

**FOREST CODE  
OF THE REPUBLIC OF BELARUS  
of December 24, 2015 No. 332-3**

*Adopted by the House of Representatives of December 3, 2015  
Approved by the Council of the Republic of December 9, 2015*

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3;  
of May 7, 2021 No. 102-3; of January 4, 2022 No. 145-3)

This Code establishes legal bases for the utilization, conservation, protection and regeneration of forests and is aimed at the rational (sustainable) use of forest resources; the preservation and strengthening environment-forming, water protection, protection, sanitary-hygienic, recreational and other functions of forests.

**CHAPTER 1  
GENERAL PROVISIONS**

**Article 1. General Terms Used in this Code and their Definitions**

1. **“Forest management”** means the implementation of forestry measures and ensuring the rational (sustainable) utilization of forest resources.
2. **“Age of felling”** means the age of forest stands primary use felling may be carried out upon reaching it.
3. **“Forest regeneration”** means forestry measures, including the seed production of forest plants, cultivation of the planting material of forest plants; reforestation, afforestation and maintenance of forest plantations.
4. **“Selective sanitary felling”** means the felling during which the removal, withdrawal of dead, drying out and/or damaged trees are carried out.
5. **“Hauling”** means the movement of timber from logging sites, stumps, roots, and other forest products from harvesting sites to the intermediate warehouses of forest industry specified in the technological chart or to the consumer.
6. **“Principle tree species”** means trees that under certain forest growth and economic conditions optimally meet forestry objectives.
7. **“Reinforcement of forest crops”** means the sowing of seeds and/or replanting of forest planting material in forest crops in the place of dead forest plants.
8. **“Stand”** means a group of trees constituting the main component of forest plantations.

9. **“Natural forest regeneration”** means the formation of a new generation of forests in a natural way.

10. **“Living ground cover”** means an aggregate of mosses, lichens, fungi, herbaceous vegetation, shrubs and subshrubs growing on forested and non-forested lands of the Forest Fund.

11. **“Forest protection”** means forestry measures aimed at preventing damage to or deterioration of forests; at reducing the loss of forest resources as a result of exposure to forest pests and diseases, adverse environmental factors, economic and another activity.

12. **“Forest category”** means a part of forests allocated taking into account their ecological, economic and social significance, their location and the functions performed.

13. **“Compartment line”** means a strip up to six meters wide cleared of tree and shrub vegetation being laid in the Forest Fund to mark the boundaries of forest compartments.

14. **“Forest”** means a combination of tree and shrub vegetation, living ground cover, wild animals and microorganisms forming a natural complex.

15. **“Forest products”** means timber (commercial timber and firewood), other harvested, collected, withdrawn (seized) forest resources.

16. **“Forest husbandry”** means a branch of economy with the tasks involving conservation, protection and regeneration of forests, rational (sustainable) use of forest resources; conservation and strengthening of environment-forming, water protection, protective, sanitary and hygienic, recreational and other functions of forests, as well as providing forest products to consumers.

17. **“Forest genetic reserve”** means the Forest Fund plot typical in terms of forest growth conditions for a particular natural and climatic region allocated to preserve the gene pool of a particular tree species.

18. **“Forest compartment”** means an aggregation of taxation allotments within the boundaries of the Forest Fund delimited on the ground by compartment lines and/or linear structures, fields, meadows, water and other objects.

19. **“Forest crops”** means forest stands created by sowing of seeds and/or planting the forest planting material.

20. **“Forest stands”** means tree and shrub vegetation of a certain species composition and living ground cover growing on the Forest Fund plot.

21. **“Forest resources”** means tree and shrub and other vegetation growing within the boundaries of the Forest Fund and/or its parts; environment-forming, water protection, protective, sanitary and hygienic, recreational and other useful properties of forests that are used or may be used during the implementation of economic and another activity and have consumer value.

22. **“Reforestation”** means the creation of forests on lands where a forest used to grow by sowing of seeds and/or planting the forest planting material (artificial reforestation) and through the natural regeneration of forests.

23. **“Forest and park husbandry”** means a segment of industry in forestry with the tasks involving protection and enhancement of the environment-forming, water protection, protective, sanitary-hygienic, recreational and other functions of forests.

24. **“Forest utilization”** means an activity involving the use of forest resources.

25. **“Forest user”** means a citizen, a legal entity, an individual entrepreneur who, in

accordance with the procedure established by legislation on the utilization, conservation, protection and regeneration of forests, have been granted the right to the utilization of forests.

26. **“Afforestation”** means the establishment of forests on lands where a forest did not grow before by sowing of seeds and/or planting the forest planting material.

27. **“Forest growth conditions”** means a complex of climatic, hydrological, soil and other factors that determine the conditions for the growth and development of forests.

28. **“Logging site”** means a Forest Fund plot provided for primary use felling, intermediate use felling, and any other types of felling.

29. **“Forest surveying”** means a system of the Forest Fund inventory, the design of forestry and other measures aimed at the conservation, protection and regeneration of forests; rational (sustainable) use of forest resources; preservation and strengthening of environment-forming, water protection, protective, sanitary and hygienic, recreational and other functions of forests; carrying out a unified scientific and technical policy in forestry.

30. **“Forest designation signs”** means boundary, compartment, logging (forest block) poles, geodetic, informational and other similar signs installed within the boundaries of the Forest Fund for the purposes of forestry.

31. **“Forestry measures”** means allotment and taxation of logging sites; cutting and clearing of compartment lines; creation of fire breaks and their maintenance; clearing clutter; felling of trees left at the logging site for the purposes of forest regeneration (seed trees); felling of forest seed plantations that have served their lifespan; felling of trees during the allocation of logging sites, laying of sample plots, forest surveying, forest pathology monitoring, and forest radiation monitoring; felling of trees when extinguishing forest fires, during the maintenance, repair and reconstruction of forestry roads; melioration measures; measures aimed at increasing the productivity of forests, improving their species composition, including intermediate felling; a set of measures involving the conservation, protection and regeneration of forests, including clear sanitary felling; felling of trees that are intermediate hosts of forest pests and diseases, along the perimeter of existing and planned forest nurseries and forest seed plantations; cutting and clearing of areas for the creation (expansion) of forest nurseries, forest seed plantations, breeding and genetic objects. (Paragraph 31 of Article 1 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

32. **“Low-value forest stands”** means forest plantations of low productivity and quality for certain forest conditions whose allocation criteria are established by the Republican Body of the State Forestry Administration.

33. **“Illegal felling”** means cutting, withdrawal (seizure), removal of tree and shrub vegetation with no authorization documents; felling of species other than those for which a logging permit or order has been issued; felling in excess of the volume specified in the logging permit, order (taking into account the permissible deviation of the actually harvested volume of wood from that specified in the logging permit, order established by the Republican Body of the State Forestry Administration).

34. **“Normal forest stands”** means forest plantations of high and medium productivity and sustainability, of good and medium quality for certain forest growth conditions whose selection criteria are established by the Republican Body of the State Forestry Administration.

35. **“Dangerous trees with regard to roads, overhead communication and power transmission lines”** means dead standing, stag-headed, dying, lodged trees, rotten trees (trees with the rot coming to the surface of the trunk); slanted or with a crown developed towards roads,

overhead communication and power transmission lines; trees on waterlogged soils; those growing in a forest strip adjacent to highways, cleared strips of overhead communication and power transmission lines the width of which is determined by the height of trees the radius of fall of which exceeds the established safe distance to the carriageway of highways; the outer wires of overhead communication and power transmission lines; trees with the height exceeding the height of the main forest massif and the distance to the carriageway of highways, outer wires of overhead communication and power transmission lines, taking into account safe distance to them when falling.

36. ***“Release of standing timber”*** means processing and issuance of a logging permit, order by a legal entity engaged in forestry, its structural subdivision (forest ranger station). .

37. ***“Conservation of forests”*** means forestry measures aimed at the prevention, timely detection and extinguishing of forest fires, as well as the prevention and suppression of illegal logging; pollution of forests with the waste waters from industrial, municipal and other facilities, chemical and radioactive substances, waste, the products of vital activity of farm animals (dung, droppings, liquid dung etc.); other actions that cause damage to forests; other violations of requirements of the law on the utilization, conservation, protection and regeneration of forests, on environmental protection..

38. ***“Plantation forest crops”*** means forest crops with a special forest management regime created to obtain heavy timber, pulp and fuel wood with specified characteristics.

39. ***“Damaged forest stands”*** means forest stands damaged as a result of the impact of pests and diseases of forests, forest fires, adverse environmental factors, economic and any other activity that require carrying out sanitary cuttings and clearing clutter, in accordance with the requirements established by the Republican Body on the State Forestry Administration.

40. ***“Forest productivity”*** means an increment in forest resources for a certain period of time per unit area of a Forest Fund plot.

41. ***“Other types of felling”*** means clear sanitary felling; clearing clutter; forest felling carried out during the laying of compartment lines, the creation of fire breaks and their maintenance; felling of trees that interfere with the passage of logging vehicles during the transport of timber from the cutting areas along the existing logging network; cutting of access roads to logging sites; cuttings carried out for the purpose of preparatory work; felling of plantation forest crops; felling of trees that are intermediate hosts of forest pests and diseases along the perimeter of existing and planned forest nurseries and forest seed plantations; felling of trees left at the logging site for the purposes of forest regeneration (seed trees); cutting of strips of growing coniferous plantings in the interfocal space and along the edges of dying coniferous plantings; felling of trees on forest seed plantations; felling of low-value forest plantings for timber harvesting for fuel and energy purposes; felling of forests when clearing Forest Fund plots from forest plantings for the construction and maintenance of forest nurseries, forest seed plantations, breeding and genetic objects, roads, engineering communications, other linear structures; during the search and exploration of mineral resources and other bowel resources; cutting of shooting lines; felling of trees to feed wild animals; forest felling carried out in the course of measures to prevent the colonization of open swamps by tree and shrub vegetation; forest cuttings carried out in the course of carrying out of measures for the conservation and restoration (reintroduction) of populations of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus and/or to the species falling under the scope of international treaties of the Republic of Belarus; felling of trees hazardous to highways, overhead communication and power transmission lines; felling of trees that pose a danger to the lives of citizens; felling of trees during the allocation of cutting areas, laying of trial plots, forest surveying, forest pathology monitoring, forest radiation monitoring; felling of trees when extinguishing forest fires, repairing and reconstructing forestry roads, reclamation systems; felling

of trees during research and development, prospecting, geodetic works; felling of single trees on the forest lands not covered with forests; felling of single trees in the border strip and the border zone. (Paragraph 41 of Article 1 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

42. **“Authorization documents”** means a logging permit, an order, a forest usage permit.

43. **“Allowable cut”** means the volume of the annual release of standing timber set for primary use felling.

44. **“Reconstruction of low-value forest stands”** means forestry measures implemented to replace low-value forest stands with the stands of coniferous and/or hardwood species by way of creating forest crops or carrying out reconstruction cuttings.

45. **“Primary use felling”** means clear, gradual and selective felling of mature and overmature forest stands carried out for the purposes of timber harvesting. (Paragraph 45 of Article 1 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3).

46. **“Forest felling”** means sawing, cutting or felling tree and shrub vegetation as a result of which its stem part is separated from its root area.

47. **“Regeneration felling”** means cuttings aimed at the rejuvenation of forest stands by withdrawing of mature and overmature trees from them on forest fund plots where primary use felling is not allowed.

48. **“Intermediate use felling”** means forest care felling, selective sanitary felling, reconstruction felling, regeneration felling, felling for the formation (reformation) of forest stands.

49. **“Reconstruction felling”** means cuttings carried out to replace low-value forest stands, as well as the forest stands that lose their environment-forming, water protection, protective, sanitary and hygienic, recreational and other functions.

50. **“Forest care felling”** means release, clearing, thinning and severance cuttings performed to form highly productive forest stands and to prevent wood loss and involving the periodic withdrawal of tree and shrub vegetation that prevents the growth of trees of the main species from forest stands.

51. **“Felling for shaping (reshaping)”** means felling carried out to create forest stands of different age, complex and mixed by their species composition on the Forest Fund plots where primary use felling is not allowed.

52. **“Mature and overmature forest stands”** means forest stands that have reached the forest felling age and/or exceeding it by two or more age classes (the age interval used to characterize the age structure of forest stands)..

53. **“Clear sanitary felling”** means cuttings carried out for the complete replacement of forest stands that have lost their biological stability, damaged or dead as a result of exposure to forest pests and diseases, forest fires, adverse environmental factors, economic and another activity.

54. **“Taxation characteristic”** means a set of indicators of forest stands determined in accordance with the requirements established by the Republican Body of the State Forestry Administration characterizing their species and age structure, state, productivity, biological stability, ecological, recreational and consumer value.

55. **“Taxation allotment”** means a part of the Forest Fund homogeneous by taxation

characteristic allocated on the cartographic materials of the forest management project.

56. **“Tax value”** means the cost per unit volume/mass of standing timber, resin and other forest resources or per unit area of a Forest Fund plot. .

57. **“Clearing clutter”** means clearing forest stands from dead standing, down, windthrown and windbroken trees and their parts.

58. **“Carding of forest stands”** means removal of tree and shrub and other vegetation preventing the growth of the trees of primary species and reinforcement of forest crops.

59. **“Forest Fund plot”** means a part of the Forest Fund consisting of a part of a taxation allotment, one taxation allotment, several taxation allotments and/or their parts.  
(Paragraph 59 of Article 1 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

60. **“Legal entities engaged in forestry”** means legal entities specified in Article 20 of this Code provided with Forest Fund plots for forest management.

## **Article 2. Legal Regulation of Relations in the Field of the Utilization, Conservation, Protection and Regeneration of Forests**

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

1. Relations in the field of the utilization, conservation, protection and regeneration of forests shall be regulated by legislation on the utilization, conservation, protection and regeneration of forests, as well as international treaties of the Republic of Belarus.

(Paragraph 1 of Article 2 as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

1-1. Legislation on the utilization, conservation, protection and regeneration of forests shall be based on the Constitution of the Republic of Belarus and shall include this Code, Acts of the President of the Republic of Belarus, as well as other legislative acts regulating relations in the field of the utilization, conservation, protection and regeneration of forests.

(paragraph 1-1 of Article 2 introduced by the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

2. Relations in the field of the utilization and conservation of Forest Fund plots shall be regulated by legislation on the conservation and use of lands.

3. Relations in the field of management of Plant Kingdom objects constituting the Forest Fund shall be regulated by legislation on the utilization, conservation, protection and regeneration of forests, except for the cases provided for by legislation on the safeguarding and use of the Plant Kingdom.

4. Relations in the field of the utilization, conservation, protection and regeneration of forests arising in connection with the safeguarding and use of Animal Kingdom objects living within the boundaries of the Forest Fund shall be regulated by legislation on the safeguarding and use of Animal Kingdom objects, except for the case provided for in paragraph 2 of Article 19 of this Code.

5. Relations in the field of the utilization, conservation, protection and regeneration of forests located within the boundaries of specially protected natural areas and the natural areas subject to special protection shall be regulated by legislation on the utilization, conservation, protection and regeneration of forests, unless otherwise provided for by legislation on environmental protection.

6. Relations in the field of the utilization, conservation, protection and regeneration of forests arising in connection with the protection and use of waters shall be regulated by legislation on the protection and use of waters in part not regulated by legislation on the utilization, conservation, protection and regeneration of forests.

7. Relations in the field of the utilization, conservation, protection and regeneration of forests arising during the implementation of reclamation measures not regulated by legislation on land reclamation shall be regulated by legislation on the utilization, conservation, protection and regeneration of forests.

8. No longer in force.

(Paragraph 8 of Article 2 is no longer in force. — The Law of the Republic of Belarus of May 7, 2021 No. 102-3)

9. Relations in the field of the protection of forests from forest pests and diseases shall be regulated by legislation on the utilization, conservation, protection and regeneration of forests, except for the cases provided for by legislation on plant protection.

10. Relations in the field of utilization, conservation, protection and regeneration of forests in the territories exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant shall be regulated by legislation on the utilization, conservation, protection and regeneration of forests, unless otherwise provided for by legislation on the legal regime for the territories exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant.

11. When exercising forestry management on Forest Fund plots allocated for the creation of plantation forest crops, the norms of Articles 19, 65 and 66 of this Code shall not apply.

12. If an international treaty of the Republic of Belarus establishes other rules than those provided for by this Code, then the rules of the international treaty shall apply.

### **Article 3. Composition of the Forest Fund**

1. The Forest Fund shall include:

1.1. Forests located on Forest Fund lands and the lands of other categories and the lands covered by them;

1.2. Forest lands not covered by forests and non-forest lands located within the boundaries of Forest Fund lands and the lands of other categories provided for forestry management.

2. The composition, boundaries of Forest Fund lands and the lands of other categories on which forests are located, a procedure for transferring such lands to other categories and types shall be established by legislation on the conservation and use of lands.

### **Article 4. Tree and Shrub Vegetation Not Constituting the Forest Fund**

The composition of the Forest Fund shall not include tree and shrub vegetation growing:

on the lands of agricultural designation;

within the boundaries of settlements (except for urban forests), horticultural partnerships, dacha cooperatives;

on industrial, transport, communications, energy, defense and other designation lands;

on health-improving, recreational, historical and cultural designation lands;

on Water Fund lands;

on reserve lands;

within the boundaries of roadsides (controlled zones) of highways, except for the tree and shrub vegetation growing within the boundaries of Forest Fund lands and nature conservation lands.

#### **Article 5. Right of Ownership of Forests and Forest Products**

1. Forests shall constitute exclusive property of the State.

2. The Republic of Belarus shall exercise ownership, utilization and disposal of forests through authorized state bodies (organizations) within the scope of their competence.

3. Forest products harvested, collected, withdrawn in accordance with the procedure prescribed by legislation on the utilization, conservation, protection and regeneration of forests shall be the property of persons who harvested, collected, withdrawn them unless otherwise established by the Constitution of the Republic of Belarus, this Code and other legislative acts or documentation on the basis of which the right to forest utilization arises.

4. Transactions that violate (restrict) the ownership right of the Republic of Belarus to forests shall not be allowed.

#### **Article 6. Objects of Relations in the Field of Utilization, Conservation, Protection and Regeneration of Forests**

Objects of relations in the field of utilization, conservation, protection and regeneration of forests shall be the Forest Fund, individual Forest Fund plots, the right to exercise forestry management, the right to the utilization of forests, forest resources and forest products.

#### **Article 7. Subjects of Relations in the Field of Utilization, Conservation, Protection and Regeneration of Forests**

The subjects of relations in the field of the utilization, conservation, protection and regeneration of forests shall be the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, State bodies exercising the State Administration in the field of utilization, conservation, protection and regeneration of forests, state bodies (organizations) exercising control in the field of utilization, conservation, protection and regeneration of forests, other legal entities of the Republic of Belarus, foreign legal entities and their representative offices, individual entrepreneurs, as well as citizens of the Republic of Belarus, foreign citizens and stateless persons (hereinafter referred to as “citizens”).

#### **Article 8. Main Principles of Utilization, Conservation, Protection and Regeneration of Forests**

The utilization, conservation, protection and regeneration of forests shall be carried out in compliance with the following basic principles:

Rational (sustainable) utilization of forest resources;

Conservation and strengthening of environment-forming, water protection, protective, sanitary-hygienic, health-improving, recreational and other functions of forests;



Conservation of biological diversity, natural ecological systems, typical and rare natural landscapes and biotopes;

Priority of forest regeneration over forest management;

Forest utilization on a paid basis, except for the cases provided for by this Code and other legislative acts;

Free access of citizens to the territory of the Forest Fund to exercise the right of common nature management, except for the cases provided for by this Code and other legislative acts.

## **CHAPTER 2**

### **STATE ADMINISTRATION IN THE FIELD OF UTILIZATION, CONSERVATION, PROTECTION AND REGENERATION OF FORESTS**

#### **Article 9. State Administration in the Field of Utilization, Conservation, Protection and Regeneration of Forests**

The State Administration in the field of utilization, conservation, protection and regeneration of forests shall be exercised by the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, the Republican Body of the State Forestry Administration, local executive and regulatory bodies, other state bodies within the scope of their competence in accordance with legislation.

#### **Article 10. Powers of the President of the Republic of Belarus in the Field of Utilization, Conservation, Protection and Regeneration of Forests**

1. The President of the Republic of Belarus in the field of utilization, conservation, protection and regeneration of forests shall:

1.1. define a unified state policy;

1.2. excluded;

(Paragraph 1.2 of Article 10 excluded. — The Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.3. grant the right to forestry management with the provision of Forest Fund plots for these purposes;

1.4. approve timber sale rules for the domestic market of the Republic of Belarus;

1.5. Approve the provision on the State Forest Conservation Service of the Republic of Belarus;

1.6. establish a list of officials entrusted with the functions of the State Forest Conservation Service of the Republic of Belarus;

1.7. approve the uniform of officials entrusted with the functions of the State Forest Conservation Service of the Republic of Belarus; approve its description and issuance norms; an insignia of officials entrusted with the functions of the State Forest Conservation Service of the Republic of Belarus, and their description;

1.8. Establish the official heraldic symbols of the Republican Body of the State Forestry Administration and approve provisions on them.

1.9. Excluded. — The Law of the Republic of Belarus of January 4, 2022 No. 145-3.

2. The President of the Republic of Belarus shall exercise other powers in the field of utilization, conservation, protection and regeneration of forests in accordance with the Constitution of the Republic of Belarus, this Code and other legislative acts.

