

# FORESTRY ACT

*In force from 09.04.2011*

*Prom. SG. 19/8 Mar 2011, amend. SG. 43/7 Jun 2011, amend. SG. 38/18 May 2012*

## **Chapter one. GENERAL PROVISIONS**

Art. 1. (1) This Act shall provide for the public relations, connected to protection, management and using the forest territories in the Republic of Bulgaria, in view to guaranteeing multifunctional and sustainable management of the forest eco-systems.

(2) The purposes of the Act shall be:

1. protection and increasing the forest area;
2. maintaining and improving the forest state;
3. guaranteeing and maintaining the eco-systems, the social and economic functions of the forest territories;
4. guaranteeing and increasing the production of timber and non-timber forest products by natural management of the forest territories;
5. maintaining the biological and landscape diversity and improvement of the conditions of the populations of the kinds of wild flora, fauna and mycota.
6. providing opportunities for relaxation of the population and improving the conditions for recreation;
7. achieving balance between the interests of society and forest territory owners;
8. assisting and encouraging the owners of land properties in forest territories;
9. implementation of international and European commitments for protection of forest habitats.

Art. 2. (1) Forest in the meaning of this Act shall be:

1. lands, occupied by forest timber plants with the area not smaller than a decare, height of the trees in ripe age not smaller than 5 m. width of the plant, measured between the stem of the end trees not smaller than 10m. and projection of the roots not smaller than 10% of the plant area;
2. areas, which are in a process of recreation and have not reached, but are expected to reach minimal projection of crowns 10% and height of trees 5m.;
3. areas, which as a result of anthropogenic activity or natural reasons are temporarily denuded of forests, but are subject to re-vegetation;
4. protective forest belts, as well as strips of trees with an area, larger than 1 decare and width above 10m;
5. vegetation in systems and equipment for protection the harmful impact of waters;
6. dwarf pine formations;
7. tree or bush vegetation, situated along water sites.

(2) Forest territories in the meaning of this Act shall be:

1. the forests under Para. 1;
2. unwooded, non-timber productive lands and other territories, intended for forestry activity;
3. karst formations, situated on the lands under p. 1 and 2;
4. protective forest belts with dimensions smaller than the defined in Para. 1, p. 4.

(3) The provisions of this Act shall not apply to:

1. parks and gardens in urban territories;

2. forests and lands in the national parks and reserves;
3. trees of forest kinds in farm territories, where they do not possess the characteristics of a forest under Para. 1;
4. areas, covered by forest tree plants in the scope of the Republican, local roads and railways.

Art. 3. (1) Decreasing the existing woods shall not be allowed:

1. on the territory of the Republic of Bulgaria;
2. on the territory of Municipalities, in which the woods are under 10%.

(2) The activities in the forest territories shall be performed in a way, which shall not lead to damaging plant and animal kinds and of their habitats, of soils, water sites and the elements of the technical infrastructure.

## **Chapter two. MANAGEMENT OF FOREST TERRITORIES**

### **Section I. Functions and Categorization of Forest Territories**

Art. 4. Forest territories shall fulfill the following basic functions:

1. protection of soils, water resources and cleanness of the air;
2. maintaining the biological diversity of the forest eco-systems;
3. providing social, educational scientific, landscape and recreation uses for society;
4. protection of the natural and cultural inheritance;
5. production of timber and non-timber forest products;
6. regulation of climate and absorption of carbon.

Art. 5. (1) Forest territories, depending on their major functions shall be divided in 3 categories:

1. protective;
2. special;
3. economic.

(2) Protective shall be the forest territories for protection of soils, waters, urban territories, buildings and sites of the technical infrastructure; the highest limit of the forest; the protective belts, as well as forests, created under technical projects for fight with erosion.

(3) Special shall be the forest territories:

1. included in the limits of the protected territories in the meaning of the Protected Areas Act and protected zones, declared under the Biological Diversity Act, as well as such, on which under other laws special status and regimes have been determined;

2. for seed production plants and gardens; forest nurseries; experimental and geographic cultures of forest timber and bush kinds; dendraria; scientific research and educational - tests forests; places for breeding wood-grouse capercaillies; up to 200 m round tourist huts and sites of religious significance; bases for intensive management of game;

3. of recreation significance for maintaining the landscape and of high conservation value.

