices to them approved in the order established by corresponding executive authority, are obligatory normative and technical documents for conducting the forestry, current and forward planning and forecasting of use of forest fund, and also financing of forestry works.

Forest organization in the territory of forest fund is carried out on united system in the order established by the corresponding executive authority.

Conduction of forestry and forest management without carrying out forest husbandry is forbidden.

Article 44. The information on forest fund

The information on forest fund includes the data of the state registration of forest fund, the data of the state forest cadastre, monitoring of forests, forest husbandry and other data.

The information on the forest fund being in special disposal of the corresponding executive authority of the Azerbaijan Republic is given to physical and legal persons in the order determined by this body.

Article 45. The state control over condition, use, preservation, protection of forest fund and reproduction of forests

Objective of the state control over condition, use, preservation, protection of forest fund and reproduction of forests is maintenance of observance by all physical and legal persons of the established order of use of forest fund, rules of selling of forest in standing condition, cutting of the main use and cutting of intermediate use, and also other requirements established by the legislation of the Azerbaijan Republic.

The state control over the given area is carried out by corresponding executive authorities within the limits of their competence.

The procedure of the state control over condition, use, preservation, protection of forest fund and reproduction of forests is established by the corresponding executive authority of the Azerbaijan Republic.

Article 46. Requirements to protection of forest fund

Protection of forest fund is carried out by the state.

The following actions are carried out with this purpose:

- - Organization of the state control over condition, use, preservation, protection of forest fund and reproduction of forests;
- - Prevention and suppression of crimes and administrative offences in the area of use, preservation, protection of forest fund and reproduction of forests;
- - Attraction of the physical and legal persons guilty of infringements, to the administrative responsibility in accordance with established procedure;
- - Decision-making on restriction, termination and prohibition of the economic and other activity rendering harm to forest fund;
- - Realization of other actions envisaged by the legislation of the Azerbaijan Republic.

Corresponding executive authority of the Azerbaijan Republic establishes the organization of protection of forest fund.

CHAPTER V. USE, PRESERVATION, PROTECTION AND REPRODUCTION OF FORESTS AND LANDS OF FOREST FUND, NOT COVERED WITH FOREST VEGETATION

Article 47. The basic requirements to use of forests

Forest management it is carried out with observance of the following requirements:

- - Maintenance of continuous and rational use of forests;
- - Preservation and strengthening of environmental, water-conservation, protective and other functions of forests with a view of public health care, improvement of natural environment and development of economy;
- - Establishment of the order of forest management depending on value of the forests, functions are carried out by them, their location, natural and economic conditions;

- - Provision of conditions for reproduction of forests;
- - Payable forest management;
- - Observance of scientifically proved norms of forest management.

Article 48. Kinds of forest management

In forest fund the following kinds of forest management can be carried out:

- - Preparation of forest;
- - Preparation of minor forest resources (stubs, bark, birch bark and other);
- - Subsidiary forest management (mowing, accommodation of beehives and apiaries, preparation and gathering of wild-growing fruits, mushrooms, berries, nuts and other resources, oak cones, herbs, technical raw material, gathering of moss, the forest substrate, the fallen leaves, reed, cane, clay and other kinds of subsidiary forest management which list is approved by the corresponding executive authority);
- - Use of forest fund plots for the research purposes;
- - Use of forest fund plots for the cultural - improving, tourist and sports purposes;
- - Use of forest fund plots for needs of the hunting farms.

Use of forest fund plots may be carried out both with withdrawal of forest resources, and without withdrawal thereof.

Plots of forest fund may be given for realization of one or several kinds of forest management to one or several forest management stakeholders.

Article 49. Rights of forest management stakeholders at realization by them of forest management

At realization of forest management the forest, management stakeholders have the right:

- - To receive the information on the forest fund plots transmitted to them in use;
- - To carry out use of forest fund in the established limits;
- - To erect for the period of forest management structures and constructions, points for wood storage, connected with use of forest fund, in accordance with established procedure;
- - To have other rights if their realization does not contradict requirements of the forest legislation of the Azerbaijan Republic.