### **Article 11. Powers of the Council of Ministers of the Republic of Belarus in the Field of the Utilization, Conservation, Protection and Regeneration of Forests**

1. The Council of Ministers of the Republic of Belarus in the field of utilization, conservation, protection and regeneration of forests shall:

1.1. ensure the implementation of a unified state policy;

1.2. approve state programs;

(Paragraph 1.2 of Article 11 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.3. make decisions about providing Forest Fund plots to exercise forestry management and about changing the boundaries of Forest Fund plots provided for forest management to legal entities engaged in forestry management, unless otherwise established by the President of the Republic of Belarus;

1.4. establish standard forms:

1.4.1. lease agreements for a Forest Fund plot and an attached schematic map of the Forest Fund plot provided for a lease;

1.4.2. civil law contract for the provision of services in forestry measures and forest utilization;

1.4.3. civil law contract for the provision of services in the cutting down of trees hazardous to highways, overhead communication and power transmission lines;

(Paragraph 1.4 of Article 11 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.5. establish the tax value;

1.6. determine organizations authorized to carry out forest management;

1.7. establish a procedure for exercising forest management, developing and approving a forest management project, introducing changes and/or additions to it;

1.8. establish a procedure for maintaining the State Forest Cadastre, monitoring of forests and using their data;

1.9. establish a procedure for holding forest auctions;

1.10. establish forest felling age;

1.11. establish the forms of permits; a procedure for their registration, storage, filling, issuance and cancellation, unless otherwise provided for by legislative acts;

1.11-1. establish fees for determining the amount of compensation for damage caused to forests;

(Subparagraphs 1.11-1 of Article 11 introduced by the Law of the Republic of Belarus of January 4,

2022 No. 145-3)

1.12. Establish mandatory specific requirements for ensuring fire safety in forests.  
(Subparagraph 1.12 of Article 11 introduced by the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

2. The Council of Ministers of the Republic of Belarus shall exercise other powers in the field of utilization, conservation, protection and regeneration of forests in accordance with the Constitution of the Republic of Belarus, this Code, other laws and Acts of the President of the Republic of Belarus.

**Article 12. Powers of the Republican Body of the State Forestry Administration in the Field of the Utilization, Conservation, Protection and Regeneration of Forests**

1. The Republican Body of the State Forestry Administration in the field of utilization, conservation, protection and regeneration of forests shall:

1.1. pursue a unified state policy;

1.2. develop and implement state programs;

1.3. pursue a unified scientific and technical policy;

1.4. make decisions on changing the boundaries of Forest Fund plots that are under the jurisdiction of structural subdivisions (forest ranger stations) of legal entities subordinate to it engaged in forestry;

1.5. make decisions on the provision of Forest Fund plots for forest utilization in cases provided for by this Code;

1.6. establish a procedure for determining the allowable cut;

1.7. approve the allowable cut by agreement with the Republican Body of the State Administration for Natural Resources and Environmental Protection;

1.8. establish technological chart forms for the development of a cutting area, procurement of stumps and roots;

1.9. establish by agreement with the Republican Body of the State Administration for Natural Resources and Environmental Protection requirements for methods and devices to gather wild berries;

(Subparagraph 1.9 of Article 12 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.10. establish by agreement with the Republican Body of the State Administration in the field of Transport and Communications, the Republican Body of the State Administration for Natural Resources and Environmental Protection, and Regional Executive Committees a procedure for carrying out of work on the maintenance of forests located within the boundaries of strips of 100 meters wide on both sides of the axis of the republican highway, from the outermost public railway track;

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.11. approve, by agreement with the Republican Body of the State Administration for Education and the Republican Body of the State Administration pursuing state policy in the field of labor, the provision on school ranger stations;

1.12. establish a procedure for creating plantation forest crops, requirements for growing plantation forest crops and their felling;

1.13. approve, by agreement with the Republican Body of the State Administration for Emergency Situations, the Republican Body of the State Administration for Health Care, and the Republican Body of the State Administration for Natural Resources and Environmental Protection, forestry regulations in the territories exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant;

1.14. approve regulations on the allotment and taxation of logging sites in the forests of the Republic of Belarus; establish a procedure for surveying of logging sites and Forest Fund plots provided for resin harvesting;

1.15. approve by agreement with the Republican Body of the State Administration for Natural Resources and Environmental Protection forest logging regulations for the Republic of Belarus, sanitary regulations in the forests of the Republic of Belarus;

1.16. Excluded;  
(Subparagraph 1.16 of Article 12 excluded. — The Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.17. adopt, approve, and bring into effect other normative legal acts, including technical normative legal acts;

1.18. establish accounting documentation norms for the State Forest Cadastre; approve a provision on the information system of the State Forest Cadastre;

1.19. maintain the State Forest Cadastre;

1.20. perform forest monitoring;

1.21. excluded;  
(Subparagraph 1.21 of Article 12 excluded. — The Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.22. make decisions on restriction (suspension) or termination of the right to forest utilization;

1.23. make claims to persons whose economic and another activity produce a harmful effect on forests, as well as claims to court to compensate for the damage caused to forests.

2. The Republican Body of the State Forestry Administration shall exercise other powers in the field of utilization, conservation, protection and regeneration of forests in accordance with this Code and other legislative acts.

**Article 13. Powers of the Local Councils of Deputies, Executive and Regulatory Bodies in the Field of Utilization, Conservation, Protection and Regeneration of Forests**  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1. Local Councils of Deputies in the field of utilization, conservation, protection and regeneration of forests shall:

1.1. approve regional sets of measures that ensure the implementation of state programs;

1.2. exercise other powers in accordance with this Code and other legislative acts.

2. Local executive and administrative bodies in the field of utilization, conservation, protection and regeneration of forests shall:

2.1. form and submit for approval regional sets of measures that ensure the implementation of state programs to local Councils of Deputies;

2.2. make, by agreement with the Republican Body of the State Forestry Administration, decisions about leasing Forest Fund plots to legal entities for forest utilization;

2.3. hold forest auctions together with legal entities exercising forestry management;

2.4. organize works on the improvement, conservation and protection of recreational forests;

2.5. approve, upon recommendation of legal entities exercising forestry management, plans agreed with stakeholders to attract forces and means that are used to extinguish forest fires on the respective territory;

2.6. organize the involvement, in accordance with the established procedure, of forces and means that are used to extinguish forest fires, ensure readiness for their immediate departure to the outbreaks of fire in emergency situations;

2.7. coordinate works on extinguishing forest fires;

2.8. make, upon recommendation of legal entities exercising forestry management, decisions about the aviation protection of forests on the respective territory, ensure awareness raising of the population about such work performed;

2.9. make, in the cases of a threat of forest fires due to adverse weather conditions, the emergence and liquidation of emergency situations in the territory of the Forest Fund, decisions about restricting visits or imposing a ban on forest visits by citizens, entry of vehicles into the territory of the Forest Fund, carrying out of works in the territory of the Forest Fund; inform the population about the decisions made;

2.10. exercise other powers in accordance with this Code and other legislative acts.

### **CHAPTER 3**

#### **PARTICIPATION OF CITIZENS, NON-GOVERNMENTAL ORGANIZATIONS, OTHER NON-COMMERCIAL ORGANIZATIONS, THE BODIES OF TERRITORIAL PUBLIC SELF-GOVERNMENT IN RESOLVING THE ISSUES RELATED TO THE UTILIZATION, CONSERVATION, PROTECTION AND REGENERATION OF FORESTS.**

##### **SCHOOL FOREST RANGER STATIONS**

#### **Article 14. Participation of Citizens, Non-governmental Organizations, other Non-profit Organizations, the Bodies of Territorial Public Self-government in Resolving the Issues Related to the Utilization, Conservation, Protection and Regeneration of Forests**

1. Citizens shall have the right to participate in resolving the issues related to the utilization, conservation, protection and regeneration of forests through local referendums, meetings and other forms of direct participation in state and public affairs in accordance with legislation.

2. Non-governmental organizations, other non-profit organizations, the bodies of territorial public self-government shall carry out work on fostering a caring attitude of citizens to forests; conserving biological diversity, natural ecological systems, typical and rare natural landscapes and biotopes, and forest designation signs.

3. State bodies (organizations) shall provide citizens, non-governmental organizations, and other non-profit organizations, and bodies of territorial public self-government, in accordance with legislation on environmental protection, with environmental information in the field of utilization, conservation, protection and regeneration of forests.

4. Citizens, non-governmental organizations, other non-profit organizations, and bodies of territorial public self-government shall assist state bodies, legal entities engaged in forestry in carrying out of forestry and other activities in the field of utilization, conservation, protection and reproduction of forests; creating nesting sites for birds; shall participate in carrying out of work on bringing forests into a proper sanitary condition, as well as in preventing, detecting and extinguishing forest fires.

### **Article 15. School Forest Ranger Stations**

1. School forest ranger stations shall be established during the implementation of the educational program of additional education for children and young people to foster a caring attitude to nature in pupils, expand and deepen knowledge in the field of natural sciences.

2. School forest ranger stations shall provide assistance to legal entities implementing forestry measures for the conservation, protection and regeneration of forests.

3. School forest ranger stations shall carry out their activities in accordance with the procedure established by the Republican Body of the State Forestry Administration by agreement with the Republican Body of the State Administration for Education and the Republican Body of the State Administration pursuing state policy in the field of labor.

## **CHAPTER 4 BASIC PRINCIPLES OF FOREST MANAGEMENT**

### **Article 16. Categorization of Forests**

1. In accordance with the ecological, economic and social value of forests, their location and the functions they perform, forests shall be categorized as follows:

1.1. conservation forests;

1.2. health and recreational forests;

1.3. protective forests;

1.4. exploitable forests.

2. Conservation forests shall include:

2.1. forests located within the boundaries of specially protected natural areas;

2.2. forests located within the boundaries of the habitats of wild animals and/or wild plants belonging to the species included in the Red Book of the Republic of Belarus transferred under protection to the users of land lots and/or water bodies in accordance with the procedure established by the Council of Ministers of the Republic of Belarus;

2.3. forests located within the boundaries of typical and rare natural landscapes and biotopes transferred under protection to the users of land lots and/or water bodies in accordance with the procedure established by the Council of Ministers of the Republic of Belarus.

3. Health and recreational forests shall include:

3.1. forests located within the boundaries of cities (urban forests);

3.2. forests located within the boundaries of strips of five kilometers wide, two kilometers wide, 500 meters wide, 100 meters wide from the borders of the city of Minsk, regional centers, the cities of regional subordination, other settlements, as well as horticultural partnerships and dacha cooperatives correspondingly, unless otherwise stipulated by urban planning projects subject to approval by the President of the Republic of Belarus;

3.3. forests located within the boundaries of strips of 200 meters wide from the boundaries of land lots where sanatoriums, holiday homes, boarding houses, recreation camps, tourist camps and other medical, sanatorium and health facilities are located.

4. Protective forests shall include:

4.1. forests located within the boundaries of water protection zones;

4.2. forests located within the boundaries of the first and second belts of sanitary protection zones of the sources and systems of drinking water supply;

4.3. forests located within the boundaries of strips 100 meters wide on both sides of the outermost public railway track, from the axis of the republican highway.

5. Exploitable forests shall include forests that are not included in the composition of conservation, health and recreational and protective forests.

### **Article 17. Categorizing of Forests and Transferring of Forests from One Category to Another**

1. Categorizing of forests and transferring of forests from one category to another shall be carried out in accordance with the procedure established by Article 18 of this Code.

2. When categorizing of forests and/or transferring of forests from one category to another, the boundaries of forests for each category shall be determined and specified in the forest management project, including cartographic materials.

The boundaries of forests for each category shall, as a rule, be combined with natural contours, compartment lines, shorelines of water bodies, communication and power lines, boundaries of taxation allotments or other demarcation lines clearly marked on the ground, recorded in the cartographic materials of forest management projects and the State Forest Cadastre. When combining the boundaries, their deviation by more than 10% from the allocated forest area of the declared category shall not be allowed.

3. Categorizing of forests and/or transferring of forests from one category to another shall be carried out during:

3.1. announcement, transformation, termination of the operation of specially protected natural areas;

3.2. transfer of habitats of wild animals and/or of wild plants belonging to the species included in the Red Book of the Republic of Belarus, typical and/or rare natural landscapes and biotopes to the users of land lots and/or water bodies under protection;

3.3. approval of urban planning projects by the President of the Republic of Belarus;

3.4. formation, abolition of settlements, changes to their boundaries;

3.5. withdrawal and provision of land lots for collective gardening and suburban construction;

3.6. withdrawal and provision of land lots for the construction of sanatoriums, holiday homes, boarding houses, health camps, tourist camps and other medical, sanatorium-resort, recreational facilities; changing the boundaries of land lots of their location;

3.7. establishing, changing the boundaries of water protection zones;

3.8. establishing, changing the boundaries of sanitary protection zones of drinking water sources and supply systems; stopping the use of a water body/its parts as a source of drinking water supply;

3.9. withdrawal and provision of land lots for the construction, reconstruction of public railways, republican highways;

3.10. transfer of Forest Fund lands and the lands of other categories covered with forests to the lands of other categories or transfer of the lands of other categories to Forest Fund lands.

### **Article 18. Procedure for Categorizing of Forests and/or Transferring of Forests from One Category to Another**

1. Categorizing of forests and/or transferring of forests from one category to another shall be exercised by the Republican Body of the State Forestry Administration on the basis of legislative acts or decisions of state bodies (an official) adopted pursuant to them in the cases specified in paragraph 3 of Article 17 of this Code by entering corresponding information into the State Forest Cadastre and ensuring that appropriate changes and/or additions are introduced to forest management projects.

2. State bodies (an official) that make decisions specified in paragraph 1 of this Article shall, within three working days from the date of their adoption, submit copies of these decisions to the Republican Body of the State Forestry Administration.

### **Article 19. Forest Exploitation Regime Depending on Forest Categories**

1. In forests located within the boundaries of specially protected natural areas, the harvesting of timber during clear primary use felling shall not be allowed, and restrictions and prohibitions on forest management established by legislation on specially protected natural areas shall apply. (paragraph 1 of Article 19 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

2. In forests located within the boundaries of the habitats of wild animals and/or wild plants, belonging to the species included in the Red Book of the Republic of Belarus, transferred to the users of land lots and/or water bodies under protection in accordance with the procedure established by the Council of Ministers of the Republic Belarus, the harvesting of timber during clear and strip-gradual felling of the primary use shall not be allowed, as well as restrictions and prohibitions on forest management established in their conservation obligations shall apply.

3. In forests located within the boundaries of typical and rare natural landscapes and biotopes, transferred to the users of land lots and/or water bodies under protection in accordance with the procedure established by the Council of Ministers of the Republic of Belarus, the harvesting of timber during clear and strip-gradual felling of primary use shall not be allowed, as well as restrictions and prohibitions on the implementation of forest management established in their conservation obligations shall apply.



4. In recreational and health-improving forests the following shall be prohibited:

- 4.1. harvesting of timber during primary use felling;
- 4.2. procurement of resin;
- 4.3. harvesting of secondary forest resources;
- 4.4. procurement of tree saps;
- 4.5. grazing.

5. In urban forests, apart from the prohibitions provided for in Paragraph 4 of this Article, the procurement of moss, collection of forest cover, placement of beehives and apiaries shall not be allowed.

6. In forests located within the boundaries of water protection zones, the procurement of timber during clear primary use felling, harvesting of stumps and roots shall not be allowed, as well as restrictions and prohibitions on forest management established in accordance with legislation on the protection and use of waters shall apply.

7. In forests located within the boundaries of the first and second belts of the sanitary protection zones of the sources and systems of drinking water supply the following shall not be allowed:

- 7.1. procurement of timber during primary use felling;
- 7.2. carrying out renewal, shaping (reshaping) and reconstruction felling;
- 7.3. procurement of resin;
- 7.4. procurement of secondary forest resources;

7.5. secondary forest management, except for the gathering wild berries, mushrooms, fruit, nuts and haymaking.

8. In forests located within the boundaries of strips 100 meters wide on both sides of the outermost public railway track, from the axis of the republican highway, the following shall not be allowed:

- 8.1. procurement of timber during primary use felling;
- 8.2. procurement of resin;
- 8.3. harvesting of secondary forest resources;

8.4. secondary forest utilization, except for the gathering wild berries, mushrooms, fruit, nuts and haymaking.

9. In the case, where forests simultaneously belong to different categories of forests (nature conservation, recreational and health-improving, and protective forests), the forest utilization regime in them shall be established with due regard to restrictions and prohibitions established for each of these forest categories.

10. In exploitable forests, all types of forest utilization shall be implemented in accordance with this Code, other legislative acts on the utilization, conservation, protection and regeneration of forests, unless otherwise established by legislative acts.

11. Information about the location of nature conservation, health and recreational, and protective forests, their conservation and utilization regime shall be brought to the public by legal entities engaged in forestry by posting it on their official websites over the global computer network Internet, in the mass media, installing of information signs that contain such information, or in any other publicly available way.

## **CHAPTER 5 FOREST MANAGEMENT**

### **Article 20. Right to Forest Management**

1. The following legal entities engaged in forestry shall have the right to forest management with the provision of Forest Fund plots for these purposes:

1.1. State Forestry Institutions subordinate to the Republican Body of the State Forestry Administration;

1.2. State Forestry Institutions subordinate to the Republican Body of the State Administration pursuing the state policy in the field of defense;

1.3. Experimental forest bases subordinate to the National Academy of Sciences of Belarus;

1.4. Scientific-experimental forest ranger stations subordinate to the Republican Body of the State Administration for Education;

1.5. State Environmental Institutions that exercise management of nature reserves and national parks, and forestry organizations subordinate to the Administration of the President of the Republic of Belarus;

1.6. State Environmental Research Institution “Polesie State Radioecological Reserve” subordinate to the Republican Body of the State Administration for Emergencies;

1.7. Organizations subordinate to the city (the cities of regional subordination and the city of Minsk) executive and administrative authorities whose competence includes forest and park husbandry.

2. The right to forest management with the provision of forest fund plots for these purposes may be granted to other organizations not specified in Paragraph 1 of this Article by decision of the President of the Republic of Belarus and on the terms provided for by such a decision.

3. Decisions on the provision of Forest fund Plots for forest management and on changing the boundaries of Forest Fund plots provided for forestry management to legal entities engaged in forestry shall be made by the Council of Ministers of the Republic of Belarus, unless otherwise established by the President of the Republic of Belarus.

### **Article 21. Rights of Legal Entities Exercising Forest Management**

1. Legal entities engaged in forest management shall have the right to:

1.1. provide Forest Fund plots for forest utilization with the issuance of permits;

1.2. make decisions on restriction (suspension) or termination of the right to the forest utilization in the cases and in accordance with the procedure provided for by legislation on the utilization, conservation, protection and regeneration of forests; on environmental protection;

1.3. put forward proposals for the suspension of economic and another activity that produce a harmful effect on forests or during the implementation of which a risk of causing harm to forests in future arises;  
(subparagraph 1.3 of Article 21 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.4. establish and record the fact of damage to forests; file claims against citizens, legal entities, individual entrepreneurs whose economic and another activity produce a harmful effect on forests or during the implementation of which there is a danger of causing damage to forests in future, as well as claims to court to compensate for the damage caused to forests;  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.5. undertake forestry measures that have not been designed to be undertaken in line with the forest management project, in accordance with the requirements established by the Republican Body of the State Forestry Administration in cases and in accordance with the procedure stipulated by this Code and other legislative acts;

1.6. attract forces and means to extinguish forest fires in accordance with the plans for the involvement of forces and means that are used to extinguish forest fires in the corresponding area approved by local executive and regulatory bodies;

1.7. attract citizens, legal entities, individual entrepreneurs to provide services in implementing forestry measures and forest utilization on the basis of a civil law contract;  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.8. limit, in cases of a threat of forest fires due to adverse weather conditions, the emergence and liquidation of emergency situations in the territory of the Forest Fund, visits of citizens to forests, the entry of vehicles into the territory of the Forest Fund, the performance of works in the territory of the Forest Fund, in accordance with decisions of local executive and regulatory bodies;  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.9. carry out the harvesting of secondary forest resources and secondary forest utilization;

1.10. carry out, without issuing permits, the procurement, gathering of wild fruit, berries, nuts, cones, and seeds; withdrawal by means of digging up of wild plants for use in the regeneration of forests;

1.11. exercise other rights, in accordance with legislation on the utilization, conservation, protection and regeneration of forests.

2. Legal entities engaged in forestry shall exercise their rights to the conservation and protection of forests with the involvement of the State Forest Conservation Service of the Republic of Belarus.

3. When logging and harvesting secondary forest resources and during secondary forest utilization carried out on the basis of permits, legal entities engaged in forestry shall have the rights of forest users provided for in Article 56 of this Code.

## **Article 22. Responsibilities of Legal Entities Exercising Forest Management**

1. Legal entities engaged in forestry shall be obliged to:

1.1. implement forestry measures in accordance with legislation on the utilization, conservation, protection and regeneration of forests, forest management projects;

1.2. ensure compliance with legislative requirements for the utilization, conservation, protection and regeneration of forests, on environmental protection, on the protection and use of land, as well as the requirements of technical regulatory legal acts mandatory for compliance;

1.3. provide forest users with information about the Forest Fund plots provided to them for forest utilization;

1.4. draw up accounting documentation of the State Forest Cadastre;

1.5. ensure compliance with restrictions and prohibitions on forest utilization established for the forests of various categories;

1.6. ensure the maintenance of compartment lines and forest designation signs in accordance with the requirements of technical regulatory legal acts;  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.7. ensure the use of Forest Fund plots according to their designated purpose;

1.8. communicate to the public information about the location of Forest Fund plots, on which restrictions and prohibitions have been established; the regime for their protection and use by posting it on their official websites over the global computer network Internet; in the mass media; by installing information signs that contain such information; or in any other publicly available way;

1.9. fulfill other obligations in accordance with legislative acts.

2. Legal entities engaged in forestry shall fulfill their obligations on the conservation and protection of forests with the involvement of the State Forest Conservation Service of the Republic of Belarus.

3. Legal entities engaged in forestry when carrying out of felling (except for release felling, clearing felling, felling carried out when maintaining compartment lines and fire breaks), the harvesting of secondary forest resources and during secondary forest use shall draw up authorization documents.  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

When logging and harvesting of secondary forest resources and during secondary forest use carried out on the basis of authorization documents, legal entities engaged in forestry shall fulfill obligations of forest users provided for in Article 57 of this Code.