(4) Economic shall be the forest territories, which have not been covered by Para. 1 – 3 and whose managing is directed to sustainable production of timber and non-timber forest products, as well as providing services.

Art. 6. (1) Categorization of forest territories, for which under other laws have not been determined and introduced special statuses and regimes, shall be performed by regional development plans of forest territories and shall be specified with the forest economic plans or programmes.

(2) re-categorization of forest territories shall be performed by change in the adopted regional development plans of forest territories. The re-categorization shall be performed upon application of the owners, as well as of the interested Ministries and institutions, Municipalities, natural and legal persons.

(3) The conditions and procedure for categorization and re-categorization of the forest territories shall be determined by the ordinance under Art. 18, Para. 1.

## **Section II. Investment of Forest Territories and Forest Planning**

Art. 7. (1) In order to be established the condition of the resources and to be prepared their assessment, an inventory of the forest territories shall be performed.

(2) For the purposes of the inventory of the forest territories, as well for the planning of the hunting economic activities and of the activities on protection from fires, forest territorial units shall be specified.

(3) The forest territorial units under Para. 2 shall be specified by an order of the Minister of Agriculture and Food and shall cover the territory of one or more Municipalities within the limits of one region.

Art. 8. The basic principles of the forest planning shall be:

1. integrated management of the forest territories and using forest resources for achieving sustainable economic development;

2. Diversifying the activities in the forests for sustainable reproduction of their functions by opening alternative sources of incomes and employment;

3. maintaining the ecosystem entirety of the forest and applying the ecologic principles in the forestry development;

4. steadiness and persistence in using timber and non-timber forest products;

5. participation of society in the planning process;

6. accounting the owners' interests, without impairing the society interests;

7. introducing a system of measures and initiatives for preservation and protection the forest territories;

8. introducing a single information system for the forest territories and the activities in them.

Art. 9. (1) forest planning shall be performed on 3 levels and shall cover:

1. The National strategy for forestry development and Strategic plan for forestry development;

2. regional plan for forest territories development;

3. forestry plans and programmes.

(2) The documents under Para. 1, p. 1 and 2 shall be announced in public by internet site of the Ministry of Agriculture and Food and of the executive Forest Agency.

(3) The National strategy for forestry development and the Strategic plan for forestry development shall be adopted, respectively – approved after conducting public discussion. The conditions and procedure for conducting the public discussion shall be determined by the ordinance under Art. 18, Para. 1.

Art. 10. (1) The National strategy for forestry development shall determine the objectives of the state policy for development of the forestry and shall contain:

1. analyses of the situation of forestry;
2. objectives and priorities;
3. ways for achieving the objectives.

(2) The National strategy for forestry development shall be adopted by the Council of Ministers upon proposal of the Minister of Agriculture and Food.

(3) In the process of development and public discussion of the National strategy for development of forestry shall participate also representatives of the scientific circles and non-governmental ecological and branch organizations.

(4) The National strategy for forestry development shall be updated:

1. in cases of substantial changes in the macroeconomic and international conditions and the relevant amendments and supplements of the National development plan or of the National strategic referent framework for the country in the meaning of the Regional Development Act;
2. as a result of amendments of the national legislation or of the EU legislation;
3. in case of changes of the EU priorities and specific objectives.

(5) The updating of the National strategy for forestry development shall be conducted under the conditions and procedure of Para. 2 and 3.

Art. 11. (1) The Strategic plan for forestry development shall determine the concrete actions for implementation of the objectives, laid down in the National strategy for forestry development for the term of 10 years.

(2) The Strategic plan for forestry development shall be developed by the Executive director of the Executive Forest Agency and after conducting a public discussion shall be approved by the Minister of Agriculture and Food.