Article 50. Duties of forest management stakeholders at realization by them of forest management

At realization of forest management the forest, management stakeholders are obliged:

- - To carry out use forest fund plots according to the forest legislation of the Azerbaijan Republic;
- - To observe terms of rent of a plot (lands) of forest fund, a condition of the logging ticket, the warrant, the forest ticket;
- - To do not permit rendering of harm to health of the population, the surrounding natural environment;
- - To carry out works in the ways preventing arising of soil erosion, not rendering negative influence of use of forest fund on condition and reproduction of forests, and also on condition of water and other natural objects;

- - To observe on given to them in use forest fund plots of the fire prevention rules in forests and to carry out on the specified plots fire-prevention actions, and in case of occurrence of forest fire to provide its suppression;
- - To do not leave wood-cutting area with the unfinished cuttings and the prepared forest in places of cutting, to finish preparation and export of forest after the terms determined for it;
- - To carry out clearing wood-cutting area from felling debris simultaneously with preparation of wood;
- - To carry out reforestation actions in terms and on conditions which are specified in the contract of rent of plots (lands) of forest fund, the logging ticket, the warrant, the forest ticket;
- - To bring the plots (lands) of forest fund given in use, in a condition specified in the contract of rent of forest fund plot, the logging ticket, the warrant, the forest ticket, at own expense;
- - To hand over forest fund plots to corresponding enterprise of forestry after end of works on them;
- - To compensate damages and losses of forestry in accordance with established procedure;
- - To bring payments for use of forest fund in due time;
- - To observe sanitary rules in forests, to carry out other official requirements established by the corresponding executive authority;
- - To do not commit infringement of the rights of other forest management stakeholders;
- - To give in accordance with established procedure the information on use of forest fund, and also the information necessary for determination of the amount of payments for use of forest fund, to the enterprises of forestry, bodies of the state statistics;
- - To carry out other duties envisaged by the legislation of the Azerbaijan Republic.

Article 51. Protection of the rights of forest management stakeholders

The broken rights of forest management stakeholders are subject to restoration and the losses caused by it, are to be compensate. Disputes on the indemnification are resolved in the judicial order.

At withdrawal for state and other needs of the lands of forest fund to forest management stakeholder are compensated in full the losses connected to this withdrawal, in the order established by the legislation of the Azerbaijan Republic.

Article 52. Compensation damages and losses to forestry

The indemnification and compensation of losses to forestry is carried out in the order determined by the corresponding executive authority of the Azerbaijan Republic.

Article 53. Stay of physical persons in forests

Physical persons have the right to be free-of-charge in territory of forests, to collect for own needs wild-growing fruits, berries, mushrooms, nuts, other forest resources, herbs, technical raw material, to participate in cultural - improving, tourist and sports actions if the legislation of the Azerbaijan Republic do not envisage otherwise.

Gathering and preparation of wild-growing plants and mushrooms, which kinds are brought in the Red book of the Azerbaijan Republic and in the list of narcotic-containing plants and natural narcotic-containing raw material, is forbidden.

Physical persons are obliged to observe fire prevention rules in forests, to do not commit breakage, felling of trees and bushes, damage of forest cultures, pollution of forests, destruction and ruin of ant hills and bird nests, and also to observe other requirements of the legislation of the Azerbaijan Republic.

Stay of citizens in forests with the purpose of hunting is regulated by the present Code and the corresponding legislation of the Azerbaijan Republic.

Stay of physical persons in forests, gathering of forest resources can be limited and forbidden in the order determined by the legislation of the Azerbaijan Republic, in interests of fire safety of forests, preparation of forest seed, forest fruit and other forest resources, and in natural reserves, national parks and in other especially protected natural territories - in connection with the regime established on them.

CHAPTER VI. REPRODUCTION OF FORESTS AND AFFORESTATION

Article 54. The purposes of forests reproduction and afforestation

The purposes of forests reproduction are as follows: duly reproduction of forests on lands not covered with forest, improvement of species' structure of forests, increase of productivity of forests, maintenance of rational use of lands of the forest fund.

The purposes of afforestation are: creation of forests on non-forest lands, reduction of the unproductive lands of the forest fund, creation of protective plantings on lands which are not included in the forest fund.

Article 55. The order of reproduction of forests

Establishment of amount of works on reproduction of forests, ways of their carrying out and definition of reproduced tree species, and also reproduction of forests, preparation of forest seeds and cultivation of planting material are carried out by the forestry according to the projects of forest organization taking into account the changes which have occurred in the forest fund.