## **CHAPTER 6 REGENERATION OF FORESTS**

### **Article 23. Seed Production of Forest Plants**

1. Seed production of forest plants shall be carried out to provide legal entities engaged in forestry with the seeds of forest plants with valuable hereditary properties and high sowing qualities for reforestation and afforestation by creating (compiling), identifying and exploiting of a permanent forest seed base on Forest Fund plots on the selection-genetic basis and of breeding genetic objects.

2. Seed production of forest plants shall be carried out in accordance with the procedure and requirements established by the Republican Body of the State Forestry Administration.

## **Article 24. Permanent Forest Seed Base on Forest Fund Plots**

1. A permanent forest seed base on Forest Fund plots shall include the following objects:

- 1.1. forest seed plantations;
- 1.2. plus forest plantations;
- 1.3. plus trees;
- 1.4. permanent forest seed plots;
- 1.5. commercial seed plantations;
- 1.6. forest genetic reserves.

2. Forest seed plantations are specially created (formed) forest stands intended for obtaining forest plant seeds valuable in terms of hereditary properties over a long period.

3. Plus forest plantations include high-yielding and high-quality forest stands for specific forest growing conditions.

4. Plus trees include trees that are significantly superior by one or more character and property to the surrounding trees of the same age, phenological form growing in the same forest conditions.

5. Permanent forest seed plots include high-yielding and high-quality forest plantations of natural origin for certain forest growing conditions or forest crops specially created (formed) for obtaining of forest plant seeds in them over a long period of time.

6. Commercial seed plantations are forest plantations allocated in the Forest Fund for the purposes of harvesting of Forest Fund seeds.

7. Forest genetic reserves are Forest Fund plots allocated in order to preserve the gene pool of trees of the main species.

8. Objects of a permanent forest seed base are created (formed), identified and exploited on Forest Fund plots depending on the need for seeds and planting material of forest plants for reforestation and afforestation in accordance with the procedure and requirements established by the Republican Body of the State Forestry Administration.

## **Article 25. Breeding and Genetic Facilities on Forest Fund Plots**

1. Breeding and genetic facilities on Forest Fund plots shall be created to preserve the gene pool of woody forest plants, to assess hereditary characters, to select woody forest plants that are highly productive and resistant to pests and forest diseases for the purposes of using woody forest plants in seed production.

2. Breeding and genetic facilities shall include:

- 2.1. archives of plus tree clones;
- 2.2. mother plantations;
- 2.3. test forest crops;
- 2.4. provenance trials;
- 2.5. population-ecological forest crops.

3. “*Archives of plus tree clones*” means forest stands specially developed using a vegetative method to preserve the gene pool and to study the hereditary characters of plus trees.

4. “*Mother plantations*” means forest stands created to obtain plus tree cuttings.

5. “*Test forest crops*” means experimental forest crops of the seed progeny of plus trees, plus forest stands, forest seed plantations and permanent forest seed plots created for the purposes of their genetic evaluation.

6. “*Provenance trials*” means experimental forest crops developed under homogeneous forest conditions using planting material from the seeds of forest plants of different geographical origin in order to test them in new forest conditions.

7. “*Population-ecological forest crops*” means experimental forest crops developed under two or three of the most common types of forest conditions for the purposes of testing main species trees under specific types of forest conditions.

8. Breeding and genetic facilities on forest fund plots shall be created and exploited in accordance with the procedure and requirements established by the Republican Body of the State Forestry Administration by agreement with the National Academy of Sciences of Belarus.

#### **Article 26. Production, Realization and Use of Forest Plant Seeds**

1. The production of forest plant seeds shall include their harvesting and processing.

2. Harvesting of forest plant seeds shall be carried out at the facilities of a permanent forest seed base, as well as normal forest stands.

3. Harvesting of forest plant seeds at low-value forest stands and from the trees with various anomalies and defects, including knotty, twisted, stag-headed or multi-topped, stunted (minus trees), as well as the realization and use of forest plant seeds the sowing qualities of which have not been tested or are not in compliance with sowing quality requirements for forest plant seeds established by the Republican Body of the State Forestry Administration shall not be allowed.

4. Analysis of forest plant seeds with the issuance of a quality certificate for forest plant seeds shall be performed by the State Institution subordinate to the Republican Body of the State Forestry Administration, in accordance with the procedure established by the Republican Body of the State Forestry Administration.

5. When selling and using forest plant seeds, their sowing qualities must comply with the requirements established by the Republican Body of the State Forestry Administration and must be confirmed by a quality certificate for forest plant seeds or a copy thereof.

6. A procedure for packaging, labelling, storage and transportation of forest plant seeds shall be established by the Republican Body of the State Forestry Administration.

#### **Article 27. Growing of Forest Planting Material**

1. Cultivation of forest planting material for reforestation and afforestation shall be carried out at permanent (organized for a period of more than five years) and temporary (organized for a period of up to five years) forest nurseries, as well as in greenhouses.

2. The forest planting material shall include:

2.1. forest seedlings;

- 2.2. forest saplings;
- 2.3. plant cuttings;
- 2.4. grafted planting material;
- 2.5. planting material with a closed root system;
- 2.6. micropropagation planting material;
- 2.7. wild plants.

3. Requirements for the cultivation of forest planting material and the procedure for determining the quality of forest planting material shall be established by the Republican Body of the State Forestry Administration.

### **Article 28. Reforestation and Afforestation**

1. Reforestation and afforestation shall be carried out in accordance with forest management projects, except for the cases specified in Paragraphs 2 and 4 of this Article. In these cases, the types and scope of work on reforestation and afforestation shall be determined by legal entities engaged in forestry based on the survey results of Forest Fund plots.

2. Reforestation on the Forest Fund lands suitable, according to their forest vegetation conditions, for creating forest crops shall be carried out within three years from the date of signing the felling site inspection certificate executed pursuant to Article 72 of this Code.

3. On Forest Fund plots occupied by shrubs, low-value forest stands, which in terms of their composition, productivity, forest felling expected by age and the functions performed do not correspond to forest vegetation conditions, reforestation for the purposes of creating more valuable and highly productive forest stands shall be carried out by way of reconstructing low-value forest stands.

4. Afforestation on the lands suitable due to their forest vegetation conditions for creating forest crops transferred to the composition of Forest Fund lands from the lands of other categories shall be carried out within three years from the date of the decision to transfer these lands.

5. Reforestation and afforestation on the Forest Fund plots that have not been designed, according to the forest management project, for their implementation, but where their implementation is required in cases specified in paragraphs 2 and 4 of this Article shall be conducted in accordance with the procedure established by the Republican Body of the State Forestry Administration.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

6. Reforestation and afforestation, inspection of Forest Fund plots shall be carried out in the manner and in accordance with the requirements established by the Republican Body of the State Forestry Administration.

### **Article 29. Maintenance of Forest Stands**

1. Maintenance of forest stands shall be carried out during the period starting from the formation of a new generation of forests in a natural way, by sowing of seeds and/or planting of forest planting material prior to introducing of forest stands into the category of valuable ones.

2. Work on the maintenance of forest stands before introducing them into the category of valuable ones, except for clearing cuttings, shall be carried out without issuing permits.

3. Forest stands may be recognized as dead and subject to a write-off in the case of their damage to the point of cessation of growth or death as a result of forest pests and diseases, forest fires, adverse environmental factors, and improper maintenance of forest stands.

4. Requirements for the maintenance of foreign stands, criteria for classifying forest plantations as dead, a writing-off procedure for dead forest stands and their maximum share in the area of forest stands subject to formation shall be established by the Republican Body of the State Forestry Administration.

### **Article 30. Entry of Forest Stands into the Category of Valuable Forest Stands**

Entry of forest stands into the category of valuable forest stands shall be carried out by legal entities engaged in forestry in the manner and in accordance with the requirements established by the Republican Body of the State Forestry Administration.

## **CHAPTER 7 CONSERVATION AND PROTECTION OF FORESTS**

### **Article 31. Forest Conservation and Protection Objectives**

1. Forest conservation and protection objectives shall be as follows:

Consultant Plus: comment.

Instructions on the liaison between the Ministry for Emergencies of the Republic of Belarus, the Ministry of Forestry of the Republic of Belarus and other legal entities engaged in forestry with regard to the detection and extinguishing of forest fires in the territory of the Republic of Belarus were approved by the Resolution of the Ministry for Emergencies of the Republic of Belarus, of the Ministry of Forestry of the Republic of Belarus of February 14, 2005 No. 16/8.

1.1. prevention of forest fires, their timely detection, localization and extinguishing;

1.2. prevention and suppression of illegal logging, other violations of legislation on the utilization, conservation, protection and regeneration of forests, on environmental protection;

1.3. timely detection of the foci of forest pests and diseases, forecasting their spread and development;

1.4. localization and elimination of the foci of forest pests and diseases;

1.5. prevention and suppression of damage or destruction of forests as a result of economic and another activity that have a harmful effect on forests, as well as prevention of harmful effects of adverse environmental factors on them.

2. In order to conserve and protect forests, the following shall not be allowed on the Forest Fund territory:

2.1. erection, exploitation, reconstruction, major overhaul of waste disposal, neutralization, storage facilities (except for the authorized sites of temporary waste storage);

2.2. storage of snow containing sand and salt mixtures, de-icing agents;

2.3. washing of vehicles and other technical means;



- 2.4. placement of livestock burial grounds;
- 2.5. arrangement of summer camps for farm animals;
- 2.6. storage of fertilizers and plant protection products;

2.7. pollution of forests with sewage, chemical and other substances, waste disposal (except for the temporary storage of waste in authorized waste storage sites before their transportation to burial sites, waste neutralization and/or waste management facilities), by-products of the agricultural production and food industry (manure, litter, whey, solubles, beet pulp etc.);

2.8. economic and another activity that produce a harmful effect on forests or during the implementation of which there is a risk of causing harm to forests in future.

3. Legislative acts, for the purposes of conservation and protection forests, may establish other restrictions and prohibitions on the implementation of economic and another activity on the territory of the Forest Fund.

### **Article 32. Conservation and Protection of Forests**

The conservation and protection of forests shall be implemented by:

legal entities engaged in forestry with the involvement of the State Forest Conservation Service of the Republic of Belarus within its powers established by the President of the Republic of Belarus and Article 100 of this Code;

subdivisions for emergency situations within the scope of their competence in accordance with Articles 33 and 34 of this Code;

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

other authorized state bodies (organizations) in accordance with legislative acts.

### **Article 33. Forest Conservation and Protection Elements**

1. Conservation and protection of forests shall include the following elements:

1.1. implementation of forestry measures to prevent the risk of forest fires;

1.2. analysis and forecast of a forest fire hazard based on hydrometeorological information;

1.3. implementation of fire safety measures in accordance with mandatory specific requirements for ensuring fire safety in forests;

(subparagraph 1.3 of Article 33 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.4. ensuring compliance with mandatory specific requirements ensuring fire safety in forests, sanitary regulation requirements for the forests of the Republic of Belarus;

(subparagraph 1.4 of Article 33 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.5. organizing the detection of forest fires, damage and destruction of forests using ground, air and other methods;

1.6. implementation of plans for the involvement of forces and means that are used to extinguish forest fires in the respective territory;

1.7. organizing the involvement, in accordance with the established procedure, of forces and means that are used to extinguish forest fires, ensuring readiness for their immediate departure in the event of a fire risk in forests;

1.8. providing extinguishing of forest fires using ground and air methods;

1.9. ensuring forest monitoring, including for the purposes of detecting the foci of forest pests and diseases, damage to forests as a result of the impact of adverse environmental factors;

1.10. conducting ground work to prevent, localize and eliminate the foci of forest pests and diseases;

1.11. carrying out aviation work to localize and eliminate the foci of forest pests and diseases for the purposes of preventing and eliminating of emergency situations in forests;

1.12. implementation of measures ensuring the sanitary safety of forests in accordance with the sanitary regulations in the forests of the Republic of Belarus;

1.13. prevention and suppression of illegal logging, other violations of legislation on the utilization, conservation, protection and regeneration of forests, on environmental protection.

2. Conservation and protection of forests shall be implemented in accordance with this Code, other acts of legislation on the utilization, conservation, protection and regeneration of forests; legislation in the field of organization of fire safety activities, on plant and environmental protection.

#### **Article 34. Aviation Protection of Forests**

1. For the timely detection of forest fires and their extinguishing, aviation protection of forests shall be organized.

2. Aviation protection of forests shall be carried out by emergency response units within the scope of their competence.  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

3. A procedure for the aviation protection of forests shall be established by the Council of Ministers of the Republic of Belarus.

4. The zone of aviation forest protection shall be determined by the Republican Body of the State Forestry Administration.

### **CHAPTER 8 FOREST SURVEYING**

Consultant Plus: comment.

A provision on establishing a procedure for forest surveying, development and approval of a forest management project, introducing changes and amendments to it shall be approved by the Resolution of the Council of Ministers of the Republic of Belarus of November 4, 2016 No. 907.

#### **Article 35. Forest Surveying**

1. The objects of forest surveying shall constitute the Forest Fund plots provided for forestry to legal entities engaged in forestry.

2. When carrying out forest surveying, the following shall be implemented:

2.1. determination of boundaries of a forest surveying object, its internal division (forest ranger stations, logging camps, detours, forest compartments);

2.2. carrying out of topographic and geodetic, forest biological, design and survey works and other surveys in the Forest Fund;

2.3. inventory of the forest surveying object involving determination of the types of Forest Fund lands; the species and age composition of forest stands, their condition, as well as the determination of qualitative and quantitative characteristics of forest resources;

2.4. assessment of forest growth and economic conditions of the forest management object;

2.5. detection of Forest Fund plots where the implementation of forest management measures is required; final felling, determining forest felling techniques and the felling volume;

2.6. detection of Forest Fund plots destined for reforestation and afforestation; determining reforestation methods;

2.7. specification of boundaries of Forest Fund plots assigned to certain forest categories stated in the forest management project, including cartographic materials, and preparing of proposals for changing them;

2.8. development of a forest management project;

2.9. designer's supervision over the implementation of a forest management project;

2.10. other forest surveying activities.

3. Forest surveying shall be carried out by organizations determined by the Council of Ministers of the Republic of Belarus in the manner prescribed by it.

Consultant Plus: comment.

Forest management projects approved in accordance with the established procedure before December 31, 2016, shall be effective until their expiry date. At that, the specified forest management projects shall be harmonized with this document before December 31, 2020 (part 1 of paragraph 2 of the Resolution of the Ministry of Forestry of the Republic of Belarus of December 19, 2016 No. 68).

Consultant Plus: comment.

The instruction on the procedure for organizing forest surveying work and its scope, the composition of forest surveying documentation and designer's supervision over the implementation of forest management projects was approved by the Resolution of the Ministry of Forestry of the Republic of Belarus of June 30, 2017 No. 13.

### **Article 36. Forest Management Project**

1. A forest management project shall be developed on the basis of forest surveying results by an organization that has carried it out.

A forest management project shall provide a comprehensive assessment of forestry management, the state of forests and their utilization over the period following the approval of a previous forest management project; the main directions of forestry organization and management shall be developed; the types and volumes of forestry measures and forest utilization for the

forthcoming period shall be determined; and cartographic materials on a forest surveying object shall be compiled.

When developing a forest management project, restrictions and prohibitions on forest utilization, established in accordance with this Code and other legislative acts, must be taken into account.

2. The forest management project must contain the following information:

2.1. characteristics of forest growth and economic conditions of a forest surveying object;

2.2. taxation characteristics of taxation allotments;

2.3. a comprehensive assessment of forest management and changes in taxation characteristics over the period following the approval of a previous forest management project;

2.4. cartographic materials with the boundaries of a forest surveying object indicated in them, its internal division, as well as the boundaries of Forest Fund plots assigned to certain forest categories with a breakdown by the forests that form their part;

2.5. characteristics of the types of Forest Fund lands, species and age composition of forest stands, their condition;

2.6. types and volumes of forestry measures and forest utilization;

Consultant Plus: comment.

Information on specially protected natural areas shall be posted on the official website of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus: <http://www.minpriroda.gov.by/ru/>.

2.7. Forest Fund plots designed for carrying out of forestry measures and forest utilization, taking into account restrictions and prohibitions established in accordance with this Code, other legislative acts in the field of utilization, conservation, protection and regeneration of forests, legislation on environmental protection on Forest Fund plots located within the boundaries of specially protected natural areas, natural areas subject to special protection;

2.8. economic viability of the forest management project implementation.

3. Upon a reasonable proposal of legal entities engaged in forestry, changes and/or additions to the forest management project may be introduced.

The forest management project, changes and/or additions to it shall be developed and approved in accordance with the procedure established by the Council of Ministers of the Republic of Belarus.

The forest management project shall be the basis for forest management and financing of forestry management.

The validity period of a forest management project after its approval shall be up to 10 years.

4. A forest management project, changes and/or additions to it before their approval must undergo state ecological expertise in accordance with legislation on environmental protection.

5. Forest management shall not be allowed without a duly approved forest management project.

6. Forestry measures on the Forest Fund plots not designed for their implementation by a forest management project shall be implemented in accordance with paragraph 7 of this Article and paragraph 5 of Article 28 of this Code.

Forest utilization by the types specified in subparagraphs 1.3-1.6 of paragraph 1 of Article 37 of this Code on the Forest Fund plots not designed by a forest management project shall be allowed.

7. Maintenance felling, reconstruction felling in the forest stands of softwood tree species, selective sanitary felling and other types of felling on the Forest Fund plots not designed for carrying out such felling by the forest management project shall be administered by the orders of legal entities engaged in forestry and shall be carried out in accordance with the logging regulations of the Republic of Belarus, sanitary regulations in the forests of the Republic of Belarus. At that, no changes and/or additions to the forest management project shall be required.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

## **CHAPTER 9**

### **TYPES OF FOREST UTILIZATION. DOCUMENTS ON THE BASIS OF WHICH THE RIGHT TO FOREST UTILIZATION ARISES.**

### **PROVIDING FOREST FUND PLOTS FOR FOREST UTILIZATION. VISITS OF CITIZENS TO FORESTS AND EXERCISE OF THE RIGHT TO FOREST UTILIZATION BY THEM.**

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

#### **Article 37. Types of Forest Utilization and Persons Exercising them.**

1. Forest utilization shall be carried out by the following types:

1.1. harvesting of timber;

1.2. harvesting of resin;

1.3. harvesting of secondary forest resources;

1.4. secondary forest utilization;

1.5. forest utilization for scientific-research and educational purposes;

1.6. forest utilization for the purposes of holding cultural and health-improving, tourist, other recreational and/or mass sporting, health and fitness and sporting events.

2. Harvesting of secondary forest resources shall include the harvesting of:

2.1. stumps and roots;

2.2. birch bark and tree branches;

2.3. New Year's coniferous trees;

2.4. hardened spruce resin;

2.5. bast and bark.

3. Secondary forest utilization shall include:

3.1. procurement of tree juices;

3.2. collection of wild berries and mushrooms;

- 3.3. collection of wild fruit and nuts;
- 3.4. harvesting of wild plants and their parts;
- 3.5. harvesting of moss, collecting the forest floor and fallen leaves;
- 3.6. placement of beehives and apiaries;
- 3.7. haymaking;
- 3.8. grazing;

3.9. harvesting, collection of medicinal and other plants grown on fruit and berry, nut and other forest plantations;

3.10. withdrawal of wild plants.

4. Legal entities and individual entrepreneurs may carry out forest utilization by all types specified in paragraph 1 of this Article.

5. Citizens may carry out logging, procurement of secondary forest resources (in terms of harvesting of birch bark and tree branches), secondary forest utilization (except for harvesting, collection of medicinal and other plants grown on fruit and berry, nut and other forest plantations, withdrawal of wild plants ).

#### **Article 38. Documentation on the Basis of Which the Right to Forest Utilization Arises**

Documentation on the basis of which the right to forest utilization arises shall be as follows:

decision of the state body whose competence includes making a decision on granting the right to forest utilization;

lease agreement for a Forest Fund plot;

concession agreement;

authorization documents.

#### **Article 39. Authorization Documents**

1. Authorization documents shall be issued (except for the cases specified in subparagraph 1.10 of paragraph 1 of Article 21; paragraph 3 of Article 22; paragraph 2 of Article 29 and part 1 of paragraph 1 of Article 44 of this Code) for:

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.1. felling — a logging permit;

1.2. felling of forests by citizens with a volume of no more than 50 cubic meters of wood — an order;

1.3. harvesting of resin, harvesting of secondary forest resources and secondary forest utilization — a forest usage permit.

A logging permit, a forest usage permit shall be the basis for the transportation of harvested forest products to intermediate timber warehouses shown in the technological map.

An order shall be the basis for the transportation of harvested timber by citizens.

2. Authorization documents shall be issued for one or more Forest Fund plots on the basis of documentation specified in paragraphs 1 and 2 of Article 40 of this Code, as well as in the cases specified in paragraph 3 of Article 22 (except for release felling, clearing cutting, forest felling carried out during the maintenance of compartment lines and fire breaks) of this Code. (paragraph 2 of Article 39 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

3. Authorization documents shall be issued:

3.1. a logging permit — to legal entities engaged in forestry;

3.2. an order — to structural subdivisions of legal entities engaged in forestry (forest ranger stations);

3.3. a forest usage permit — to legal entities engaged in forestry; to structural subdivisions of legal entities engaged in forestry (forest ranger stations).

4. A logging ticket, an order shall be issued within a calendar year and be valid for the periods specified in them, determined in accordance with paragraph 1 of Article 71 of this Code.

Extending the validity period of a logging permit, an order in cases of logging on hard-to-reach Forest Fund plots, as well as under adverse weather conditions shall be allowed in accordance with paragraph 11 of Article 71 of this Code.

5. A forest usage permit shall be issued to a forest user with a validity period for up to one year, except for a forest usage permit for the harvesting of resin.

A forest usage permit for the harvesting of resin shall be issued to the forest user for the entire period of resin harvesting, but no more than 15 years.