(3) The Strategic plan for forestry development shall be updated:

1. with updating of the National strategy for forestry development;
2. with substantial changes in the economic and social conditions in forestry.

(4) The updating of the Strategic plan for forestry development shall be conducted under the conditions and procedure of Art. 9, Para. 3.

Art. 12. (1) The regional development plans of the forest territories shall be developed for the term of 10 years in compliance with the law, the National strategy for forestry development and the Strategic plan for forestry development and shall contain:

1. a single forestry basic map of the forest territories;
2. functional zones of the forest territories;
3. zones for protection from urbanization;
4. management objectives of the forest territories and of the hunting reserve.

(2) The Regional development plans of the forest territories shall have status of specialized planning schemes in the meaning of the Spatial Development Act.

(3) The Regional plans shall be developed for all forest territories, notwithstanding of their ownership, by harmonizing with the Regional development strategies under the Regional Development Act.

(4) The development of the Regional development plans of the forest territories shall be assigned by the relevant regional directorates on forests and shall be funded by the state budget.

(5) before approval of the regional development plans of the forest territories, a procedure on the assessment of the compliancy with the subject and objectives of protection of the relevant protected zone, under the Biological Diversity Act.

(6) The Executive director of the Executive Forest Agency, after coordination with the relevant regional development councils, shall propose to the Minister of Agriculture and Food to issue an order for approval of the regional development plans of the forest territories.

(7) The order under Para. 6 shall be subject to appeal under the Administrative-procedure Code.

(8) The regional development plans of the forest territories shall be updated:

1. with updating of the National development strategy of forestry;

2. with substantial changes of the economic and social conditions in the relevant region;

3. as a result of amendments of the national or EU legislations.

(9) The updating of the regional development plans of the forest territories shall be conducted under the conditions and procedure of Para. 3 and 4.

(10) The zones for protection from urbanization shall be reflected in the general and detailed territory plans.

(11) In the forest territories, provided for the needs of the national security and defence, in the regional development plans of the forest territories shall not be determined objectives of the management and functional zoning.

Art. 13. (1) For the forest territories – state and Municipal property, as well as for the forest territories – property of natural persons, legal persons and their unions, of total area of the land property above 50 hectares, forestry plans shall be developed, with the exception of the territories, provided for the needs of the national security and defence.

(2) Forestry plans for the territory units of the state enterprises under Art. 163 shall be drawn up according to the limits of the forest territorial units.

(3) For the forest territories – property of natural persons, legal persons and their unions with total area of their lands up to 50 hectares shall be developed forestry programmes.

(4) The forestry plans and programmes shall determine the admitted size of using the forest resources and directions for achieving the objectives of the forest territories management for the term of 10 years.

(5) The forestry plans and programmes shall be drawn up on the basis of forestry maps, cadastre maps, maps of the restores property and performed inventory of the forest territories.

(6) The forestry maps under Para. 5 shall be specialized maps for the forest territories in the meaning of the Cadastre and Property Register Act.

(7) Developing the forestry plans and programmes shall be funded by their owners, and for the forest territories – state property- by the state enterprises under Art. 163.

(8) The forestry plans and programmes shall be confirmed by an order by:

1. the Executive director of the Executive Forest Agency – for the forest territories – state property;

2. the director of the relevant regional directorate of forests – for the forest territories apart from those, indicated in p. 1, which fall in their region of activity.

(9) The orders under Para. 8 may be appealed under the Administrative – procedure Code.

(10) developing the forestry plans for the state forestry and the state hunting reserves, the plans of the hunting activities and for the activities on protection from fires may be assigned together with the inventory of the forest territories.

(11) In the cases under Para. 10, the development shall be assigned by the Regional directorate of forests.

(12) The forestry plans and programmes shall be subject to assessment for compatibility with

the subject and objectives of protection of the relevant protected zone under the Biological Diversity Act, where for the relevant forest territories there is no confirmed regional plan under Art. 12.

(13) The contents of the forestry maps and the conditions and procedure for their creating and maintaining shall be determined by an ordinance of the Minister of the Regional Development and Public Works and the Minister of Agriculture and Food.