Article 56. The basic requirements to increase of efficiency of forests

Increase of efficiency of forests is provided with rational use of forest fund plots and purposeful conduction of forestry.

Increase of efficiency of forests is carried out as a result of realization of system of scientifically proved cutting, reproduction of forests, improvement of their species' structure, creation and effective utilization of constant forest seed basis on a selection-genetic basis, water forest amelioration, care of forests and carrying out of other forestry works.

Actions on increase of efficiency of forests are carried out by the enterprises of forestry according to projects of forest organization.

Article 57. Increase of efficiency of forests

With the purpose of increase of efficiency of forests, it is necessary:

- - to carry out care of forests, to carry out works on selection, forest seed-growing and quality testing of valuable tree species, to increase soil fertility, to prevent water and wind erosion of soils, bogging, salinization and other processes worsening a condition of lands, and also other works on improvement of species' structure of forests, increase of their efficiency and protective properties (safety and duly reproduction of oak, beech, nut-tree, cedar and other valuable tree species are provided in this way);
- - to carry out cuttings of intermediate using;

- - to take measures on effective reproduction of forests, creation of new forests and carrying out of water forest amelioration of wetlands;
- - to build roads for forestry purposes.

CHAPTER VII. PRESERVATION AND PROTECTION OF FOREST FUND

Article 58. The purposes and tasks of preservation and protection of forest fund

Forests are subject to protection from fires, illegal cutting, infringement of the established order of forest management and other actions harming forests, and protection against pests and diseases of forest.

Preservation and protection of forests are carried out in view of their biological and other features and include a complex of organizational, legal and other measures on rational use of forests, preservation of forests from destruction, damage, weakening, pollution and other negative influences.

Preservation and protection of forests is carried out by the enterprises of forestry land and corresponding aviation methods.

Article 59. The procedure of actions on preservation and protection of forests

Corresponding executive authorities and the enterprises of forestry carry out actions on preservation and protection of forests, control of pest and diseases of forest and forest fires.

Corresponding executive authorities and the enterprises of forestry restrict or forbid in necessary cases visit of population and entrance of vehicles in forests, and carrying out of the certain kinds of works on separate plots of forest fund for the period of high fire danger in forests.

The order of attraction of physical and legal persons to fighting of forest fires is established by corresponding executive authority of the Azerbaijan Republic.

Article 60. Duties of forest management stakeholders on protection of forests from fires

Forest management stakeholders are obliged to develop and approve in coordination with the corresponding enterprises of forestry the plans of fire-prevention actions, and to carry out them in target dates. The corresponding executive authority establishes requirements to fire-prevention actions.

Physical and legal persons on the territory of forest fund in places of carrying out of works, cultural - mass and other actions are obliged to have fire extinguishing means according to the norms approved by corresponding executive authorities, and also to keep the specified means during the fire-dangerous period in the readiness providing their immediate use.

Article 61. The state fire supervision in forest fund

Corresponding executive authority carries out fire supervision in the forest fund with the purpose control over observance by physical and legal persons of requirements and rules of fire prevention, and with the purpose of suppression of their infringements.

Forest management stakeholders and other physical and legal persons who carry out works on forest fund plots and lands, adjoining the forest fund, and also the persons responsible for carrying out of cultural - mass and other actions in forest fund, for infringement of requirements and fire prevention rules bear administrative, criminal

and other responsibility according to the legislation of the Azerbaijan Republic.

Article 62. Protection of forest fund from pests and diseases of forest

Protection of forest fund against pests and diseases of forest is provided with regular tracking a condition of forest fund, revealing of the centers of pests and diseases of a forest, measures on preventive maintenance of occurrence of the specified centers, their localization and liquidation.

Protection of forest fund against pests and diseases of a forest includes the following actions:

- - Current, expeditionary, aerovisual and other forest pathological inspections;
- - The general reconnaissance and detailed supervision of development of pests and diseases of forest;
- - Development of aviation and land measures on pest control and diseases of forest;
- - The organization of works on preventive maintenance of diseases of forest and liquidation of the centers of pests and diseases of forest;
- - The control over realization of the listed actions.

Actions on protection of forest fund against pests and diseases of a forest are regulated by phytosanitary rules confirmed by the corresponding executive authority.

Article 63. Participation of physical and legal persons, public associations in maintenance of rational use, preservation, protection and reproduction of forests

Protection of forest fund is a duty of each citizen, of physical and legal persons.