6. Authorization documents shall contain the following basic information:

6.1. the name of a legal entity engaged in forestry, the structural subdivision of a legal entity engaged in forestry (a forest ranger station) that issued an authorization document;

6.2. the name and location of a legal entity, an individual entrepreneur issued with an authorization document, their registration number in the Uniform State Register of Legal Entities and Individual Entrepreneurs; (as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

6.3. surname, first name, patronymic (if any), place of residence of a citizen to whom a permit was issued;

6.4. grounds for issuing a permit;

6.5. location of a Forest Fund plot (forestry, forest quarter, taxation allotment) provided for forest utilization;

6.6. forest category;

6.7. type of forest utilization;

6.8. volumes of harvesting, collection, withdrawal of forest resources and the amount of payment for forest utilization;

6.9. terms of forest utilization and haulage of forest products;

6.10. restrictions and prohibitions on forest utilization established in accordance with this Code and other legislative acts;

6.11. other terms of forest utilization determined in accordance with the requirements established by the Republican Body of the State Forestry Administration.

7. An authorization document (except for an authorization document issued to a legal entity engaged in forestry, its structural subdivision (a forest ranger station) shall be accompanied by a map-scheme with marked boundaries of a Forest Fund plot provided for forest utilization.

8. Forms of authorization documents, a procedure for their accounting, storage, completing, issuance and cancellation shall be established by the Council of Ministers of the Republic of Belarus, unless otherwise established by legislative acts.

#### **Article 40. Grounds, Terms of Drawing up and Issuing Authorization Documents**

1. Grounds for issuing a logging permit or an order shall be as follows:

1.1. decision of the state body whose scope of competence includes making a decision on granting the right to forest utilization;

1.2. lease agreement for a Forest Fund plot (in the case of timber harvesting);

1.3. concession agreement;

1.4. logging site inspection certificate (in the case specified in paragraph 5 of Article 72 of this Code);

(subparagraph 1.4 of Article 40 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.5. exchange contract;

1.6. civil law contract for the provision of services in forestry measures and forest utilization;

1.7. civil law contract for the provision of services in the felling of trees hazardous to auto roads, overhead communication lines and power transmission lines;

1.8. application of a citizen, a legal entity, an individual entrepreneur.

2. Grounds for issuing a forest usage permit shall be as follows:

2.1. decision of the state body whose scope of competence includes making a decision about granting the right to forest utilization;

2.2. lease agreement for a Forest Fund plot;

2.3. protocol of forest auction results;

2.4. civil law contract for the provision of services in forestry measures and forest utilization;

2.5. application of a citizen, a legal entity, an individual entrepreneur.

3. Authorization documents shall be drawn up and issued within the time limits established by legislation on administrative procedures.

A logging permit shall be drawn up and issued on the basis of a concluded exchange



agreement within forty-five days following registration of an exchange agreement, but no later than December 24 of the year of standing timber purchasing. Upon expiry of the specified period, a buyer shall lose the right to the standing timber purchased.

4. A logging permit, an order shall be drawn up and issued to forest users within a month from the date of the start of the felling of:

4.1. trees hazardous to roads, overhead communication and power transmission lines during the liquidation of emergency situations caused by the falling of trees on roads, overhead communication and power transmission lines;

4.2. trees cut down during the liquidation of emergency situations in the Forest Fund, extinguishing forest fires;

4.3. trees cut down during the allocation of logging sites, establishment of trial plots, forest regulation, forest pathology monitoring, radiation control in forests;  
(subparagraph 4.3 of Article 40 introduced by the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

4.4. trees cut down during research and development, prospecting, and geodetic works.  
(subparagraph 4.4 of Article 40 introduced by the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

5. Forest users engaged in the felling of trees specified in subparagraphs 4.3 and 4.4 of paragraph 4 of this Article shall be obliged, prior to the start of felling, to notify a legal entity engaged in forestry, or its structural subdivision (a forest ranger station) of the proposed place and date of the start of felling.  
(paragraph 5 of Article 40 introduced by the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

#### **Article 41. Providing Forest Fund Plots for Forest Utilization**

1. The same Forest Fund plot may be provided to several forest users for forest utilization by different types with establishing in documentation corresponding terms for each user on the basis of which the right to forest utilization arises.

2. The provision of Forest Fund plots for timber harvesting shall be carried out by legal entities engaged in forestry, their structural subdivisions (forest ranger stations) in accordance with the forest management project (except for the cases specified in paragraph 7 of Article 36 of this Code) in the manner established by Article 42 of this Code, by issuing logging permits or orders.

3. The provision of Forest Fund plots for the harvesting of resin shall be carried out by legal entities engaged in forestry in accordance with the forest management project in the manner prescribed by Article 42 of this Code, by issuing forest usage permits.

4. The provision of Forest Fund plots for the harvesting of secondary forest resources, secondary forest utilization shall be carried out by legal entities engaged in forestry, their structural subdivisions (forest ranger stations) in the manner prescribed by Article 42 of this Code, by issuing forest usage permits, except for the cases specified in part 1 of paragraph 1 of Article 44 and part 2 of paragraph 2 of Article 83 of this Code.

5. The provision of Forest Fund plots for forest utilization for research and development and educational purposes shall be carried out in the manner prescribed by Article 43 of this Code by a decision made by the Republican Body of the State Forestry Administration.

6. The provision of Forest Fund plots for forest utilization for the purposes of holding of cultural and health-improving, tourist, other recreational and/or mass sports, health and fitness and sporting events shall be carried out on the basis of a decision of the local executive and administrative body by concluding a lease agreement for a forest fund plot.

7. Forest Fund plots subjected to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant may be provided for forest utilization after legal entities, engaged in forestry, have exercised control over their radioactive contamination and determined possibilities of forest utilization, taking into account radiation safety requirements.

8. The provision of a Forest Fund plot may be rejected on the following grounds:

8.1. an application fails to state specific goals for providing a Forest Fund plot or these goals fail to correspond to the types of forest utilization that may be exercised on this Forest Fund plot;

8.2. restrictions or prohibitions on the implementation of the declared type of forest utilization shall be established on the requested Forest Fund plot in accordance with this Code and other legislative acts;

8.3. the Forest Fund plot requested for the implementation of the declared type of forest utilization has already been provided to another person;

8.4. documentation stipulated by this Code and other legislative acts regulating relations in the field of utilization, conservation, protection and regeneration of forests required for making a decision about providing a Forest Fund plot has not been submitted;

8.5. the submitted documentation required for making a decision about providing a Forest Fund plot contains inaccurate information;

8.6. provision of the requested Forest Fund plot is stipulated on the basis of forest auction results;

8.7. the period for which a Forest Fund plot is requested for forest utilization exceeds the period established by this Code and other legislative acts;

8.8. Forest Fund plots previously provided to an applicant for forest utilization have not been brought by them into a condition suitable for the regeneration of forests or any other kind of intended use;

8.9. in other cases provided for by legislative acts.

9. The provision of Forest Fund plots for forest utilization on the right of a lease shall be carried out in accordance with Chapter 10 of this Code.

10. Forest Fund plots provided for forest utilization shall be delineated on the ground, in the manner and in accordance with the requirements established by the Republican Body of the State Forestry Administration.

#### **Article 42. Procedure for Providing Forest Fund Plots for the Harvesting of Timber, the Harvesting of Resin, the Harvesting of Secondary Forest Resources and for Secondary Forest Utilization**

1. For timber harvesting, a Forest Fund plot shall be provided by a legal entity engaged in forestry, its structural subdivision (a forest ranger station) for the period of validity of a logging permit, an order.

2. For the harvesting of resin, the harvesting of secondary forest resources and for secondary forest utilization, a Forest Fund plot shall be provided by a legal entity engaged in forestry, its structural subdivision (a forest ranger station) for the period of validity of a forest usage permit.

3. A citizen, a legal entity, an individual entrepreneur wishing to acquire a Forest Fund plot for forest utilization (hereinafter referred to in this Article as “the applicant”), except for the cases of acquiring standing timber at exchange auctions, shall submit a written application for acquiring a Forest Fund plot for forest utilization to the legal entity in charge of a Forest Fund plot requested, its structural subdivision (a forest ranger station), which indicates:

3.1. purpose of obtaining a Forest Fund plot;

3.2. surname, first name, patronymic (if any), place of residence of a citizen;

3.3. name and location of a legal entity, an individual entrepreneur, their registration number in the Unified State Register of Legal Entities and Individual Entrepreneurs;  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

3.4. types of forest utilization planned on the requested plot, the volume of forest resources planned for harvesting, collection, withdrawal, utilization and the period for which a Forest Fund plot is requested.

4. A legal entity engaged in forestry, its structural subdivision (a forest ranger station) shall consider, within the time limits established by legislation on administrative procedures, an application and materials attached to it and in the absence of grounds for refusing to provide a Forest Fund plot for forest utilization, provide a Forest Fund plot by drawing up and issuing a logging ticket, an order, a forest usage permit to the applicant after the payment for forest utilization has been made by him.

5. Providing a Forest Fund plot for forest utilization to an applicant may be rejected on the grounds specified in paragraph 8 of Article 41 of this Code.

6. When making a decision about rejecting to provide a Forest Fund plot for forest utilization, a legal entity engaged in forestry, its structural subdivision (a forest ranger station) shall inform, within three working days from the date of such a decision, an applicant about it in writing stating the grounds for a refusal.

A decision about rejecting to provide a Forest Fund plot for forest utilization may be appealed to a higher authority or in court.

7. Providing Forest Fund plots for the harvesting of resin, the harvesting of secondary forest resources and for secondary forest utilization may be executed based on forest auction results in accordance with Article 50 of this Code.

#### **Article 43. Procedure for Providing Forest Fund Plots for Forest Utilization for Scientific Research and Educational Purposes**

1. For forest utilization, Forest Fund plots may be provided for scientific research and educational purposes to legal entities whose main type of activity involves carrying out of scientific research work and implementing of educational programs.

2. Providing Forest Fund plots for forest utilization for scientific research and educational purposes shall be carried out on the basis of a decision of the Republican Body of the State Forestry Administration.

3. Legal entities wishing to obtain Forest Fund plots for forest utilization for scientific research and educational purposes shall submit an application, providing justification of the need to obtain Forest Fund plots, to the Republican Body of the State Forestry Administration.

4. An application for obtaining a Forest Fund plot for forest utilization for scientific research and educational purposes shall state:

4.1. the name and location of a legal entity wishing to obtain a Forest Fund plot, its registration number in the Unified State Register of Legal Entities and Individual Entrepreneurs; (as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

4.2. the estimated period of use of a Forest Fund plot requested.

5. An application for obtaining a Forest Fund plot for forest utilization for scientific research and educational purposes shall be accompanied by:

5.1. a copy of a contract for carrying out of scientific-research work;

5.2. a copy of an educational program.

6. The Republican Body of the State Forestry Administration shall, within three working days, request a taxation characteristic of a requested Forest Fund plot from a legal entity engaged in forestry under jurisdiction of which, regardless of its departmental subordination, a requested Forest Fund plot falls.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

7. A legal entity engaged in forestry shall, within seven days, submit a taxation characteristic of a Forest Fund plot requested to the Republican Body of the State Forestry Administration.

8. The Republican Body of the State Forestry Administration shall consider, within a month's period, the materials submitted and shall make a decision about providing a Forest Fund plot for forest utilization for scientific research and educational purposes or refusing to provide a Forest Fund plot for forest utilization for scientific research and educational purposes based on the grounds specified in paragraph 8 of Article 41 of this Code.

9. A decision about providing a Forest Fund plot for forest utilization for scientific research and educational purposes shall specify the activities that a legal entity may carry out when using the plot and the period it has been provided for.

10. In the event of a decision about rejecting to provide a Forest Fund plot for forest utilization for scientific research and educational purposes, the Republican Body of the State Forestry Administration shall, within five working days from the date of this decision, inform a legal entity interested in obtaining a Forest Fund plot for forest utilization for scientific research and educational purposes in writing, stating grounds for a refusal.

A decision about rejecting to provide a Forest Fund plot for forest utilization for scientific research and educational purposes may be appealed in court.

11. Forest Fund plots for forest utilization for scientific research and educational purposes shall be provided to legal entities for a period required for the implementation of contracts for carrying out of scientific research work and educational programs.

In the case of amendments and/or additions to the contract for scientific research work and an educational program, the period of use of a Forest Fund plot for scientific research and educational purposes may be extended by the Republican Body of the State Forestry Administration upon an application from a legal entity a Forest Fund plot has been provided to for forest utilization for

scientific research and educational purposes.

**Article 44. Citizens' Visits to Forests and Exercising the Right to Forest Utilization by Them**

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1. Citizens shall have the right to freely visit forests and without authorization documents collect wild berries, mushrooms, fruit, nuts, forest floor, and fallen leaves; harvest tree saps, birch bark and tree branches, wild plants and their parts, and moss (except for the wild plants and mushrooms included in the Red Book of the Republic of Belarus or subject to international treaties of the Republic of Belarus, as well as included in the list of narcotic plants and natural narcotic raw materials approved by the Council of Ministers of the Republic of Belarus) free of charge to meet their own needs; to participate in cultural and health-improving, tourist, other recreational and/or mass sports, health and fitness and sporting events, unless otherwise provided for by this Code and other legislative acts.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

Harvesting of tree saps, moss by citizens shall be carried out on designated Forest Fund plots by legal entities engaged in forestry, their structural subdivisions (forest ranger stations). Information about the location of such Forest Fund plots shall be brought to the public by legal entities engaged in forestry by posting it on their official websites over the global computer network Internet, in the mass media or in any other publicly accessible way.

Timber harvesting on Forest Fund plots by citizens shall be carried out for a fee on the basis of an order.

Placement of beehives and apiaries, haymaking, grazing by citizens on Forest Fund plots shall be carried out free of charge on the basis of a forest usage permit.

2. Harvesting, collection by citizens of wild plants and mushrooms included in the Red Book of the Republic of Belarus or subject to international treaties of the Republic of Belarus, as well as those included in the list of narcotic plants and natural narcotic raw materials approved by the Council of Ministers of the Republic of Belarus, shall be prohibited.

3. When visiting forests, citizens shall be obliged to:

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

3.1. comply with the requirements of legislation on the utilization, conservation, protection and regeneration of forests, on environmental protection;

3.2. comply with general fire safety requirements established by mandatory specific requirements ensuring fire safety in forests, and in the case of a forest fire detected, immediately inform legal entities engaged in forestry or emergency units and assist in extinguishing it;

(subparagraph 3.2 of Article 44 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

3.3. prevent illegal logging, damaging and/or destroying forest stands; polluting forests with waste; destroying and/or ravaging anthills, nests, burrows and other habitats of wild animals, except for the cases established by legislative acts;

3.4. place waste only in places of temporary waste storage.

4. Citizens' visits to forests, exercise of their right to forest utilization may be restricted or

prohibited by decisions of local executive and regulatory bodies in the cases specified in subparagraph 2.9 of paragraph 2 of Article 13 of this Code, as well as in other cases in accordance with this Code and other legislative acts.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

## **CHAPTER 10 LEASE OF FOREST FUND PLOTS**

### **Article 45. Lease of Forest Fund Plots**

1. Forest Fund plots for timber harvesting shall be leased to legal entities producing woodworking products and implementing investment projects that meet the criteria established by the Council of Ministers of the Republic of Belarus (hereinafter referred to as “woodworking organizations”).

(paragraph 1 of Article 45 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

2. Forest Fund plots for the harvesting of resin, the harvesting of secondary forest resources, secondary forest utilization and forest utilization for the purposes of holding cultural and recreational, tourism, other recreational and/or mass sports, health and fitness and sporting events may be leased to legal entities and individual entrepreneurs.

3. A period for which Forest Fund plots are leased out may not exceed 15 years, except for the case specified in part two of this paragraph.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

The terms of lease of Forest Fund plots for timber harvesting provided for the implementation of investment projects must correspond to the payback periods of investment projects specified in the business plans of investment projects (including taking into account changes introduced in accordance with legislation in the field of investment changes to the business plans of investment projects).

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

4. A lease of Forest Fund plots for forest utilization located within the boundaries of nature conservation forests (except for the Forest Fund plots located within the boundaries of nature reserves and national parks), recreational and health-improving and protective forests; Forest Fund plots located within the boundaries of territories exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant belonging to the evacuation (alienation) zone, the zone of priority resettlement, the zone of subsequent resettlement from which the population was resettled and where a checkpoint regime was established shall be allowed by the types of forest utilization compatible with the regime for the conservation and use of these territories.

5. A lease of Forest Fund plots located within the boundaries of nature reserves and national parks, as well as Forest Fund plots provided for forest management to forestry organizations subordinate to the Administration of the President of the Republic of Belarus shall not be allowed.

### **Article 46. Providing Forest Fund Plots for a Lease**

1. A Forest Fund plot may be provided for a lease to one or several persons at the same time for carrying out forest utilization by different types.

A Forest Fund plot provided for a lease for forest utilization by a certain type may not be leased out to another person for forest utilization by the same type.

2. A decision about providing a Forest Fund plot for a lease or timber harvesting shall be made by the regional executive committee; and for the harvesting of resin, the harvesting of secondary forest resources, secondary forest utilization and forest utilization for the purposes of cultural and recreational, tourism, other recreational and/or mass sports, health and fitness and sporting events — by Minsk city, municipal (cities of regional subordination), regional executive committee.

A decision about providing a Forest Fund plot for a lease shall be made by agreement with the Republican Body of the State Forestry Administration; and Forest Fund plots located within the boundaries of specially protected natural areas, natural areas subject to special protection — also with the corresponding territorial body of the Republican Body of the State Administration for Natural Resources and Environmental Protection.

3. A decision about rejecting to provide a Forest Fund plot for a lease for forest utilization may be made on the grounds specified in paragraph 8 of Article 41 of this Code.

4. Once a decision about providing a Forest Fund plot for a lease for forest utilization is made, an appropriate lease agreement shall be concluded within 10 days from the date of its adoption.

5. Standard forms of a lease agreement and schematic maps with the marked boundaries of a Forest Fund plot being provided for a lease shall be established by the Council of Ministers of the Republic of Belarus.

6. A lessor of a Forest Fund plot shall be a legal entity engaged in forestry under the jurisdiction of which a Forest Fund plot being provided for a lease comes (hereinafter referred to as “the lessor”).

7. Lessees of a Forest Fund plot shall be a legal entity or an individual entrepreneur (hereinafter referred to as “the lessee”).

8. A sublease of a Forest Fund plot shall not be allowed.

9. Providing a Forest Fund plot for a lease shall not be a basis for terminating or changing the rights of other forest users exercising forest utilization on this Forest Fund plot by the types of forest utilization other than the types of forest utilization exercised by a lessee.

When concluding a lease agreement, a lessor shall be obliged to include the terms about the rights of other forest users to a Forest Fund plot being provided for a lease in it.

When providing a Forest Fund plot for a lease for timber harvesting, a lease agreement must provide for lessee obligations with regard to timber harvesting in full, determined by a decision on providing a Forest Fund plot for a lease, as well as on paying the tax value of the entire volume of timber subject to harvesting, except for the case specified in paragraph 8 of Article 69 of this Code, provided the actually harvested volume of timber is subject to payment.

(paragraph 9 of Article 46 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

10. A lessor shall be obliged, within 15 days from the date of a lease agreement becomes effective, to transfer the Forest Fund plot provided for a lease to a lessee, in accordance with the transfer act, the form of which shall be established by the Republican Body of the State Forestry Administration.

11. Unless otherwise stipulated by legislation or a lease agreement, a lessee who has duly performed his duties shall have, upon expiry of a lease agreement, provided other conditions being equal, a preemptive right over other persons to conclude a lease agreement for a new period in the

manner established by this Article.

12. A lessee willing to conclude a lease agreement for a new term must notify in writing, three months before the expiry of a lease agreement, the executive committee that has made a decision about providing a Forest Fund plot for a lease of his/her intention to conclude a lease agreement for a new term and submit documentation specified in paragraphs 3 and 4 of Article 48 or paragraphs 3 and 4 of Article 49 of this Code.

13. Alterations to lease agreement terms, its cancellation and termination shall be allowed upon agreement of the Parties, as well as in cases provided for by this Code and other legislative acts.

14. The terms of a lease agreement may be revised in case of a change in:

14.1. taxation characteristics of the Forest Fund plot as a result of forest fires, windfalls, windbreaks, forest damage caused by forest pests and diseases and also in the case of other types of forest damage caused by adverse environmental factors;

14.2. types and volumes of forest utilization and forestry measures on the basis of a forest management project;

14.3. forest utilization regime.

#### **Article 47. Lease Fee for the Use of a Forest Fund Plot**

1. A lease fee for the use of a Forest Fund plot shall be calculated annually based on the tax value and the refinancing rate of the National Bank of the Republic of Belarus effective as of January 1 of each year a Forest Fund plot is on lease and during the period for which it has been provided.

2. A lease fee shall be subject to revision in case of a change in the amount of tax value, which is evidenced by an additional agreement to a lease agreement.

3. A lease fee per year shall be calculated by a lessor according to the following formula:

$A_n = T \times C / 100$ , where:

$A_n$  – a lease fee per year;

T – tax value;

C – the refinancing rate of the National Bank of the Republic of Belarus effective as of January 1 of each year the Forest Fund plot is on lease.

4. The amount of a monthly lease fee shall be set as the ratio of a lease fee per year to the number of months a Forest Fund plot is provided for a lease in the current year.

5. A lease fee shall be calculated from the first day of the month following the month of conclusion of a lease agreement unless otherwise stipulated by a lease agreement.

6. A lessee shall have the right to decrease the amount of a rental fee in the cases specified in paragraph 14 of Article 46 of this Code.

7. A lease fee shall be paid monthly to the lessor's account, in equal parts, by the 10th day of the month following the reporting month. At that, a lessee shall not be exempt from the fee for forest utilization charged in accordance with Article 103 of this Code.



## **Article 48. Procedure for Providing Forest Fund Plots for a Lease to a Woodworking Organization for Timber Harvesting**

1. Providing a Forest Fund plot for a lease to a woodworking organization for timber harvesting shall be carried out within the boundaries of a structural subdivision of a legal entity engaged in forestry (a forest ranger station) and shall require prior approval of a legal entity engaged in forestry under the jurisdiction of which the Forest Fund plot requested for a lease comes.