Art. 14. (1) The regional development plans of forest territories, forestry plans and inventory of the forest territories shall be developed by traders, who:

1. have been entered into the public register under Art. 241, and

2. (In force from 01.01.2016) possess a document for compliance with an international standard, issued by an independent body of certification, certifying, that the trader applies some of the following systems for:

a) a sustainable management of forests, or

b) quality of the production process and the offered products and services.

(2) The forestry programmes shall be developed by persons, entered in the public registers under Art. 235 or 241.

Art. 15. (1) In the Municipal development plans according to the Regional Development Act shall be developed a Section for development of forest territories, which is coordinated with the relevant regional development plan of forest territories.

(2) The section on development of the forest territories under Para. 1 shall be developed on the basis of the confirmed forestry plans and programmes and shall determine the directions for development of the Municipality in the area of forestry and the related activities with it.

Art. 16. (1) The Executive Forest Agency shall assign the performance of inventory of the forest territories, the development of the forestry maps, the plans for the hunting economic activities and for the activities on protection from fires, while taking into consideration the limits of the forest territorial units.

(2) The activities under Para. 1 shall be funded by the state budget.

(3) The data of the forest inventory shall be public and the procedure for access to them shall be determined by the ordinance under Art. 18, Para. 1.

Art. 17. (1) for the needs of the state policy of the forestry development a national inventory of the forest territories shall be conducted.

(2) the national inventory of the forest territories shall be done on decision of the Council of Ministers, upon proposal of the Minister of Agriculture and Food.

(3) The performing of the national inventory of the forest territories shall be assigned by the Executive Forest Agency and shall be funded by the state budget.

Art. 18. (1) The inventory of the forest territories, the regional development plans of the forest territories, the hunting economic plans, as well as the forestry plans and programmes shall be drawn up, updated and adopted under conditions and procedure, determined by an ordinance of the Minister of Agriculture and Food.

(2) The owners and users of forest territories shall be obliged not to impede the conducting of

the needed actions, related to the inventory of the forest territories and to provide the needed data for its conducting.

Art. 19. (1) The Executive Forest Agency shall create and maintain an information system about the forest territories and about the activities in them.

(2) The contents of the information system under Para. 1, as well as the procedure for providing and using information from it shall be determined by the ordinance under Art. 18, Para. 1.

(3) For the information provision of the forest territories management, the Executive Forest Agency shall exchange data with the acting information system of the Agency of Geodesy, Maps and Cadastre, as well as of other institutions and organizations.

(4) The state forestry and the state hunting reserve, the owners and users of forest territories shall be obliged to provide free information to the Executive Forest Agency and to its structures, needed for maintaining the system under Para. 1.

### **Section III. Forest Certification**

Art. 20. (1) The forest certification shall be a voluntary instrument, which shall be applied by assessment and validating management practices of the forests with the help of a set of standards.

(2) Forest certification shall be done by independent, non-governmental certifying bodies.

(3) For certification of the person, managing the forest territory shall be issued a certificate by the certifying body upon a procedure, determined by him.

(4) The certificate under Para. 3 shall establish, that the managing of the forest territories is performed in a responsible way, balancing the ecologic, economic and social uses.

Art. 21. The forest certification shall be a permanent process and shall provide:

1. reliable and independent check up by a third person of the activities on managing of the forest territories and tracing the forest production;

2. compliance with the international norms for certification accreditation and standards development;

3. applying world established principles for balance between the economic, ecologic and social dimensions in the forest management;

4. equality of importance and participation of the interested parties in standard creation;

5. reaching balance in the interests of the interested parties in the management of the forest territories;

6. avoiding unneeded obstacles in the trade with forest products;

7. using objective and measurement-applicable standards, adapted to the local conditions;

8. non-admittance of conflict of interests in the certification process on behalf of the participants;

9. transparency in decision making and obligatory consultations with the interested parties in the certification process;

10. permanent improvement in the forest management;

11. admissibility for all, wishing to apply the system and effectiveness of the costs for all the parties in the certification process.