Physical and legal persons, public associations can participate in maintenance of rational use, protection and reproduction of forests according to the legislation of the Azerbaijan Republic.

CHAPTER VIII. ECONOMIC REGULATION OF USE OF FOREST FUND, ITS PRESERVATION, PROTECTION AND REPRODUCTION OF FORESTS

Article 64. Payment for use of forest fund

Use of all kinds of forest fund and forest resources, except for the cases envisaged by the present Code and other legislation of the Azerbaijan Republic, is payable.

The aggregate profit of forestry will consist of the income received from payments for use of forest fund and from forestry activity.

The forest income will consist of payments for selling of forest in standing condition and other uses of forest, and from the indemnification for damages and losses put to forest fund. Payments are calculated based on market prices for forest.

To the incomes received due to forestry activity, are assigned the means, which have arrived from forestry manufacture, manufacture of the forest industry and non-industrial forest manufacture.

Article 65. Fund of protection and reproduction of forests

The fund of protection and reproduction of forests is created with the purpose of maintenance of reproduction, preservation and protection of forests, other actions on forestry manufacture, and financing of programs of development of manufacture of forestry

Sources of financing of the fund will consist of forest incomes, public aid to forestry and other means.

Forestry manufacture is financed from the fund of protection and reproduction of forests, and due to budgetary means.

Industrial and non-industrial manufacture is carried out based on a principle of self-financing (self-support).

Article 66. Incentives and privileges in the sphere of forestry

Incentives and privileges are provided for workers of forestry in the order determined by the corresponding legislation of the Azerbaijan Republic (assignment to them of plots of pastures and haymakings, permission to mow a grass in a forest for a forage of personal cattle, reception of fuel-wood with reduced prices, working clothes etc.).

CHAPTER IX. FEATURES OF USE OF FOREST FUND AND WOOD-AND-SHRUBBY VEGETATION

Article 67. Preparation of wood

Preparation of wood in forests is carried out at cutting of the main and intermediate use, and other cuttings (continuous sanitary cutting, clearing of the forest areas for construction of hydrounits, pipelines, roads, electric lines, and also at lining of glades, creation of fire-prevention breaks, cutting for other purposes).

Article 68. Ways of cutting depending on categories of forests

In the forests of national parks the cutting corresponding to reserved regime are permitted only.

In resort forests, in especially valuable large forests, in forests of zones of gardening around the cities and other settlements, wild fruit forests and the state forest shelterbelts the cutting of intermediate using and other cuttings is made.

In especially protected plots of forest, all kinds of consumption can be limited and forbidden.

Cuttings are made for reproduction of forest and cutting of intermediate using according to the rules (provisions) of cutting approved by corresponding executive authority.

Article 69. Organization and order of wood logging at cuttings

The order of allotment of wood-cutting area, their transfer to forest management stakeholders, wood logging at cuttings, and also the amounts of penalties for infringement of forestry requirements are established by the rules of selling of forest in standing condition in forests of the Azerbaijan Republic, approved by the corresponding executive authority of the Azerbaijan Republic.

Article 70. Determination of logging at cuttings

Logging at cuttings on the territory of each enterprise of forestry is carried out in the volume of settlement woodcutting area. Logging at the cuttings exceeding settlement woodcutting areay, is forbidden.

The volume of logging at reproduction of forest and cuttings of intermediate use is established and approved by the corresponding executive authority at forest husbandry, proceeding from a condition of the forest plantings, the established norms of cuttings of forest care, selective sanitary cuttings, reconstruction cuttings.

The volume of wood logging at other cuttings is established by the corresponding

executive authority depending on projected works on clearing forest fund from trees and bushes.

Article 71. The order of preparation of minor forest resources and realization of subsidiary forest management

Plots of forest fund are assigned to physical and legal persons in use for preparation of minor forest resources and realization of subsidiary forest management in the order established by the present Code.

The corresponding executive authority approves instructions for use of forest fund for preparation of minor forest resources and realization of subsidiary forest management.

Article 72. The order of use of forest fund plots for the research, cultural - improving, tourist and sports purposes, needs of the hunting farms

Research works may be carried out on forest plots fund by the corresponding organizations. The enterprise of forestry can limit or forbid to physical and legal persons use of these plots of forest fund if the given forest management is incompatible with the purpose of carrying out of research works.