2. The volume of timber on the Forest Fund plot requested for a lease must correspond to the volume of its harvesting required for the implementation of an investment project. At that, the volume of timber planned for harvesting on the Forest Fund plot provided for a lease must not exceed 50 percent of the allowable cut for a legal entity engaged in forestry under the jurisdiction of which the Forest Fund plot requested for a lease comes.

3. To obtain a Forest Fund plot for a lease for timber harvesting, a woodworking organization shall submit a written application to the regional executive committee, which states the following:

3.1. the name and location of a woodworking organization, its registration number in the Unified State Register of Legal Entities and Individual Entrepreneurs;  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

3.2. volume and assortment composition of timber required for the implementation of an investment project;

3.3. lease term for a Forest Fund plot.

4. The following documents shall be attached to the application:

4.1. draft lease agreement corresponding to the standard form of a lease agreement established by the Council of Ministers of the Republic of Belarus;

4.2. extract from the business plan of an investment project specifying a payback period for this investment project and the amount of timber required for the implementation of an investment project;

4.3. document confirming prior approval of a lease of a Forest Fund plot by a legal entity engaged in forestry under the jurisdiction of which the Forest Fund plot requested for a lease comes.

5. A Regional Executive Committee shall, within five working days, consider an application along with supporting documentation attached to it, and in the absence of grounds to reject a lease of a Forest Fund plot specified in paragraph 8 of Article 41 of this Code prepare a draft decision about providing a Forest Fund plot for a lease to the woodworking organization for timber harvesting and direct it, along with all supporting documentation attached, to the state bodies listed in part two of paragraph 2 of Article 46 of this Code for approval.

6. State bodies listed in part two of paragraph 2 of Article 46 of this Code shall consider, within 10 days, the submitted draft decision about providing a Forest Fund plot for a lease to the woodworking organization for timber harvesting along with the documentation attached to it, harmonize it or deny its harmonization stating the reasons for a refusal.  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

7. A Regional Executive Committee shall, within five working days from the date of receipt of approval documents from the state bodies listed in part two of paragraph 2 of Article 46 of this Code, make a decision about providing a Forest Fund plot for a lease to the woodworking organization for timber harvesting or about rejecting to provide a Forest Fund plot for a lease to the

woodworking organization for timber harvesting.

8. A decision about providing a Forest Fund plot for a lease to the woodworking organization for timber harvesting shall state as follows:

8.1. investment project data;

8.2. volume of timber harvesting;

8.3. location of a Forest Fund plot (a forest ranger station);

8.4. area of a Forest Fund plot with a breakdown by forest categories;

8.5. lease term for a Forest Fund plot.

9. Based on the decision of the Regional Executive Committee about providing a Forest Fund plot for a lease to the woodworking organization for timber harvesting, a corresponding lease agreement shall be concluded with this organization within 10 days from the date of such a decision.

10. In the case where a decision is made to reject the provision of a Forest Fund plot for a lease to the woodworking organization for timber harvesting, the Regional Executive Committee shall, within five working days from the date of this decision, notify the woodworking organization willing to obtain a Forest Fund plot for a lease for timber harvesting of it in writing stating reasons for a refusal.

A decision about rejecting to provide a Forest Fund plot for a lease to the woodworking organization for timber harvesting may be appealed in court.

**Article 49. Procedure for Providing Forest Fund Plots for a Lease for Resin Harvesting, Procurement of Secondary Forest Resources, Secondary Forest Utilization, as well as for Forest Utilization for the Purposes of Holding Cultural and Recreational, Tourism, other Recreational and/or Mass Sports, Health and Fitness and Sporting Events**

1. Forest Fund plots may be leased to legal entities and individual entrepreneurs for the harvesting of resin, procurement of secondary forest resources, secondary forest utilization, as well as for forest utilization for the purposes of cultural and recreational, tourism, other recreational and/or mass sports, health and fitness and sporting events upon prior agreement with a legal entity engaged in forestry under the jurisdiction of which the Forest Fund plots requested for a lease come.

2. A decision about providing a Forest Fund plot for a lease for forest utilization shall be made by Minsk city, municipal (cities of regional subordination), and district executive committee in the territory of which a Forest Fund plot requested is located, subject to agreement with the state bodies specified in part 2 of paragraph 2 of Article 46 of this Code.

3. A legal entity, an individual entrepreneur willing to obtain a Forest Fund plot for a lease for forest utilization shall submit an application to Minsk city, municipal (cities of regional subordination), and district executive committee at the location of the Forest Fund plot, which states the following:

3.1. purpose for obtaining a Forest Fund plot for a lease;

3.2. name and location of a legal entity, an individual entrepreneur, their registration number in the Unified State Register of Legal Entities and Individual Entrepreneurs;  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

3.3. type, volume and term of forest utilization planned for the implementation on the Forest Fund plot requested, its area.

4. The following documents shall be attached to the application:

4.1. draft lease agreement corresponding to the standard form of a lease agreement established by the Council of Ministers of the Republic of Belarus;

4.2. document confirming a preliminary agreement about providing a Forest Fund plot for a lease with a legal entity engaged in forestry under the jurisdiction of which a Forest Fund plot requested for a lease falls.

5. Minsk city, municipal (cities of regional subordination), and district executive committee shall, within five working days, consider an application and documentation attached to it; in the absence of reasons for rejecting to provide a Forest Fund plot for a lease specified in paragraph 8 of Article 41 of this Code, it shall prepare a draft decision about providing a Forest Fund plot for a lease to a legal entity, an individual entrepreneur for forest utilization and submit it with the documentation attached to the state bodies specified in part 2 of paragraph 2 of Article 46 of this Code for approval.

6. The state bodies specified in part 2 of paragraph 2 of Article 46 of this Code shall, within 10 days, consider a draft decision about providing a Forest Fund plot for a lease to a legal entity, an individual entrepreneur for forest utilization with documentation attached to it, harmonize it or deny its harmonization stating reasons for a refusal.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

7. Minsk city, municipal (cities of regional subordination), and district executive committee shall, within five working days from the date of receipt of documentation on approval from the state bodies specified in part 2 of paragraph 2 of Article 46 of this Code, make a decision about providing a Forest Fund plot for a lease to a legal entity, an individual entrepreneur for forest utilization or rejecting to provide a Forest Fund plot for a lease to a legal entity, an individual entrepreneur for forest utilization stating reasons for a refusal.

8. A decision about providing a Forest Fund plot for a lease for forest utilization shall specify the following:

8.1. type and volume of forest utilization;

8.2. location of a Forest Fund plot (a forest ranger station, a forest compartment and/or a taxation allotment);

8.3. area of a Forest Fund plot with a breakdown by forest categories;

8.4. term of lease of a Forest Fund plot.

9. On the basis of a decision of Minsk city, municipal (cities of regional subordination), and district executive committee about providing a Forest Fund plot for a lease for forest utilization to a legal entity, an individual entrepreneur willing to obtain a Forest Fund plot for a lease, a corresponding lease agreement shall be concluded within ten days .

10. In the case where a decision is made to reject to provide a Forest Fund plot for a lease for forest utilization by the types specified in paragraph 1 of this Article, Minsk city, municipal (cities of regional subordination), district executive committee shall, within five working days from the date of such a decision, notify in writing a legal entity, an individual entrepreneur willing to obtain a Forest Fund plot for a lease stating reasons for a refusal.

A decision about rejecting to provide a Forest Fund plot for a lease for forest utilization may be appealed to a higher authority or in court.

11. Providing Forest Fund plots for a lease for the harvesting of resin, the procurement of secondary forest resources, secondary forest utilization may be carried out based on forest auction results.

## **CHAPTER 11 FOREST AUCTIONS, EXCHANGE AUCTIONS. FOREST (FOREST FUND PLOTS) CONCESSION.**

### **Article 50. Forest Auctions, Exchange Auctions**

1. Forest auctions shall be held in the case where two or more legal entities and/or individual entrepreneurs pretend to the right to forest utilization by the same type of forest utilization on the same Forest Fund plot (at that, the second application for granting the right to the same type of forest utilization on the same Forest Fund plot has been submitted no later than 15 days from the date of receipt of the first application).

2. The subject of forest auctions shall be the right to forest utilization by the following types:

2.1. harvesting of resin;

2.2. procurement of secondary forest resources;

2.3. secondary forest utilization.

3. Forest auctions shall be held by legal entities engaged in forestry together with local executive and regulatory bodies in accordance with the procedure established by the Council of Ministers of the Republic of Belarus.

4. Based on the forest auction results, a protocol on the forest auction results is drawn up, which shall be a basis for concluding a lease agreement for a Forest Fund plot or issuing authorization documents.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

5. Exchange auctions shall be held in accordance with timber sale rules at the domestic market of the Republic of Belarus.

Based on the exchange auction results, an exchange agreement is drawn up, which shall be a basis for issuing authorization documents.

### **Article 51. Concession to Forests (Forest Fund Plots)**

A concession may be granted to forests (Forest Fund plots) in accordance with legislation on concessions, on the terms established by the President of the Republic of Belarus.

**CHAPTER 12**  
**LIMITATION (SUSPENSION), TERMINATION, TRANSFER OF THE RIGHT TO**  
**FOREST UTILIZATION. LIMITATION (SUSPENSION), TERMINATION OF**  
**ECONOMIC AND OTHER ACTIVITY THAT PRODUCES A HARMFUL EFFECT ON**  
**FORESTS**

**Article 52. Limitation (Suspension) of the Right to Forest Utilization**

1. The right to forest utilization may be limited (suspended) in the interests of national security, environmental protection, historical and cultural heritage, rights and legitimate interests of citizens.

2. The right to forest utilization shall be limited (suspended) by state bodies (organizations) exercising control in the field of utilization, conservation, protection and regeneration of forests within the scope of their competence in the case of:

2.1. violation by a forest user of the requirements for legislation on the utilization, conservation, protection and regeneration of forests, on environmental protection and/or the terms set forth in documentation on the basis of which the right to forest utilization arises, entailing damage to forests and/or posing danger of causing such harm in future;

2.2. failure to make payments for forest utilization within the established period;

2.3. emergency situations and in the event of other circumstances of emergency nature;

2.4. non-targeted use of a Forest Fund plot provided for forest utilization;

2.5. issuance of documents on the basis of which the right to forest utilization arises with violation of the procedure established by this Code and other legislative acts;

2.6. failure to submit by the forest user of information on forest utilization provided for by this Code and other legislative acts;

2.7. in other cases provided for by legislative acts.

3. A requirement (instruction, resolution) for the limitation (suspension) of the right to forest utilization stating the reasons that led to the adoption of such a decision, and if necessary, the deadline for the elimination of a violation shall be pronounced on the day a violation is detected and handed over to the forest user immediately or directed, no later than one working day following the day of detection of a violation, to the last known address by registered mail with acknowledgment of receipt.

4. The validity of documents on the basis of which the right to forest utilization has been granted shall be suspended from the date of issuance of the requirement (instruction, resolution) on the limitation (suspension) of the right to forest utilization.

5. No later than a period specified in the requirement (instruction, resolution) on the limitation (suspension) of the right to forest utilization, a forest user shall be obliged to inform the body (organization) limiting (suspending) the right to forest utilization on the elimination of a violation.

6. If a violation that led to a decision about limiting (suspending) the right to forest utilization has been eliminated, the right to forest utilization shall be restored in full by decision of the body (organization) that has limited (suspended) such a right.

7. Limitation (suspension) of the right to forest utilization shall not exempt forest users from administrative and any other liability for a violation of requirements for legislation on the

utilization, conservation, protection and regeneration of forests; on environmental protection.

8. In the case where a forest user disagrees with a decision about limiting (suspending) of his/her right to forest utilization, they may appeal this decision to a higher body (organization) and/or in court.

### **Article 53. Termination of the Right to Forest Utilization**

1. The right to forest utilization may be terminated in the interests of national security, protection of the environment, historical and cultural heritage, rights and legitimate interests of citizens.

2. The right to forest utilization shall be terminated by the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, the state body (organization) that has granted such a right to a forest user, including upon request of state bodies (organizations) exercising control in the field of utilization, conservation, protection and regeneration of forests within the scope of their competence, as well as by the court in the case of:

2.1. emergence of a direct threat to the life or health of citizens;

2.2. systematic (twice or more in a calendar year) failure of a forest user to comply with the deadlines to make payments for forest utilization;

2.3. systematic (twice or more in a calendar year) violation by the forest user of requirements for legislation on utilization, conservation, protection and regeneration of forests, on environmental protection and/or the terms set forth in documentation on the basis of which the right to forest utilization arises, entailing damage to forests and/or posing a risk of making such damage in future;

2.4. systematic (twice or more in a calendar year) violation of specific requirements mandatory for compliance that ensure fire safety in forests;  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

2.5. emergencies and other circumstances of emergency nature;

2.6. decision about the transfer of Forest Fund lands to the lands of other categories; a decision on the withdrawal of Forest Fund lands in accordance with the procedure established by legislation on the protection and use of lands;

2.7. liquidation of a legal entity, termination of activities of an individual entrepreneur to whom a Forest Fund plot has been provided for forest utilization;

2.8. non-targeted use of a Forest Fund plot provided for forest utilization;

2.9. failure to comply with the requirement (instruction, resolution) for limiting (suspending) the right to forest utilization;

2.10. issuance of documents on the basis of which the right to forest utilization arises in a violation of the procedure established by this Code and other legislative acts;

2.11. in other cases provided for by this Code and other legislative acts.

3. Upon expiry of the forest utilization term specified in documentation on the basis of which the right to forest utilization arises; such a right shall be terminated without a decision being made.

4. In the case where a forest user surrenders the right to forest utilization, such a right shall be terminated on the basis of his/her written application. In this case, a decision of the state body

(organization) that has made a decision on granting the right to forest utilization shall not be required.

5. The right to forest utilization in the cases specified in subparagraphs 2.1–2.10 of paragraph 2 of this Article shall be terminated:

5.1. by the types of forest utilization exercised on the right of a lease – by decision of local executive and regulatory bodies that have made a decision on providing a Forest Fund plot for a lease;

5.2. by other types of forest utilization – by canceling of an authorization document by a legal entity engaged in forestry.

6. Upon termination of the right to forest utilization in the cases specified in subparagraphs 2.2–2.4 and 2.7–2.9 of paragraph 2 of this Article, payments for forest utilization made by a forest user shall not be returned to them.

(paragraph 6 of Article 53 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

7. Termination of the right to forest utilization shall not exempt forest users from administrative and any other liability for a violation of requirements for legislation on the utilization, conservation, protection and regeneration of forests; on environmental protection.

8. In the case where a forest user disagrees with the decision on termination of the right to forest utilization, he/she may appeal this decision to a higher body of the state body (organization) that has made a decision to terminate the right to forest utilization and/or in court.

#### **Article 54. Transfer of the Right to Forest Utilization**

1. Upon reorganization of a legal entity to whom a Forest Fund plot has been provided for forest utilization, the right to forest utilization on this Forest Fund plot shall pass to a legal entity (legal entities) — the successor (successors) of a reorganized legal entity in accordance with the transfer act or a separation balance sheet.

2. A mark on the transfer of the right to forest utilization shall be made by the state body (organization), which has granted such a right to a forest user, on all copies of documents on the basis of which the right to forest utilization arises, upon a written application of a legal entity (legal entities) — the successor (successors) of a reorganized legal entity.

#### **Article 55. Limitation (Suspension) or Termination of Economic or Any Other Activity that Produces a Harmful Effect on Forests or During the Implementation of Which a Danger of Causing Harm to Forests in Future Arises**

1. When causing damage to forests, the occurrence of a danger of causing such damage in future, a violation of requirements for legislation on the utilization, conservation, protection and regeneration of forests, on environmental protection or failure to comply with the requirements (instructions, resolutions) of state bodies (organizations) exercising control in the field of utilization, conservation, protection and regeneration of forests; economic and any other activity of citizens, legal entities, individual entrepreneurs producing a harmful effect on forests or during the implementation of which there is a danger of causing such damage in future may be:

1.1. limited (suspended) until the elimination of an identified violation on the basis of requirements (instructions, resolutions) of state bodies (organizations) exercising control in the field

of utilization, conservation, protection and regeneration of forests;

1.2. limited (suspended) until the elimination of an identified violation or termination by a court decision.

2. In order to fulfill requirements (instructions, resolutions) of state bodies (organizations) exercising control in the field of utilization, conservation, protection and regeneration of forests on the limitation (suspension) of economic and any other activity of citizens, legal entities, and individual entrepreneurs that produce a harmful effect on forests or during the implementation of which there is a danger of causing such damage in future, state bodies (organizations) exercising control in the field of utilization, conservation, protection and regeneration of forests may, before the elimination of an identified violation, apply, in accordance with legislative acts, methods ensuring compliance with these requirements (instructions, regulations) aimed at preventing the use of equipment, vehicles, other objects the operation of which in the course of economic and any other activity must be limited (suspended), including sealing or fastening up specified objects.

3. A requirement (instruction, resolution) on the limitation (suspension) of economic and any other activity shall state the name of an authorized state body (organization) exercising control in the field of utilization, conservation, protection and regeneration of forests, which has introduced it; an identified violation, limitation (suspension) of economic and any other activity, its limitation (suspension) term, the methods used to ensure the fulfillment of this requirement (instruction, resolution) and its appeal procedure.

4. Copies of the demand (instruction, resolution) on the restriction (suspension) of economic and any other activity shall be handed over to citizens, legal entities, and individual entrepreneurs against signed acknowledgement or sent by registered mail with acknowledgment of receipt.

5. A requirement (instruction, resolution) for the limitation (suspension) of economic and another activity, as well as the actions of state bodies (organizations) exercising control in the field of utilization, conservation, protection and regeneration of forests may be appealed, within 10 days from the date of its issue, to a higher state body (organization) and/or in court to ensure the implementation of such a requirement (instruction, resolution).

6. The state body (organization) exercising control in the field of utilization, conservation, protection and regeneration of forests may file a lawsuit with a court on the termination of economic and any other activity that produce a harmful effect on forests or during the implementation of which there is a danger of causing such damage in future; in the case where citizens, legal entities, individual entrepreneurs carrying out such activity cause damage to forests, pose a threat of causing such damage in future, violate requirements of legislation on the utilization, conservation, protection and regeneration of forests, on environmental protection or fail to comply with the requirement (instruction, resolution) for eliminating of an identified violation or the requirement (instruction, resolution) for limiting (suspending) economic and any other activity.

7. Decisions on limiting (suspending) or terminating economic and any other activity that produce a harmful effect on forests or during the implementation of which there is a risk of causing such damage in future shall be made in accordance with the procedure established by legislation on control (supervisory) activity based on inspection results.



## **CHAPTER 13**

### **RIGHTS AND RESPONSIBILITIES OF FOREST USERS**

#### **Article 56. Rights of Forest Users**

1. Forest users shall have the right to:

1.1. carry out forest utilization on the Forest Fund plots provided according to the types, volumes, time periods and under the terms specified in documentation on the basis of which the right to forest utilization arises;

1.2. obtain from legal entities engaged in forestry information about the Forest Fund plots provided to them for forest utilization;

1.3. manage legally harvested, collected, withdrawn forest products, unless otherwise established by the Constitution of the Republic of Belarus, this Code and other legislative acts or documentation on the basis of which the right to forest utilization arises;

1.4. carry out logging on Forest Fund plots where the construction of temporary facilities is envisaged (access roads to the cutting area (not more than five meters wide), timber-handling sites, places for temporary storage of forest products, places for refueling and parking of machinery, another equipment, premises destined for catering and recreation of employees, and other temporary facilities the erection of which is required for carrying out of forest utilization) and carry out their erection in accordance with the terms specified in documentation on the basis of which the right to forest utilization arises;

1.5. attract citizens, legal entities, individual entrepreneurs to provide forest utilization services on the basis of a civil law contract.

2. Forest users may also exercise other rights in accordance with the law.

#### **Article 57. Responsibilities of Forest Users**

1. Forest users shall be obliged to:

1.1. comply with the requirements of legislation on the utilization, conservation, protection and regeneration of forests, on environmental protection;

1.2. comply with the terms specified in documentation on the basis of which the right to forest utilization arises; in technological charts, on the schemes for the implementation of certain types of forest utilization;

1.3. use Forest Fund plots according to the purposes they are provided for and the terms specified in documentation on the basis of which the right to forest utilization arises;

1.4. carry out forest logging using methods that prevent the occurrence of soil erosion; ensure safety at the logging site of seed groups, clumps and strips; seed, plus and other trees and undergrowth that are not subject to felling the safety of which is stipulated by the logging permit, order;

1.5. prevent damage or destruction of forest stands adjacent to the Forest Fund plots where they carry out forest utilization and, in the case of their damage or destruction, restore at their own expense or reimburse the costs of their restoration to legal entities engaged in forestry;

1.6. ensure safety and bring at their own expense into proper state or compensate legal entities

engaged in forestry the costs of bringing roads, bridges, compartment lines and forest designation signs damaged during forest utilization, as well as the drainage network, hydraulic and other structures, and water bodies into the proper state located within the boundaries of the Forest Fund;

1.7. in the event of a forest fire, take measures to extinguish it and immediately report about it to legal entities engaged in forestry or emergency units;  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

1.8. ensure the felling of tree and shrub vegetation at the logging sites subject to felling in accordance with a logging permit, an order, and forest logging regulations in the Republic of Belarus;

1.9. carry out cleaning of logging sites from logging residues in accordance with the requirements set forth in the logging permit, order;

1.10. bring Forest Fund plots into the state suitable for reforestation or any other intended use;

1.11. exercise the transfer of Forest Fund plots to legal entities engaged in forestry upon the expiry of the term of forest utilization set forth by documentation on the basis of which the right to forest utilization arises, as well as upon termination of the right to forest utilization in cases specified in Article 53 of this Code, in accordance with the procedure established by the Republican Body of the State Forestry Administration;

1.12. make timely payments for forest utilization;

1.13. provide legal entities engaged in forestry information on forest utilization according to the form and in the manner established by the Republican Body of the State Forestry Administration;

1.14. apply, during forest utilization, techniques and technologies that ensure the conservation of biological diversity, timely regeneration of forests, in accordance with the requirements established by the Republican Body of the State Forestry Administration;

1.15. prevent pollution of forests with waste, chemicals and other substances;

1.16. prevent the destruction of hayfields and pastures located within the boundaries of the Forest Fund;

1.17. inform legal entities engaged in forestry about the detection of the outbreaks of forest pests and diseases, any other damage to forest stands, as well as assist in carrying out of measures for the conservation and protection of forests;

1.18. comply with the requirements (instructions, resolutions) of officials of the bodies (organizations) exercising control in the field of utilization, conservation, protection and regeneration of forests issued within the scope of their competence;

1.19. reimburse costs to legal entities engaged in forestry for bringing Forest Fund plots into the state proper for reforestation or any other intended use in the case where violations identified during the inspection of a logging site have not been eliminated by forest users.