## **Chapter three. OWNERSHIP**

### **Section I. Right to Ownership**

Art. 22. The right to ownership over the forest territories belongs to natural and legal persons to the State and the Municipalities.

Art. 23. (1) Political parties, organization, movements and coalition with political purposes shall not be able to possess the right to ownership over forest territories.

(2) Foreign states shall not be able to possess the right to ownership over forest territories;

(3) Nationals of EU Member States and of the states – parties to the Agreement of the European Economic Area (EEA), may acquire the right to ownership over forest territories under this Act after expiry of the term, determined in the Treaty concerning the accession of Republic of Bulgaria to the European Union.

(4) Legal persons of the EU Member States or of the States – parties to the EEA, may acquire the right to ownership over forest territories under Para. 3.

(5) Foreigners – national of a third state, as well as foreign legal persons, established in compliance with the legislation of third state, may acquire the right to ownership over forest territories under the conditions of an international agreement, ratified under Art. 22, Para. 2 of the Constitution of the Republic of Bulgaria, published and enforced, as well as by inheritance under the law.

Art. 24. (1) The persons under Art. 23, Para. 5, who acquire the right to ownership over forest territories by inheritance under the law and for whom nothing else has been provided in an international agreement, ratified under Art. 22, Para. 2 of the Constitution of the Republic of Bulgaria, shall be obliged within 3 year term after opening the inheritance to transfer the ownership to persons, who have the right to acquire such properties.

(2) For the persons under Para. 1, who have been restored with the right to ownership over forest territories, the 3-year term for transfer of the ownership shall run from the moment of its restoration.

(3) In case of failure to observe the term under Para. 1, the state shall buy the forest territories on prices, determined by the Ordinance under Art. 86, Para. 2.

Art. 25. Private property shall be forest territories, whose right to ownership has been restored to natural and/or legal persons, as well as those, acquired through legal deal or another ways, and they are not state or municipal ownership.

Art. 26. Forest territories – state or municipal ownership shall not be acquired by prescription.

Art. 27. (1) State shall be forest territories, which do not belong to natural and legal persons and to the municipalities.

(2) Forest territories shall be exclusive state ownership, where they have been determined for



such by another law.

(3) Public state ownership shall be:

1. forest territories – state property, provided for management to institutions for implementation of their functions or in relation to the national security and defence, or for performing health, educational and humanitarian activities;

2. forest territories – state ownership, falling in the most internal belt of the sanitary-security zones of water sources and equipment for drinking water supply and of water sources of mineral waters under the Waters Act;

3. forest territories – state ownership in protected territories in the meaning of Art. 5, p. 3, 5 and 6 of the Protected Areas Act;

;

4. forest territories – state ownership, included in territories for protection of immovable cultural heritage under the Cultural Heritage Act

5. protective forest belts;

6. seed-productive gardens, branch collections, geographic cultures and dendraria, as well as forest nursery gardens of national significance according to Annex N 2;

7. forest territories in the 200-m line along the borders of the Republic of Bulgaria with states, which are not members of the European Union, as well as the forest territories, included in the limits of the systems and equipment for protection of the harmful impact of waters.

(4) Forest territories – state ownership, outside the indicated in Para. 2 and 3 shall be private state ownership.

(5) The ownership of the state over the land properties in forest territories shall be established by one of the following documents:

1. act of state ownership;

2. a contract for acquiring the right to ownership;

3. a certificate, issued by the municipal economic office on location of the land property, with a property plan.

(6) In cases, which refer to forest territories – state ownership, the state shall be represented before the court by the Minister of Agriculture and Food or by an official, authorized by him.

Art. 28. (1) Municipal ownership shall be the forest territories, over which right to ownership has been restored to the municipalities, as well as those acquired from them via legal deal or other legal ways and they are not state or private ownership.