On the forest fund plots given for the cultural - improving, tourist and sports purposes, forest management stakeholder can carry out actions on accomplishment of these plots under condition of preservation of natural landscape, observance of fire prevention rules and sanitary rules in forests.

Plots of forest fund may be given in use to physical and legal persons for needs of the hunting farms.

The order of use of forest fund plots for the research, cultural - improving, tourist and sports purposes, needs of the hunting farms is established by the corresponding executive authority of the Azerbaijan Republic.

Article 73. The order of use of forest fund plots in border zones

Using plots of forest fund in border zones is carried out in the order established by the present Code.

Features of using plots of forest fund in border zones are established by the legislation of the Azerbaijan Republic.

Article 74. The state natural reserves, national parks and the natural parks, which are on the territory of forest fund

For the state natural reserves, which are on the territory of the forest fund, are assigned plots of natural fund in the order established by the legislation of the Azerbaijan Republic, and they carry out functions of public management on these plots. Use, preservation, protection and reproduction of forests on the territory of the state natural reserves, national parks and natural parks is carried out according to the present Code and the corresponding legislation of the Azerbaijan Republic.

Article 75. Wood-and-shrubby vegetation located on lands of agricultural purpose

Wood-and-shrubby vegetation located on lands of agricultural purpose is intended for maintenance of protection of lands from influence of adverse natural, anthropogenic and man-caused phenomena by means of use of soil-protective, water-regulating and other properties of forest vegetation.

Cutting of wood-and-shrubby vegetation located on these lands, should provide

improvement of a condition of this vegetation and performance of functions by it. Carrying out of care cuttings, sanitary cuttings, rejuvenation cuttings, and other cuttings of wood-and-shrubby vegetation is permitted.

The order of afforestation on lands of agricultural purpose, care on wood-and-shrubby vegetation, its use, preservation and protection, and also the state control connected to them are established by the legislation of the Azerbaijan Republic.

Article 76. Wood-and-shrubby vegetation located on lands of railway transportation

Wood-and-shrubby vegetation located on lands of railway transportation, is intended for protection of trunk-railways against the adverse natural phenomena, prevention of environmental pollution, reduction of noise affects of railway transportation.

The corresponding executive authority carries out the public management in the area of use, preservation, protection and reproduction of specified wood-and-shrubby vegetation.

Cuttings of care, sanitary cuttings, cuttings of reconstruction, cutting of special purpose and other cuttings of wood-and-shrubby vegetation located on lands of railway transportation are permitted. The order of carrying out of these cuttings is established by the corresponding executive authority.

The corresponding executive authorities carry out the state control over a condition, use, preservation, protection and reproduction of wood-and-shrubby vegetation located on lands of railway transportation.

Article 77. Wood-and-shrubby vegetation located on lands of motor transport and lands of water fund

Wood-and-shrubby vegetation located on lands of motor transport and lands of water fund (on rights of way of highways and channels), is intended for protection of highways and channels from adverse natural, anthropogenic and man-caused phenomena.

On rights of way of highways and channels is permitted carrying out of sanitary cuttings, cuttings of reconstruction and other cuttings.

The order of afforestation and also the order of use, preservation and protection of wood-and-shrubby vegetation located on lands of motor transport and water fund lands, are established by the legislation of the Azerbaijan Republic.

The state control over use, preservation and protection of wood-and-shrubby vegetation located on lands of motor transport and water fund lands, is carried out by corresponding executive authorities of the Azerbaijan Republic.

CHAPTER X. RESOLUTION OF DISPUTES IN THE AREA OF USE, PROTECTION, PRESERVATION AND REPRODUCTION OF FORESTS, RESPONSIBILITY FOR INFRINGEMENT OF FOREST LEGISLATION

Article 78. The order of resolution of disputes in the area of use, protection, preservation and reproduction of forests

Disputes in the area of use, preservation, protection and reproduction of forests are resolved in the judicial order.

Article 79. The responsibility for infringement of the forest legislation

The persons guilty of infringement of the forest legislation bear disciplinary,

administrative, civil and criminal responsibility according to the legislation of the Azerbaijan Republic.

The persons answerable to administrative and criminal liability for capture of forest fund plots without permission are obliged to release the specified plots in target dates.

Article 80. Invalidity of transactions made with infringement of the forest legislation

The transactions made with infringement of the forest legislation, are void.