2. Forest users shall also be obliged to fulfill other obligations established by this Code and other legislative acts.

## **Article 58. Protection and Guarantee of the Rights of Forest Users**

1. Violated rights of forest users shall be subject to restoration. Losses caused to forest users in connection with a violation of their rights shall be subject to compensation in accordance with the procedure established by civil legislation.

2. Upon termination of the right to forest utilization on Forest Fund plots located within the boundaries of land plots being withdrawn for the purposes not related to forest management, forest users shall be provided with other Forest Fund plots for forest utilization the taxation characteristic of which correspond to that of the Forest Fund plots where the right to forest utilization is terminated.

## **CHAPTER 14**

### **SPECIFICS OF FOREST MANAGEMENT ON INDIVIDUAL FOREST FUND PLOTS**

#### **Article 59. Specifics of Forest Management on the Forest Fund Plots Provided for Defense Needs**

1. On the Forest Fund plots provided for defense needs, forest management shall be carried out by legal entities engaged in forestry subordinate to the Republican body of the State Administration pursuing the state policy in the field of defense.

2. On the Forest Fund plots provided for defense needs, certain types of forest utilization may be limited or prohibited by decision of the Republican body of the State Administration pursuing the state policy in the field of defense.

#### **Article 60. Specifics of Forest Management in the Border Zone and on the Border Strip**

1. A forest management regime in the border zone and on the border strip, as well as in forests located at a distance of up to five kilometers from the observation and/or technical towers of the Body Guard, shall be established by the Republican Body of the State Forestry Administration by agreement with the Republican Body of the State Administration for Border Security.

2. Reconstruction felling, reconstruction of low-value forest stands, harvesting of resin, forest utilization for the purposes of cultural and recreational, tourism, other recreational and/or mass sports, health and fitness and sporting events shall not be allowed on the border strip, unless otherwise established by legislative acts.

#### **Article 61. Specifics of Forest Management in the Territories Exposed to Radioactive Contamination As a Result of the Disaster at the Chernobyl Nuclear Power Plant**

Forest management in the territories exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant shall be carried out in accordance with legislation on the legal regime for the territories exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant, this Code and forestry regulations in the territories exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant subject to approval by the Republican Body of the State Forestry Administration by agreement with the Republican Body of the State Administration for Emergencies, the Republican Body of the State Health Care Administration, and the Republican Body of the State Administration for Natural Resources and Environmental Protection.

**Article 62. Specifics of Forest Management on the Forest Fund Plots Located within the Boundaries of Genetic Reserves, Plus Stands, Normal Forest Stands with the Presence of Plus Trees**

On the Forest Fund plots located within the boundaries of genetic reserves, plus stands, normal forest stands with the presence of plus trees, the following shall not be allowed:

- harvesting of timber in the course of primary use felling;
- carrying out regeneration, shaping (reshaping) and reconstruction felling;
- harvesting of resin;
- grazing;

forest utilization for the purposes of holding cultural and recreational, tourism, other recreational and/or mass sports, health and fitness and sporting events.

**Article 63. Plantation Forest Crops**

A procedure for creating plantation forest crops, the requirements for growing plantation forest crops and their felling shall be established by the Republican Body of State Forestry Administration.

**CHAPTER 15  
RELEASE OF STANDING TIMBER. FOREST LOGGING**

**Article 64. General Requirements for the Release of Standing Timber and Forest Logging**

1. The release of standing timber shall be carried out at the logging sites designed by forest management projects for carrying out of primary use felling, intermediate felling and another type of felling, unless otherwise provided for by this Code.

2. The release of standing timber shall be carried out by legal entities engaged in forestry, their structural subdivisions (forest ranger stations) in accordance with Articles 67 and 68 of this Code.

3. Logging (except for the cases specified in part 2 of this paragraph) of sessile oak, white fir, dwarf birch, shrubby birch, blueberry willow, downy willow, yellow azalea, black-fruited cotoneaster, and German greenweed shall not be allowed.

Sanitary felling of trees and shrubs specified in part 1 of this paragraph shall be allowed.

4. Clear, primary use felling, and other types of primary use felling shall not be allowed, in accordance with legislative acts, in the cases as follows:

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

4.1. on the Forest Fund plots located in ravines, gullies, and reclaimed quarries; on the lands (soils) subject to water and/or wind erosion (sands, loesses, and drained peat bogs), as well as on the Forest Fund plots adjacent to them along the perimeter of 100 meters wide;

4.2. on the Forest Fund plots with a steepness of slopes of 25 degrees or more;

4.3. on the Forest Fund plots occupied by plantations of Norway maple, elm, linden, slippery

elm, birch bark, beech, curly birch, cedar, and Douglas fir (*Pseudotsuga*);

4.4. on the Forest Fund plots allocated in accordance with the hunting management documentation with wood grouse and black grouse leks located within their boundaries, as well as in a 300 meters strip around the specified leks (except for the adoption of scientifically grounded measures for preventing the overgrowth of specified leks with tree and shrub vegetation).  
(subparagraph 4.4. of Article 64 introduced by the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

5. The boundaries of Forest Fund plots specified in paragraph 4 of this Article shall be indicated in the cartographic documents of forest management projects and authorization documents.

6. Felling of coniferous stands on the Forest Fund plots provided for resin harvesting shall not be allowed until the end of the resin harvesting term established in the forest usage permit, except for the case specified in paragraph 6 of Article 75 of this Code.

### **Article 65. Identification of Forest Age**

The age of forest felling shall be determined on the basis of the categories of forests, productivity, biological characteristics of tree species and shall be established by the Council of Ministers of the Republic of Belarus upon submission of the Republican Body of the State Forestry Administration by agreement with the Republican Body of the State Administration for Natural Resources and Environmental Protection and the National Academy of Sciences of Belarus.

### **Article 66. Allowable Cut**

1. An allowable cut shall be determined on the basis of the forest management project for each legal entity engaged in forestry specified in subparagraphs 1.1-1.5 of paragraph 1 of Article 20 of this Code, separately by the groups of tree species (coniferous, softwood, and hardwood), according to the procedure established by the Republican Body of the State Forestry Administration.

2. An allowable cut shall be approved for the Republic as a whole, as well as for the Republican Body of the State Forestry Administration, the Republican Body of the State Administration pursuing state policy in the field of defense, the Republican Body of the State Administration for Education, the National Academy of Sciences of Belarus, the Administration for the Affairs of the President of the Republic of Belarus as the sum of allowable cuts determined by legal entities engaged in forestry subordinate to these state bodies (organizations).

3. An allowable cut for the following year shall be approved no later than July 1 of the previous year (except for the cases specified in paragraph 4 of this Article) by the Republican Body of the State Forestry Administration by agreement with the Republican Body of the State Administration for Natural Resources and Environmental Protection and shall become effective from January 1 of the year following the year of its approval.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

4. When changing the boundaries of Forest Fund plots provided to legal entities engaged in forestry, forest felling age, in the case of the transfer of forests from one category to another, carrying out of forest felling in the event of an emergency response; alterations of legislation on the utilization, conservation, protection and regeneration of forests as a result of which changes in the stock of mature and overmature forest stands intended for timber harvesting have occurred, an allowable cut shall be determined anew on the basis of amendments and/or additions introduced to the forest management project; shall be approved before December 1 of the year of the allowable

cut approval and put into effect within the time limits stipulated by paragraph 3 of this Article. (as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

5. The volume of an allowable cut for the current year shall not include the volume of an allowable cut not fully used in previous years.

#### **Article 67. Release of Standing Timber for Timber Harvesting During Final Felling**

1. The release of standing timber for timber harvesting during final felling for each legal entity engaged in forestry, by the groups of tree species (coniferous, softwood, and hardwood) shall be carried out in the allowable cut amount.

2. The release of standing timber for timber harvesting during final felling in the amount exceeding an allowable cut shall not be allowed, except for the case specified in paragraph 3 of this Article.

3. The additional (in excess of the allowable cut for the current year) release of standing timber for timber harvesting during final felling may be carried out in the amount of not fully used allowable cut of previous five years upon request of a legal entity engaged in forestry with the permission of the Republican Body of the State Forestry Administration.

4. In the case of full development of an allowable cut for a certain group of tree species in the current year and during previous periods (but no more than for the last five years), from October 1 the Republican Body of the State Forestry Administration may allow forest users to carry out early forest felling in the amount of up to 20 % of an allowable cut for the corresponding group of tree species of the next year.

#### **Article 68. Release of Standing Timber during Intermediate Felling and Other Types of Felling**

1. The release of standing timber during intermediate felling shall be allowed in the amount stipulated by the forest management project.

The volume of timber harvested during forest maintenance felling may not coincide, from year to year, with the annual volume of timber planned by forest management project subject to harvesting when carrying out such felling.

The volume of timber harvested during selective sanitary felling may not coincide with the volume of timber planned by forest management project subject to harvesting when carrying out such felling and shall be determined by a legal entity engaged in forestry based on the need of carrying it out in the forests of the Republic of Belarus in accordance with sanitary regulations.

2. The release of standing timber during other types of felling shall be allowed in the amounts determined by a legal entity engaged in forestry based on the need of carrying out other types of felling in accordance with forest logging regulations in the Republic of Belarus, sanitary regulations in the forests of the Republic of Belarus.

#### **Article 69. Demarcation and Taxation of a Logging Site. Transfer of a Logging Site to a Forest User. Preparatory Work. Replacement of Logging Sites.**

1. Demarcation of a logging site for carrying out of final felling, intermediate felling, and other types of felling shall involve the determination of a logging site area and delineation of a logging site *in situ*.

Taxation of a logging site for carrying out of final felling, intermediate felling, and other types

of felling shall involve the clarification of its taxation characteristics and the determination of a harvested timber volume.

Demarcation and taxation of a logging site shall be carried out in accordance with demarcation and taxation regulations for a logging site in the forests of the Republic of Belarus.

2. A logging site shall not be demarcated in the following cases:

2.1. felling of seed trees that have fulfilled their purpose; felling of single trees;

2.2. carrying out of maintenance felling on Forest Fund plots delineated by natural contours, compartment lines, shorelines of water bodies; communication, power transmission or other demarcation lines clearly marked on the ground, provided the whole plot is subject to felling;

2.3. carrying out of selective sanitary felling and clearing clutter;

2.4. felling of cleared strips less than 10 meters wide; felling of individual trees in the forest fund plots allocated for the placement of temporary facilities; felling of trees that are dangerous in relation to highways, overhead communication and power transmission lines;

2.5. felling of dead standing, lodged, windthrown and windbroken, and rotten trees located outside of logging sites along their borders and threatening to fall down on the logging site.

3. A transfer of a logging site to a forest user shall be carried out by a legal entity involved in forestry, its structural subdivision (a forest ranger station) with drawing up a Transfer and Acceptance Act of a logging site specifying the following:

3.1. location of a logging site (a forest ranger station, a compartment line and/or a taxation allotment);

3.2. amount of timber that may be harvested on the logging site;

3.3. condition of forestry roads, forest designation signs;

3.4. comments of a forest user on the state of a logging site; its boundaries and timber harvesting volume.

4. The form of a Transfer and Acceptance Act of a logging site shall be established by the Republican Body of the State Forestry Administration.

5. Forest users shall have the right to carry out preparatory work, including:

5.1. preparation of 50 meter safety zones around temporary facilities;

5.2. felling and landing of hazardous trees (standing, lodged, windthrown and windbroken, and rotten trees) in accordance with the Cross-industry Regulations on Labor Protection in Forest and Timber Processing Industries and Forestry approved by the Republican Body of the State Administration pursuing state policy in the field of labor, and the Republican Body of the State Forestry Administration;

5.3. forest felling on the Forest Fund plots where the construction of temporary facilities needed forest utilization and their erection are stipulated.

6. For preparatory work related to forest felling outside of the logging site, a logging permit shall be issued before its commence.

7. Legal entities engaged in forestry shall be granted the right, with the consent of forest users

and after the provision of logging sites to them, to replace the logging sites transferred to them with the Forest Fund plots damaged as a result of natural disasters, by forest pests and diseases within the boundaries of Forest Fund plots under their jurisdiction.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

8. In the case of natural hazards, natural or other disasters that caused damage to forest stands over a large area (more than 5,000 hectares) and require urgent liquidation of their consequences by cutting down damaged forest stands, felling of healthy forest stands may be stopped for the period of such consequences' liquidation by decision of the Council of Ministers of the Republic of Belarus being adopted on the basis of a petition of the Republican Body of the State Forestry Administration.

9. Upon release of standing timber for firewood harvesting to forest users during the implementation of clear felling, providing felling sites to them shall be allowed with the presence of no more than 15% of commercial timber on them.

### **Article 70. Technological Chart for the Development of a Logging Site**

1. A technological chart for the development of a logging site (except for the logging carried out on the basis of an order, as well as in the cases specified in paragraph 4 of Article 40 of this Code) shall be designed and approved by a forest user upon agreement with a legal entity engaged in forestry before the start of forest utilization.

2. A technological chart must contain:

2.1. characteristics of a logging site (a forest ranger station, a compartment line and/or a taxation allotment, the volume of timber subject to harvesting, conditions for preserving understory and living ground cover);

2.2. requirements for clearing the logging site;

2.3. measures for the conservation of biological diversity;

2.4. requirements for the state of forest stands after felling (for partial cuts);

2.5. felling site development technology, including a description of technological operations and their sequence;

2.6. a list of machines and mechanisms that will be used for harvesting, haulage, stowing of timber and processing of logging residues (when carrying out timber harvesting operations using machines and mechanisms, their interaction must be marked and hazardous zones must be depicted);

2.7. a scheme for the development of a logging site with an image of forestry roads, technological corridors, intermediate timber warehouses, temporary stowing places of logging residues and other temporary objects;

2.8. requirements for carrying out of timber harvesting work at the logging site in accordance with the Cross-industry Regulations on Labor Protection in Forest and Timber Processing Industries and Forestry.

3. A forest user shall be obliged to familiarize all employees who are to develop a logging site with an approved technological chart against their signature.

4. A form of a technological chart for the development of a logging site shall be established by the Republican Body of the State Forestry Administration.



## **Article 71. Terms, Procedure for Forest Logging and Harvested Timber Haulage**

1. Forest logging shall be carried out from January 1 to December 31 of the year in which a logging permit or order is issued.

Haulage of timber may be carried out until March 15 (in Vitebsk Region — until April 15) of the year following the year of forest logging.

2. When forest logging is carried out, the persons who carry it out must possess the following documents (certified copies thereof) at the logging site:

2.1. a logging permit or an order;

2.2. a technological chart for the development of a logging site (except for the forest logging carried out on the basis of an order).

3. Legal entities and individual entrepreneurs providing logging-related services (their representatives or employees) must have the following documents (certified copies thereof) at the logging site:

3.1. civil law contract for the provision of forestry measures and forest utilization;

3.2. logging permit;

3.3. technological chart for the development of a logging site.

4. Carrying out other types of logging associated with the construction and current maintenance of roads, engineering communications, other linear structures, facilities intended for the exploration of mineral deposits shall be provided by organizations engaged in the construction and current maintenance of these facilities in accordance with the construction projects and operational conditions of specified facilities.

Carrying out other types of logging in the course of measures for preventing the overgrowth of open swamps with tree and shrub vegetation, measures for preserving and restoring (reintroducing) populations of wild animals and wild plants belonging to the species included in the Red Book of the Republic of Belarus, and/or to the species falling under the scope of international treaties of the Republic of Belarus, in the forests located within the boundaries of specially protected natural areas shall be provided by state environmental institutions that exercise administration of specially protected natural areas, state bodies (other state organizations) in whose administration specially protected natural areas have been transferred, provided their implementation is stipulated by management plans for specially protected natural areas, scientific justification for the implementation of specified activities.

(part 2 of paragraph 4 of Article 71 introduced by the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

Carrying out other types of logging associated with cutting down dangerous trees in relation to highways, overhead communication and power transmission lines shall be provided by organizations servicing these linear structures.

Organizations, serving overhead communication and power transmission lines, shall provide during the elimination of emergencies the cutting down of dangerous trees in relation to overhead communication and power transmission lines that have fallen or threaten to fall down on the wires of overhead communication and power transmission lines with a written notification of legal entities engaged in forestry within five days about the exercised felling.

Forest logging specified in parts 1–3 of this paragraph shall be carried out on the basis of logging permits issued before the start of logging, except for the cases specified in paragraph 4 of Article 40 of this Code.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

Consultant Plus: comment.

For the improvement of wood accounting activity, see the Decree of the President of the Republic of Belarus of February 18, 2021 No. 50.

#### 5. Harvested timber shall be subject to measurement, labelling and accounting.

Measurement of harvested timber in the case of its haulage to intermediate timber warehouses indicated in the technological chart for the development of a logging site shall be carried out at these warehouses. Measurement of harvested timber in the event of its haulage to the consumer shall be carried out directly at the logging site or at intermediate timber warehouses specified in the technological chart for the development of a logging site.

All harvested timber shall be subject to accounting. The timber harvested using multi-operational equipment equipped with an electronic accounting system, as well as harvested hardwood (oak, ash, beech, and maple) shall be subject, regardless of its harvesting methods, to daily accounting. When harvesting timber using other methods and of other species, the harvested timber shall be subject to accounting at least once a month.

The harvested timber not exported to the consumer shall be subject to accounting at least once a month.

The volume of actually harvested timber may deviate from the volume indicated in the logging permit, an order. At the same time, a deviation of the volume of actually harvested timber from the volume of timber indicated in the logging permit, order must not exceed permissible deviations established by the Republican Body of the State Forestry Administration.

A measuring, labelling and accounting procedure for harvested timber shall be established by the Republican Body of the State Forestry Administration.

(paragraph 5 of Article 71 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

#### 6. Transportation of harvested timber to the consumer without its measurement shall not be allowed.

Transportation of harvested timber during forest logging for which the issuance of permits is carried out in accordance with paragraph 4 of Article 40 of this Code shall be allowed after the execution of corresponding permits and their issuance to a forest user.

(paragraph 6 of Article 71 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

#### 7. Harvested timber shall be considered to be hauled, provided it has been moved to intermediate timber warehouses specified in the technological chart for the development of a logging site or to the consumer.

Transportation of harvested timber to intermediate timber warehouses indicated in the technological chart for the development of a logging site shall be carried out without issuing transport documentation. At the same time, a person carrying out such haulage must have a

technological chart for the development of a logging site or its certified copy. Export of harvested timber to the consumer shall be carried out with the execution of transport documentation. (paragraph 7 of Article 71 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

8. Specific dates for logging and haulage of timber shall be indicated in the logging permit, order.

9. A term for the haulage of timber harvested by legal entities engaged in forestry in the course of the implementation of forestry measures shall not be specified in logging permits. A term for the haulage of such timber purchased by the consumer shall be established by a legal entity engaged in forestry in the documentation for the realization of timber depending on its quantity, the season of haulage and other conditions. At the same time, a term established for the haulage of timber must not exceed two months from the date of purchase of such timber by the consumer.

10. If a forest user fails to haul the harvested timber within the established term and fails to apply in writing, pursuant to the terms and procedures set forth in paragraph 11 of this Article, to obtain a delay of its haulage or fails to carry out the prescribed work in connection with the granted delay, the timber harvested and not transported within the established period shall go free of charge into the disposal of a legal entity engaged in forestry and shall be used or realized by it in accordance with the procedure established by legislation.

11. Forest users who carry out logging on hard-to-reach Forest Fund plots or under adverse weather conditions shall have the right to defer the logging and/or the haulage of timber from logging sites, provided they comply with sanitary regulation requirements in the forests of the Republic of Belarus. At that, an application for a deferment of the logging and/or the haulage of timber must be submitted no later than five days before the expiration of deadlines for the logging and/or the haulage of timber established in a logging permit, an order. (as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

Parts two-three of paragraph 11 of Article 71 are excluded. — The Law of the Republic of Belarus of December 18, 2018 No. 152-3.

A deferment of the logging and/or the haulage of timber shall be provided by a legal entity engaged in forestry until an expiry date for the logging and/or the haulage of timber established in a logging permit, an order for a period of up to 12 months upon a written application of a forest user. In this case, a deferment period shall be calculated in months and the number of calendar days in a month is assumed to be thirty. (as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

In order to obtain a deferment of the logging and/or the haulage of timber, a forest user shall pay a penalty in the amount of 1.5 percent of the cost of standing timber calculated at the tax value in force at the time of issuing a logging permit, an order for each month of a delay. (as worded in the Law of the Republic of Belarus of December 18, 2018 No.152-3)

A note on granting a deferment of the logging and/or the haulage of timber shall be made in a logging permit, an order on the day of a decision about granting a deferment of the logging and/or the haulage of timber subject to a penalty payment.

12. Forest users (legal entities and individual entrepreneurs) shall submit, within 15 days upon expiry of a logging permit, to legal entities engaged in forestry a certificate signed by head of a forest user containing information about the area where the forest logging was carried out and the amount of commercial timber harvested, including by size categories (small, medium, and large) and firewood, as well as about the area and volumes of undercuts for each logging permit and each

logging site in the form and in the manner established by the Republican Body of the State Forestry Administration.  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 1523)

Trees and logging sites designated for felling to carry out clear, strip and gradual felling of the main use, as well as clear sanitary felling, but not cut down within the period specified in a logging permit, an order shall be considered undercuts. Logging sites, for which a deferment of logging has been received, are not undercuts.  
(part two of paragraph 12 of Article 71 introduced by the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

## **Article 72. Inspection of Logging Sites**

1. Logging sites where forest logging was carried out on the basis of a logging permit shall be subject to inspection.

Inspection of logging sites shall be carried out by a legal entity engaged in forestry within 30 days:

upon expiry of a logging permit or the end of forest logging and/or the haulage of timber ahead of terms specified in the logging permit, except for the cases specified in parts three and four of this paragraph;

from the date of termination of the right to forest utilization in cases specified in Article 53 of this Code.

When extending the validity period of a logging permit, a legal entity engaged in forestry shall conduct the inspection of a logging site within 30 days following the expiry of an extended period of validity of a logging permit.

In the case of unfavorable weather conditions (snow drifts, high flows, floods etc.) resulting in impassability of roads, the inspection of a logging site shall be scheduled for another time determined by a legal entity engaged in forestry, but no later than May 1 of the year following the year a logging permit expires, upon written notice of a forest user.  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

2. A forest user shall be notified in writing of the date of the inspection of a logging site by a legal entity engaged in forestry no later than five days prior to the inspection.

If a forest user fails to arrive for taking part in the inspection of a logging site, the examination of a logging site shall be carried out by a legal entity engaged in forestry independently.

3. Based on logging site inspection results, an inspection act of a logging site shall be drawn up subject to signature by a forest user and a legal entity engaged in forestry.

Information on the amount of actually harvested commercial timber, including by size categories (small, medium, and big) and firewood shall be entered into the inspection act of a logging site on the basis of a forest user certificate signed by his/her head.

If, according to the logging site inspection results, the amount of actually harvested timber exceeds the amount stated in a logging permit, a forest user shall make an additional payment at the tax cost for the amount of timber additionally harvested within the allowable deviations established by the Republican Body of the State Forestry Administration.

Requirements set forth in the inspection act of a logging site shall be mandatory for a forest

user.

4. In the case of detection of violations of logging regulation requirements in the Republic of Belarus and other legislative acts on the utilization, conservation, protection and regeneration of forests, on environmental protection, the terms specified in a logging permit, a technological chart for the development of logging sites allowed during logging, the inspection act of a logging site shall serve as a basis for initiating legal proceedings in order to bring a forest user to responsibility in accordance with legislative acts.

5. In order to check the elimination of identified violations by forest users, the control inspection of a logging site shall be carried out. In the case where violations identified during the inspection of a logging site by the forest user have not been eliminated, a legal entity engaged in forestry shall independently bring a logging site into the state suitable for reforestation or other intended use and shall issue claims to a forest user to reimburse the costs incurred.

6. The form of an inspection act of a logging site and the procedure for the inspection of a logging site shall be established by the Republican Body of the State Forestry Administration.

## **CHAPTER 16 RESIN HARVESTING**

### **Article 73. Forest Fund Plots for Resin Harvesting**

1. Harvesting of resin shall be carried out on the Forest Fund plots where mature and overmature pine stands grow.

2. Harvesting of resin shall not be allowed in the pine stands:

2.1. located within the boundaries of Forest Fund plots where, in accordance with Article 19 of this Code, harvesting of resin is prohibited;

2.2. located within the boundaries of the foci of propagation of forest pests and diseases prior to the elimination of such foci;

2.3. weakened by forest fires, the pests and diseases of forests;

2.4. with the use of resin yield stimulants on Forest Fund plots that are the habitats of wild plants belonging to the species included in the Red Book of the Republic of Belarus, transferred to the users of land plots and/or water bodies under protection;

2.5. located on boggy Forest Fund plots where sulfuric acid was used as a resin yield stimulant;

2.6. located on the Forest Fund plots specified in subparagraphs 4.1 and 4.2 of paragraph 4 of Article 64 of this Code.

### **Article 74. Allotment and Transfer of Forest Fund Plots for Resin Harvesting**

1. Allotment of Forest Fund plots for resin harvesting shall involve their delineation on the ground, determining their area, clarifying taxation characteristics and shall be exercised by legal entities engaged in forestry in the manner and in accordance with the requirements established by the Republican Body of the State Forestry Administration.

2. The transfer of Forest Fund plots to forest users for resin harvesting shall be exercised by legal entities engaged in forestry with drawing up a transfer and acceptance act for Forest Fund plots for resin harvesting.

3. A transfer and acceptance act for Forest Fund plots for resin harvesting shall state the following:

3.1. location of Forest Fund plots provided for resin harvesting (a forest ranger station, a compartment line and/or a taxation allotment);

3.2. resin harvesting volume;

3.3. condition of forestry roads, forestry designation signs;

3.4. comments of a forest user on the condition of the Forest Fund plots provided for resin harvesting, their boundaries and the volume of resin harvesting.

4. A transfer and acceptance act for Forest Fund plots for resin harvesting shall be accompanied by a schematic map with the marked boundaries of the Forest Fund plots provided for resin harvesting.

5. The form of the transfer and acceptance act for Forest Fund plots for resin harvesting shall be established by the Republican Body of the State Forestry Administration.

#### **Article 75. Resin Harvesting Procedure and Terms**

1. Resin harvesting terms must not exceed 15 years.

2. Forest Fund plots designed by the forest management project for gradual felling shall be transferred for resin harvesting five years before the first felling.

In uneven-aged pine stands subject to long-term gradual felling, resin harvesting may be carried out 10 years prior to the specified felling. At that, only trees subject to the first felling must be used for resin harvesting.

3. Resin harvesting shall be carried out in accordance with the technological parameters for the harvesting of resin according to standard technological schemes.

4. During resin harvesting, resin yield stimulants shall be allowed.

Use of different resin yield stimulants on the same trees during one season of resin harvesting shall not be allowed.

Use of resin yield stimulants must be carried out in accordance with the instructions for their use.

5. All work on resin harvesting must be completed annually by November 30th.

6. If there are more than 15 percent of dead standing trees of their total number on the Forest Fund plot provided for resin harvesting, resin harvesting shall be terminated by decision of a legal entity engaged in forestry on the termination of the right to forest utilization for resin harvesting by canceling a forest usage permit or by decision of the district executive committee (in the case of providing a Forest Fund plot for resin harvesting on a leasehold basis).

7. A procedure for resin harvesting, norms of the duration of resin harvesting, technological parameters for resin harvesting, typical technological schemes for resin harvesting, and a list of resin yield stimulants shall be established by the Republican Body of the State Forestry Administration.

## **Article 76. Inspection of Forest Fund Plots Provided for Resin Harvesting**

1. Inspection of Forest Fund plots provided for resin harvesting (hereinafter, unless otherwise specified, referred to as “inspection”) shall be carried out by a legal entity engaged in forestry that has issued a forest usage permit for resin harvesting within 30 days:

1.1. annually after the completion of work on resin harvesting;

1.2. from the date of termination of the right to forest utilization in cases specified in Article 53 of this Code.

2. An inspection date shall be notified to forest users in writing by a legal entity engaged in forestry, which has issued a forest usage permit for resin harvesting no later than five days prior to the inspection.

3. If a forest user fails to arrive for taking part in the inspection, the inspection shall be carried out by a legal entity engaged in forestry, which has issued a forest usage permit for resin harvesting independently, and this shall be reported to a forest user in writing with the direction within 10 days of an inspection certificate for Forest Fund plots provided for resin harvesting (hereinafter, unless otherwise specified, referred to as “the inspection certificate”) drawn up in the prescribed form.

An inspection certificate shall include information on the amount of actually harvested resin on the basis of a forest user certificate signed by his/her head and chief accountant.

If, according to the inspection results, the amount of actually harvested resin exceeds the amount specified in the forest usage permit for resin harvesting, a forest user shall make an additional payment for the additionally harvested amount of resin in the manner established by the Council of Ministers of the Republic of Belarus.

The requirements set forth in the inspection act shall be mandatory for a forest user.

4. In the case of detection of violated requirements for legislation on the utilization, conservation, protection and regeneration of forests, on environmental protection, the terms specified in the forest usage permit allowed during resin harvesting, an inspection act shall serve as a basis for initiating legal proceedings for the purposes of bringing a forest user to responsibility in accordance with legislative acts.

5. For the purposes of checking the elimination of identified violations by forest users, a control inspection shall be carried out and an inspection certificate shall be drawn up based on its results.

6. An inspection procedure for Forest Fund plots provided for resin harvesting and a form of an inspection certificate of Forest Fund plots provided for resin harvesting shall be established by the Republican Body of the State Forestry Administration.

## **CHAPTER 17 SECONDARY FOREST RESOURCES HARVESTING**

### **Article 77. General Requirements for Secondary Forest Resources Harvesting**

1. Harvesting of secondary forest resources shall be carried out taking into account limitations and prohibitions established by this Code, other legislative acts on the utilization, conservation, protection and regeneration of forests, legislation on environmental protection and other legislation.

2. Harvesting of secondary forest resources by legal entities (including legal entities engaged

in forestry) and individual entrepreneurs shall be carried out on the basis of a forest usage permit within the boundaries of Forest Fund plots provided to them.

Harvesting of birch bark and tree branches by citizens shall be carried out without issuing a forest usage permit.

3. Harvesting of secondary forest resources on the Forest Fund plots exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant shall be carried out in accordance with this Code, forestry regulations in the territories exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant.

### **Article 78. Harvesting of Stumps and Roots**

1. Harvesting of stumps and roots shall be carried out throughout the year on the Forest Fund plots where final felling, clear sanitary felling have been carried out prior to reforestation work on those plots.

2. Harvesting of stumps and roots shall be allowed using any methods (including machines with manipulators, bulldozer-type grubbers), except for the methods causing death, a reduction in the number or a disturbance of the habitat of wild animals and wild plants.

3. Forest fund plots for the harvesting of stumps and roots, as well as the methods and terms of their harvesting shall be determined by legal entities engaged in forestry in accordance with the requirements established by the Republican Body of the State Forestry Administration.

4. A technological map, which indicates harvesting methods for stumps and roots, places for their stockpiling, location of roads and technological corridors for the haulage of stumps and roots shall be drawn up and approved by a forest user upon agreement with a legal entity engaged in forestry for the Forest Fund plot provided for the harvesting of stumps and roots.

5. A procedure for laying of technological corridors, the form of a technological map for the harvesting of stumps and roots shall be established by the Republican Body of the State Forestry Administration.

### **Article 79. Harvesting of Birch Bark and Tree Branches**

1. Harvesting of birch bark and tree branches shall be carried out:

1.1. from cut down trees at logging sites;

1.2. from dead standing and fallen trees;

1.3. from growing trees designed by the forest management project for forest logging (hereinafter in this Article referred to as “growing trees”), no more than two years prior to their felling.

2. Harvesting of birch bark and branches from felled trees at logging sites shall be allowed during the period of use of Forest Fund plots provided for logging.

Harvesting of birch bark from dead standing trees, as well as the harvesting of birch bark and branches from dead trees shall be allowed throughout the year.

Harvesting of birch bark from growing trees shall be allowed from April 1 to November 30, and harvesting of branches — throughout the year.

3. Harvesting of branches from growing trees must be carried out for no more than one third



of the tree's crown, and of the birch bark — for no more than half of the total height of a tree without damaging bast.

#### **Article 80. Harvesting of New Year's Conifer Trees**

Harvesting of New Year's conifer trees shall be carried out:

on specially developed forest plantations for growing New Year's conifer trees;

when carrying out all types of felling from among the trees that are not subject to conservation after felling in accordance with authorization documents and forest logging regulations in the Republic of Belarus.

#### **Article 81. Harvesting of Hardened Spruce Resin**

1. Harvesting of hardened spruce resin shall be carried out on the Forest Fund plots where mature and overmature stands grow; designed for final felling by the forest management project no more than five years before their felling, as well as in the forest stands designed for clear sanitary felling by the forest management project.

2. Harvesting of hardened spruce resin shall be carried out from the trees with the deposits of hardened spruce resin.

3. Hardened spruce resin shall be harvested with blunt metal, wooden or plastic devices (knives, special scrapers, spatulas, etc.) throughout the year. At that, making blows and cuts shall not be allowed in order to avoid damage to the bast and wood of trees.

#### **Article 82. Harvesting of Bast and Bark**

Harvesting of linden bast, willow and spruce bark shall be carried out from the following trees:

cut down at logging sites during all types of forest felling;

growing on the Forest Fund plots located within the boundaries of a land plot subject to withdrawal for the purposes not related to forestry.

### **CHAPTER 18 SECONDARY FOREST UTILIZATION**

#### **Article 83. General Requirements for Secondary Forest Utilization**

1. Secondary forest utilization shall be carried out taking into account limitations and prohibitions established by this Code, other legislative acts on the utilization, conservation, protection and regeneration of forests, legislation on environmental protection and other legislation.

2. Secondary forest utilization shall be carried out by legal entities (including legal entities engaged in forestry) and individual entrepreneurs on the basis of a forest usage permit within the boundaries of the Forest Fund plots provided to them, except for the case specified in part two of this paragraph.

Harvesting, gathering of wild berries, fruit, nuts, cones, seeds, and other forest products by legal entities engaged in forestry; withdrawal by digging wild plants for use in reforestation are not secondary forest utilization and shall be carried out without issuing a forest usage permit.

Placement of beehives and apiaries, haymaking, and grazing shall be carried out by citizens on

the basis of a forest usage permit within the boundaries of the Forest Fund plots provided to them.

3. Secondary forest utilization on the Forest Fund plots exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant shall be carried out in accordance with this Code, forestry regulations in the territories exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant.

#### **Article 84. Procurement of Tree Saps**

1. Harvesting of tree saps shall be carried out on the Forest Fund plots not earlier than five years before the felling age to come, as well as on the Forest Fund plots provided for final felling.

Harvesting of tree saps may also be carried out on the Forest Fund plots where other fellings and intermediate fellings take place from among the trees subject to felling in accordance with forest logging regulations of the Republic of Belarus.

2. In order to harvest tree saps, the trees with a diameter of 20 centimeters or more shall be selected.

3. Requirements for tree sap harvesting shall be established by the Republican Body of the State Forestry Administration.

#### **Article 85. Gathering of Wild Berries and Mushrooms**

1. Gathering of wild berries and mushrooms shall be carried out on any Forest Fund plots, except for the Forest Fund plots where, in accordance with Article 19 of this Code, their gathering shall not be allowed.

2. The dates for the beginning of gathering of lingonberry and cranberry shall be established annually by decisions of regional executive committees and information about them shall be brought to the public by posting it on their official websites over the global computer network Internet, in the mass media or in any other publicly available way.

3. Gathering of wild berries must be carried out using the methods and devices that do not harm berry bushes and do not lead to their destruction, corresponding to the requirements established by the Republican Body of the State Forestry Administration in the field of utilization, conservation, protection and regeneration of forests by agreement with the Republican Body of the State Administration for Natural Resources and Environmental Protection.

(paragraph 3 of Article 85 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

4. Raking the forest floor for the purposes of mushroom gathering shall not be allowed.

#### **Article 86. Gathering of Wild Fruits and Nuts**

1. Gathering of wild-growing fruits of an apple, a pear, a mountain ash, arrowwood, wild rose, hawthorn, other fruits, hazelnuts used as food forest resources shall be carried out on any Forest Fund plots, except for the Forest Fund plots where their gathering shall not be allowed in accordance with Article 19 of this Code.

2. Gathering of wild-growing fruits and nuts by cutting down tree and shrub vegetation and by other means damaging the tree and shrub vegetation on which these fruits and nuts grow shall not be allowed.

## **Article 87. Harvesting of Wild Plants and their Parts**

1. Harvesting of wild plants, their parts (leaves, branches, buds, bark (except for spruce and willow bark), flowers, inflorescences, seeds, spores, roots, rhizomes and tubers (bulbs) used as medicinal, technical, food, perfumery and other raw materials, as well as fruits, nuts, berries used as non-food raw materials shall be carried out on any Forest Fund plots, except for the Forest Fund plots where their harvesting shall not be allowed in accordance with Article 19 of this Code. (as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

2. Harvesting of buds and bark shall be carried out from the trees cut down on logging sites or from cut branches.

Harvesting of buds shall begin at the stage of their swelling (when bud scales have not yet started to diverge). Harvesting of buds shall stop when their tops start turning green.

Harvesting of pine buds shall be carried out from February 15 to May 15.

Bark harvesting shall be carried out during the spring sap flow.

For bark harvesting, cutting down or cutting shrub branches leaving stumps of 10-15 centimeters high for coppice regeneration shall be allowed.

3. Harvesting of all aerial parts of herbaceous plants shall be carried out at the beginning of flowering or at the stage of their full blossom. The aerial parts of plants shall be cut off above the lignified surface part making sure the roots are not damaged.

4. When harvesting leaves, flowers, inflorescences, fruits, buds and spores, outrooting of plants shall not be allowed.

5. Harvesting of wild plants, branches of trees and shrubs shall be carried out throughout the year using mechanical and other devices (knife, secateurs, etc.). (as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

6. Harvesting of inflorescences and flowers shall be carried out at the initial phase of flowering by cutting them with mechanical and other devices. When harvesting inflorescences and flowers, at least 20 percent of plants of their total number shall be left on the Forest Fund plot subject to harvesting.

7. Gathering fruits, nuts, and berries, as well as harvesting of seeds shall be carried out by hand at the stage of their maturity.

8. Harvesting of spores shall be carried out during the period when the spikelets of a spore plant acquire a yellow tint.

9. Harvesting of tubers (bulbs), roots and rhizomes shall be carried out during the dying-off period of aerial parts or in early spring before the start of their vegetation. When harvesting tubers (bulbs), roots and rhizomes, at least 10 percent of them shall be left in the soil.

10. Harvesting of wild plants belonging to the species included in the Red Book of the Republic of Belarus, or to the species falling under the international treaties of the Republic of Belarus, as well as those included in the list of psychedelic plants and of natural drug-containing raw materials as well as their parts shall not be allowed.

## **Article 88. Harvesting of Moss, Collection of the Forest Floor and Fallen Leaves**

1. Harvesting of moss shall be carried out on the Forest Fund plots designed by the forest inventory project for logging, or on the Forest Fund plots located within the boundaries of land plots subject to withdrawal for the purposes not related to forestry.

2. Collection of the forest floor shall be carried out on the Forest Fund plots where pine and spruce stands grow with the forest floor thickness of more than five centimeters; designed by the forest management project for clear final felling, but no more than three years before their felling. (as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

The forest floor shall be collected at the end of the vegetation period. When collecting the forest floor, only its upper undecomposed part shall be removed without deepening for the entire thickness of the layer.

Collection of the entire floor layer shall be allowed on the Forest Fund plots located within the boundaries of a land plot subject to withdrawal for the purposes not related to forestry.

3. Collection of fallen leaves shall be carried out on the Forest Fund plots where mature, overmature and maturing deciduous stands grow.

4. Harvesting of moss, collection of the forest floor and fallen leaves shall not be allowed:

4.1. on the Forest Fund plots where their harvesting and collection are prohibited, in accordance with Article 19 of this Code;

4.2. in oak forests;

4.3. on the Forest Fund plots located within the boundaries of territories exposed to radioactive contamination as a result of the disaster at the Chernobyl Nuclear Power Plant.

5. When harvesting moss, collecting the forest floor and fallen leaves, damage to berry bushes, shrubs, and their roots shall not be allowed.

## **Article 89. Placement of Hives and Apiaries**

1. Beehives and apiaries shall be located mainly on the edges of forests, glades and other unforested lands of the Forest Fund.

2. On the Forest Fund plots provided for the placement of beehives and apiaries, forest users shall be allowed to place beehives and erect temporary facilities destined for servicing beehives and apiaries (storage of beehives, inventory and honey harvesting products).

3. The size, type and nature of temporary facilities shall be determined by forest users in agreement with the legal entities engaged in forestry.

## **Article 90. Haymaking**

Haymaking shall be carried out on the Forest Fund plots that are not covered with forests, except for those Forest Fund plots where reforestation activities have taken place.

## **Article 91. Grazing**

1. Livestock grazing shall be carried out on the Forest Fund plots determined by legal entities engaged in forestry, taking into account the prohibitions specified in paragraph 2 of this Article.

2. Grazing of livestock shall not be allowed:

2.1. on the Forest Fund plots where, in accordance with Article 19 of this Code, livestock grazing is not allowed;

2.2. in forest crops until they reach the height that excludes the possibility of damaging their tops by livestock; at the facilities of a permanent forest seed base and breeding and genetic facilities, as well as on the Forest Fund plots where forestry measures are implemented to promote natural reforestation;

2.3. on cut-over lands and other unforested lands of the Forest Fund designed by forest management projects for the natural regeneration of coniferous and hardwood species;

2.4. on the Forest Fund plots where livestock grazing may lead to soil erosion or the waterlogging of lands;

2.5. without a shepherd on common pastures located within the boundaries of the Forest Fund;

2.6. with dogs on the Forest Fund plots that are hunting grounds provided for game management.

3. Grazing of goats in forests shall be allowed only on specially designated plots of the Forest Fund preliminary fenced off by the forest users provided with the Forest Fund plots for livestock grazing.

4. In order to protect a permanent forest seed base, breeding and genetic objects, forest crops, and forest nurseries, the forest users provided with the Forest Fund plots for livestock grazing shall be obliged to fence off livestock runs and pastures on the Forest Fund plots indicated by legal entities engaged in forestry.

5. The norms of livestock grazing on the Forest Fund plots shall be established by district executive committees on a submission from the legal entities engaged in forestry.

### **Article 92. Harvesting, Gathering of Medicinal and other Plants Grown on Fruit and Berry, Nut-Bearing and other Forest Plantations**

1. Harvesting, gathering of medicinal and other plants grown on fruit and berry, nut-bearing and other forest plantations created on Forest Fund plots shall be carried out by legal entities engaged in forestry.

2. Harvesting, collection of medicinal and other plants grown on fruit and berry, nut-bearing and other forest plantations shall be carried out without issuing authorization documents.

3. A procedure for creating fruit and berry, nut-bearing and other forest plantations, requirements for growing medicinal and other plants on them, their harvesting and gathering shall be established by the Republican Body of the State Forestry Administration.

### **Article 93. Withdrawal of Wild Plants Growing on Forest Fund Plots**

Withdrawal of wild plants growing on Forest Fund plots shall be carried out for their subsequent use as planting material for greening and landscaping by legal entities and individual entrepreneurs on the basis of a forest usage permit in the presence of a legal entity representative engaged in forestry.

**CHAPTER 19**  
**USE OF FOREST FUND PLOTS FOR SCIENTIFIC-RESEARCH, EDUCATIONAL PURPOSES. FOREST UTILIZATION FOR THE PURPOSES OF CULTURAL AND RECREATIONAL, TOURISM, OTHER RECREATIONAL AND/OR MASS SPORTS, HEALTH AND FITNESS AND SPORTING EVENTS**

**Article 94. Use of Forest Fund Plots for Scientific-Research and Educational Purposes**

1. Use of Forest Fund plots for scientific-research and educational purposes shall be carried out in accordance with the decision of the Republican Body of the State Forestry Administration, which may establish limitations and prohibitions on certain types of forest utilization and/or forestry measures, provided they are incompatible with the objectives of scientific-research activities and educational purposes, particular agreements for the conduct of scientific-research activities and educational programs.

2. Legal entities provided with the Forest Fund plots for forest utilization for scientific-research and educational purposes shall be obliged to ensure the conduct of scientific-research, educational activities in accordance with the requirements of this Code, other legislative acts on the utilization, conservation, protection and regeneration of forests.

**Article 95. Use of Forests for the Purposes of Carrying out of Cultural and Recreational, Tourism, other Recreational and/or Mass Sports, Health and Fitness and Sporting Events**

1. Use of forests for the purpose of holding cultural and recreational, tourism, other recreational and/or mass sports, health and fitness and sporting events shall be carried out in accordance with the decision of the local executive and regulatory body being adopted by agreement with a legal entity engaged in forestry, and a lease agreement for a Forest Fund plot.

2. On the Forest Fund plots provided for forest utilization for the purposes of cultural and recreational, tourism, other recreational and/or mass sports, health and fitness and sporting events, forest users shall carry out work on the improvement of such plots and the placement of small architectural forms on them subject to compliance with the requirements of this Code; mandatory for compliance specific requirements ensuring fire safety in forests, requirements for sanitary regulations in the forests of the Republic of Belarus. Such activities shall be carried out in agreement with a legal entity engaged in forestry in charge of a forest fund plot provided for forest utilization for the purpose of cultural and recreational, tourism, other recreational and/or mass sports, health and fitness and sporting events based on the decision of the local executive and regulatory body allowing their conduct.

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

**CHAPTER 20**  
**STATE FOREST CADASTRE. MONITORING OF FORESTS**

**Article 96. State Forest Cadastre**

Consultant Plus: comment

The State Forest Cadastre is available on the official website of the Republican Unitary Enterprise “Belgosles” at <https://belgosles.by/>.

1. The State Forest Cadastre is an information system that includes information on the quantitative, qualitative and other characteristics of forests, changes occurring in them, as well as information on the economic evaluation of forest resources; the volume, nature and mode of their

use.

2. The State Forest Cadastre shall be maintained by the Republican Body of the State Forestry Administration in order to provide state bodies, legal entities engaged in forestry, forest users and other stakeholders with information contained in it for making decisions in the field of utilization, conservation, protection and regeneration of forests.

3. A procedure for maintaining the State Forest Cadastre and its data use shall be established by the Council of Ministers of the Republic of Belarus.

#### **Article 97. Forest Monitoring**

1. Forest monitoring is a system of regular observations over the state of forests, the assessment and forecast of changes in the forest state.

2. Forest monitoring is a type of environmental monitoring and shall be carried out as part of the National Environmental Monitoring Framework for the Republic of Belarus in accordance with legislation on environmental protection.

3. Observations for the purposes of forest monitoring shall be carried out at observation points of the state forest monitoring network.

4. A procedure for forest monitoring and using its data shall be established by the Council of Ministers of the Republic of Belarus.

### **CHAPTER 21**

#### **STATE FOREST CONSERVATION SERVICE OF THE REPUBLIC OF BELARUS**

#### **Article 98. State Forest Conservation Service of the Republic of Belarus**

1. The objective of the State Forest Conservation Service of the Republic of Belarus is to ensure the conservation and protection of forests, including by exercising control in the field of utilization, conservation, protection and regeneration of forests in accordance with legislation on environmental protection, on the control (supervisory) activity.  
(paragraph 1 of Article 98 as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

2. Officials entrusted with the functions of the State Forest Conservation Service of the Republic of Belarus shall exercise powers in accordance with this Code and a provision on the State Forest Conservation Service of the Republic of Belarus subject to approval by the President of the Republic of Belarus.

#### **Article 99. State Authorities with the Functions of the State Forest Conservation Service of the Republic of Belarus Entrusted to Them**

1. A list of officials entrusted with the functions of the State Forest Conservation Service of the Republic of Belarus shall include the following officials, unless otherwise established by the President of the Republic of Belarus:

1.1. State forestry institutions subordinate to the Republican Body of the State Forestry Administration; state forestry institutions subordinate to the Republican Body of the State Forestry Administration pursuing state policy in the field of defense; experimental forest bases subordinate to the National Academy of Sciences of Belarus; educational experimental forestry establishments

subordinate to the Republican Body of the State Administration for Education; state environmental institutions that manage nature reserves and national parks; forestry establishments subordinate to the Administration for the Affairs of the President of the Republic of Belarus; the Polesie State Radioecological Reserve subordinate to the Republican Body of the State Administration for Emergencies; organizations subordinate to city (cities of regional subordination and the city of Minsk) executive and regulatory bodies within the scope of competence of which forest and park husbandry falls:

1.1.1. heads (directors general, directors, and heads) of legal entities engaged in forestry;

1.1.2. chief foresters;

1.1.3. directors of forest game husbandries;

1.1.4. deputy directors for forestry and hunting; chief foresters of forest game husbandries, forestry enterprises and forestry institutions;

1.1.5. deputy heads of scientific establishments, forestry organizations;

1.1.6. heads of structural subdivisions, their deputies; chief, leading engineers, engineers of all categories and without any category; chief, leading and other inspectors of all categories and without any category dealing with the issues related to the conservation and protection of forests, game husbandry, reforestation, forestry, protection of water bodies and others natural complexes and objects;

1.1.7. foresters;

1.1.8. assistant foresters;

1.1.9. chiefs of fire-chemical stations;

1.1.10. heads of nurseries;

1.1.11. forestry foremen, nature protection inspectors, heads of sites for the protection of natural complexes and objects;

1.1.12. senior foresters, foresters, senior game wardens, game wardens, checkpoint inspectors;

1.2. In state production forestry associations subordinate to the Republican Body of the State Forestry Administration:

1.2.1. directors general;

1.2.2. chief foresters;

1.2.3. heads of structural subdivisions, their deputies; chief, leading engineers; engineers of all categories and without any category; chief, leading and other inspectors of all categories and without any category dealing with the issues related to the conservation and protection of forests, game husbandry, reforestation, and forestry; control in the field of utilization, conservation, protection and regeneration of forests;

1.3. In the State Institution for Forest Protection and Monitoring “Belleozashchita”:

1.3.1. director;

1.3.2. chief engineer;

1.3.3. heads of structural subdivisions, their deputies; chief, leading engineers of departments;



engineers of all categories and without any category dealing with the issues related to forest pathology monitoring, design and control of forest pests and diseases;

1.4. In the central office of the Republican Body of the State Forestry Administration:

1.4.1. head of the Republican Body of the State Forestry Administration;

1.4.2. deputy heads of the Republican Body of the State Forestry Administration;

1.4.3. heads of structural subdivisions, their deputies, consultants; chief, leading specialists; chief, leading and other inspectors of all categories and without categories dealing with the issues related to the conservation and protection of forests, game husbandry, reforestation, and forestry; control in the field of utilization, conservation, protection and regeneration of forests;

1.5. In the State Scientific Institution “Institute of Forestry of the National Academy of Sciences of Belarus”:

1.5.1. director of the institute;

1.5.2. deputy directors; heads of laboratories dealing with the issues related to the conservation and protection of forests, reforestation.

2. In the performance of their official duties, officials entrusted with the functions of the State Forest Conservation Service of the Republic of Belarus shall be obliged to wear a uniform with insignia, as well as to carry and present an official ID upon request.

#### **Article 100. Powers of State Authorities Entrusted with the Functions of the State Forest Conservation Service of the Republic of Belarus**

1. Officials who are entrusted with the functions of the State Forest Conservation Service of the Republic of Belarus shall exercise the following powers, unless otherwise established by the President of the Republic of Belarus:

1.1. carry out the conservation and protection of forests;

1.2. check documentation on the basis of which the right to forest utilization arises; stop vehicles for this in accordance with the established procedure;

1.3. inspect Forest Fund plots for compliance with the terms specified in documentation on the basis of which the right to forest utilization, to the implementation of forestry measures in the manner established by the Republican Body of the State Forestry Administration arises;

1.4. issue mandatory for implementation orders to eliminate violations of the requirements for legislation on the utilization, conservation, protection and regeneration of forests, on environmental protection;

1.5. draw up protocols on administrative offenses, prepare and consider cases on administrative offenses of legislation on the utilization, conservation, protection and regeneration of forests, on environmental protection in accordance with the procedural and executive legislation on administrative offenses;

1.6. seize illegally harvested forest products and tools used for this from citizens, legal entities, individual entrepreneurs in the case where the facts of violation by them of legislation on the utilization, conservation, protection and regeneration of forests have been established;

1.7. introduce proposals for the limitation (suspension), termination of the right to forest utilization in the manner prescribed by legislation on the utilization, conservation, protection and

regeneration of forests, on environmental protection, on control (supervisory) activities;

1.8. carry, keep and use arms and ammunition for it during the performance of official duties in accordance with weapons legislation, as well as special tools.

2. Officials entrusted with the functions of the State Forest Conservation Service of the Republic of Belarus may also exercise other powers provided for by legislative acts.

## **CHAPTER 22**

### **ECONOMIC INSTRUMENT FOR THE CONSERVATION, PROTECTION AND REGENERATION OF FORESTS, RATIONAL (SUSTAINABLE) UTILIZATION OF FOREST RESOURCES**

#### **Article 101. Elements of the Economic Mechanism for the Conservation, Protection and Regeneration of Forests, Rational (Sustainable) Utilization of Forest Resources**

The economic mechanism for the conservation, protection and regeneration of forests, rational (sustainable) use of forest resources shall include the following elements:

financing of state programs in the field of utilization, conservation, protection and regeneration of forests;

financing of forest management;

setting payments for forest utilization;

compensating for losses in forestry production and the losses caused (inflicted) by the withdrawal of land plots from the lands of the Forest Fund for their use for the purposes not related to forestry;

establishing economic incentives for the conservation, protection and regeneration of forests, rational (sustainable) use of forest resources;

other measures aimed at the conservation, protection and regeneration of forests, rational (sustainable) use of forest resources.

#### **Article 102. Financing of State Forestry Programmes, Measures**

1. Financing of state programs in the field of utilization, conservation, protection and regeneration of forests shall be carried out in accordance with budget legislation.

2. Financing of forestry measures shall be carried out of the sources of the republican budget, proceeds from payments for forest utilization, from the realization of forest products obtained during the implementation of forestry measures, and other sources consistent with legislation.

3. The costs associated with forest management shall include the costs associated with state forest management, implementation of forestry measures, construction of forest roads, maintenance of the State Forest Cadastre and forest monitoring, forest regulation, research and development, design and development and project work; provision of uniforms, insignia of officials entrusted with the functions of the State Forest Conservation Service of the Republic of Belarus; training, retraining and advanced training of personnel; capital expenditures.  
(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

4. Funds from payments for forest utilization and from the realization of forest products shall come to legal entities engaged in forestry and shall be used for forestry financing by them.

5. From legal entities engaged in forestry, payment for standing timber harvested during the implementation of forestry measures shall not be charged for secondary forest utilization.

#### **Article 103. Payments for Forest Utilization**

1. Forest utilization shall be fee-based, except for the cases specified in parts 1 and 4 of paragraph 1 of Article 44 and paragraph 5 of Article 102 of this Code.

2. Payments for forest utilization shall include payments for forest utilization and rental payments for the use of a Forest Fund plot.

3. The amount of payment for forest utilization shall be determined based on the tax value established by the Council of Ministers of the Republic of Belarus.

The amount of payment for forest utilization in the case of forest auctions shall be established based on the forest auction results.

4. On the Forest Fund plots provided for a lease for forest utilization, in addition to the fee for forest utilization established in accordance with paragraph 3 of this Article, a lease payment for the use of a Forest Fund plot shall be collected in accordance with Article 47 of this Code.

#### **Article 104. Compensation for Losses in Forestry Production and Damages**

Losses in forestry production and damaged inflicted (caused) by the withdrawal of land plots from the lands of the Forest Fund for their use for purposes not related to forestry management shall be compensated in the manner established by legislation on the protection and use of lands.

#### **Article 105. Economic Incentives for the Conservation, Protection and Regeneration of Forests. Rational (Sustainable) Utilization of Forest Resources**

1. Economic incentives for the conservation, protection and regeneration of forests, rational (sustainable) utilization of forest resources may be implemented by establishing state support measures by the President of the Republic of Belarus and/or the laws of the Republic of Belarus, unless otherwise established by the President of the Republic of Belarus, for legal entities engaged in forestry when carrying out of activities for the conservation, protection and regeneration of forests; measures stipulated by management plans for specially protected natural areas; measures stipulated by conservation obligations for certain natural areas subject to special protection, as well as in other cases provided for by legislative acts.

2. Legislative acts may also establish other economic incentive measures for the conservation, protection and regeneration of forests; rational (sustainable) use of forest resources.

### **CHAPTER 23**

#### **CONTROL IN THE FIELD OF THE UTILIZATION, CONSERVATION, PROTECTION AND REGENERATION OF FORESTS. RESPONSIBILITY FOR A VIOLATION OF LEGISLATION ON THE UTILIZATION, CONSERVATION, PROTECTION AND REGENERATION OF FORESTS. SETTLEMENT OF DISPUTES**

#### **Article 106. Control in the Field of Utilization, Conservation, Protection and Regeneration of Forests**

(as worded in the Law of the Republic of Belarus of December 18, 2018 No. 152-3)

Control in the field of utilization, conservation, protection and regeneration of forests shall be exercised in accordance with legislation on environmental protection, on control (supervisory)

activity.

#### **Article 107. Responsibility for a Violation of Legislation on the Utilization, Conservation, Protection and Regeneration of Forests**

Violation of legislation on the utilization, conservation, protection and regeneration of forests shall entail liability in accordance with legislative acts.

#### **Article 108. Compensation for Damage Caused to Forests**

1. Damage caused to forests shall be subject to compensation to the Republican budget in full, voluntarily or by a court decision; by a person who caused it in accordance with the procedure prescribed by legislation on environmental protection, in accordance with the tariffs determining the amount of compensation for damage caused to forests established by the Council of Ministers the Republic of Belarus.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

2. Where it is impossible to determine the amount of damage caused to forests in accordance with the tariffs determining the amount of compensation for damage caused to forests, or in the absence of such tariffs, the amount of damage caused to forests shall be determined by the actual costs for restoring the disturbed state of forests, as well as taking into account the benefits missed.

(as worded in the Law of the Republic of Belarus of January 4, 2022 No. 145-3)

#### **Article 109. Seizure of Illegally Harvested Forest Products**

1. Illegally harvested forest products shall be subject to a seizure and transfer to a legal entity engaged in forestry for its use or realization.

2. Where it is impossible to seize illegally harvested forest products and/or if their seizure, transfer and realization are economically inexpedient, or in the case where its realization is not possible, the cost of illegally harvested forest products shall be charged in the manner and in the amount established by the Council of Ministers of the Republic of Belarus.

#### **Article 110. Settlement of Disputes**

Disputes arising in the field of utilization, conservation, protection and regeneration of forests shall be resolved in court.

### **CHAPTER 24 FINAL PROVISIONS**

#### **Article 111. Recognizing Some Legal Acts and Separate Provisions of Laws of Having No Legal Force**

In connection with the adoption of this Code, to recognize of having no legal force:

1. The Forest Code of the Republic of Belarus of July 14, 2000 (the National Register of Legal Acts of the Republic of Belarus 2000, No. 70, 2/195).

2. The Law of the Republic of Belarus “On Introducing Amendments and Additions to the Forest Code of the Republic of Belarus” of February 27, 2004 (the National Register of Legal Acts of the Republic of Belarus 2004, No. 39, 2/1020).

3. The Law of the Republic of Belarus “On Introducing Amendments and Additions to the Law of the Republic of Belarus “On Introducing Amendments and Additions to the Forest Code of the Republic of Belarus” of August 4, 2004 (the National Register of Legal Acts of the Republic of Belarus 2004, No. 123, 2/1059 ).

4. Article 4 of the Law of the Republic of Belarus “On Introducing Amendments and Additions to Certain Legislative Acts of the Republic of Belarus on the Issues Related to Architectural, Urban Development and Construction Activities” of July 19, 2005 (the National Register of Legal Acts of the Republic of Belarus 2005, No. 121, 2/1139).

5. The Law of the Republic of Belarus “On Introducing of Additions and Amendments to the Forest Code of the Republic of Belarus” of December 11, 2005 (the National Register of Legal Acts of the Republic of Belarus 2005, No. 196, 2/1163).

6. The Law of the Republic of Belarus “On Introducing of an Addition and Amendments the Forest Code of the Republic of Belarus” of June 29, 2006 (the National Register of Legal Acts of the Republic of Belarus 2006, No. 106, 2/1229).

7. Article 32 of the Law of the Republic of Belarus “On Introducing of Amendments and Additions to Certain Laws of the Republic of Belarus on the Issues Related to the Licensing of Certain Types of Activity and Recognizing Certain Legal Acts of the Republic of Belarus of Having No Legal Force” of June 29, 2006 (the National Register of Legal Acts of the Republic of Belarus 2006, No. 107, 2/1235).

8. Article 30 of the Law of the Republic of Belarus “On Introducing Amendments and Additions to Certain Laws of the Republic of Belarus on the Issues of Technical Regulation, Standardization, and Assessment in Accordance with the Requirements of Technical Normative Legal Acts in the Field of Technical Regulation and Standardization” of July 20, 2006 (the National Register of Legal Acts of the Republic of Belarus 2006, No. 122, 2/1259).

9. Article 5 of the Law of the Republic of Belarus “On Introducing Amendments and Additions to Certain Laws of the Republic of Belarus in the Field of Environmental Protection and the Sustainable Use of Natural Resources” of June 13, 2007 (the National Register of Legal Acts of the Republic of Belarus 2007, No.147, 2/1335).

10. Article 10 of the Law of the Republic of Belarus “On Introducing Amendments and Additions to Certain Laws of the Republic of Belarus on Medicine Provision Issues” of December 24, 2007 (the National Register of Legal Acts of the Republic of Belarus 2008, No. 3, 2/1396).

11. Article 4 of the Republic of Belarus “On Introducing Additions and Amendments to Certain Laws of the Republic of Belarus on the Issues Related to the Protection of the Environment and Sustainable Use of Natural Resources” of November 10, 2008 (the National Register of Legal Acts of the Republic of Belarus 2008, No. 275, 2/1541).

12. Article 5 of the Law of the Republic of Belarus “On Introducing Amendments and Additions to Certain Laws of Republic of Belarus on the Issues Related to the Regulation of Land Relations” of December 28, 2009 (the National Register of Legal Acts of the Republic of Belarus 2010, No. 6, 2/1648)

13. Article 2 of the Law of the Republic of Belarus “On Introducing Amendments and Additions to Certain Laws of the Republic of Belarus on the Issues Related to the Handling of Plant Kingdom Objects” of May 17, 2011 (the National Register of Legal Acts of the Republic of Belarus 2011, No. 59, 2/1811).

14. Article 8 of the Law of the Republic of Belarus “On Introducing Amendments and

Additions to Certain Laws of the Republic of Belarus” of December 22, 2011 (the National Register of Legal Acts of the Republic of Belarus 2012, No. 1, 2/1878).

### **Article 112. Transitional Provisions**

1. This Code shall apply to relations in the field of utilization, conservation, protection and regeneration of forests that have arisen after its entry into force, except for the cases specified in paragraphs 3 and 4 of this Article.

2. Until legislation is brought into line with this Code, legislative acts shall apply to the extent that they do not contradict this Code.

3. Documents on the basis of which the right to forest utilization arises, issued before entry into force of this Code shall be effective until their validity period expires.

4. Forest management projects approved in accordance with the established procedure prior to the entry into force of this Code shall be valid until their validity period expires. At the same time, these forest management projects must be brought into line with this Code by December 31, 2020.

Article 113 came into force after its official publication (paragraph 3 of Article 114 of this document)

### **Article 113. Brining Legislative Acts into Line with this Code**

The Council of Ministers of the Republic of Belarus throughout the year shall:

prepare and submit, in accordance with the established procedure, proposals for bringing legislative acts into line with this Code;

bring decisions of the Government of the Republic of Belarus into line with this Code;

ensure that the republican government bodies subordinate to the Government of the Republic of Belarus bring their normative legal acts into line with this Code;

take other measures to implement the provisions of this Code.

Article 114 came into force after its official publication.

### **Article 114. Bringing this Code into Force**

This Code shall come into force in the following order:

Articles 1-112 — in a year after the official publication of this Code;

Other provisions — after the official publication of this Code.

President of the Republic of Belarus

A. Lukashenko