(2) Public municipal ownership shall be the forest territories – municipal ownership:

1. provided for management for institutions or implementation of their functions or in relation with the national security and defence or for performing health, educational and humanitarian activities;

2. falling in the most internal belt of sanitary-security zones of water sources and equipment for drinking water supply and of water sources of mineral waters under the Waters Act;

3. falling in protected territories in the meaning of Art. 5, p. 3, 5 and 6 of the Protected Areas Act;

4. included in the territories for protection of immovable cultural heritage under the Cultural Heritage Act.

(3) The municipality ownership over land properties in forest territories shall be established by one of the following documents:

1. act for municipality ownership;

2. a contract for acquiring the right to ownership;

3. a decision, issued by the municipal economic office on location of the land property with a property plan, attached to it.

Art. 29. The owners of forest territories must exercise their right to ownership over them in a way, which does not worsen their conditions and does not cause harm to other owners or to society.

## **Section II.**

### **Disposition with the Ownership**

Art. 30. The state may acquire land properties in forest territories through purchasing, exchange, donation division, testaments or through other ways, determined by the law.

Art. 31. The state may buy forest territories – ownership to natural persons, legal persons and Municipalities.

Art. 32. (1) Buying forest territories by the state shall be performed on the basis of a Council of Ministers Decision, which shall assign to the Minister of Agriculture and Food to conduct a procedure and to sign a contract for buying land properties.

(2) Forest territories bordering forest territories – state property, located in protected and special forest territories shall be bought with priority.

(3) On the basis of the Council of Ministers decision under Para. 1, the Minister of Agriculture and Food shall take a decision for opening the procedure, which shall indicate:

1. the Municipalities and lands, in which the state wishes to buy properties;
2. the methods for pricing the offers, as well as the selection criteria of the properties – subject of the deal;
3. the date, place and hour of examination of the offers;
4. the way of payment and eventual guaranties;
5. other conditions.

(4) The decision under Para. 3 shall be published in one central and one local daily newspaper and shall be announced in public on the internet site of the Executive Forest Agency within a term, not shorter than 2 months before the date of examination of the offers.

(5) The owners of land properties in forest territories shall make a written offer to the Executive director of the Executive Forest Agency, which shall contain the offered price by them and shall attach:

1. a document of ownership;
2. a property plan;
3. tax price of the property;
4. an excerpt of the forestry plan or programme of the relevant property.

(6) On the day, determined for examination of the offers, the Executive director of the Executive Forest Agency shall appoint a commission, which shall examine the received offers and shall make a proposal for buying the properties or for refusal for buying. A protocol shall be drafted about the commission operation.

(7) The protocol under Para. 6 shall be submitted to the Minister of Agriculture and Food, with an opinion by the Executive director of the Executive Forest Agency, a draft decision for buying the properties of the persons, whose offers have been accepted and a draft contract.

(8) On the basis of the decision under Para. 7, the Minister of Agriculture and Food shall sign a contract.

Art. 33. (1) The state may sell forest territories – private state property:

1. for termination of ownership over forest territories between the state and other owners;  
2. where with an enforced general structure plan a change has been envisaged of the purpose of the forest territory for creating new or expanding the construction borders of existing urban territories.

(2) Selling forest territories – private state ownership under Para. 1, p. 2 shall be done after conducting a tender under the State Property Act.

(3) In the cases under Para. 1, p. 2 land properties shall not be subject to selling in forest territories – private state ownership, falling in the European ecological network Nature 2000.

(4) Arranging land properties in forest territories, included in the general structure plan under Para. 1, p. 2 shall be done after the enforcement of a detailed structural plan for the relevant territory.

(5) On the basis of the enforced detailed structural plan under Para. 4, the Minister of Agriculture and Food, or an official, authorized by him shall undertake actions for planning the property in the cadastre map or in the map of the restored ownership.

(6) Selling forest territories – private state property under Para. 1, p. 1 shall be done without conducting a tender, where the other owners have accepted the offer for selling under the Ownership Act.

(7) In the cases of termination of ownership over forest territories, where the ownership is between the state and owners, unified in a forest association, the sale shall be done without conducting a tender, where the agreement for buying the forest territories shall be given by the directing body of the relevant association.

Art. 34. (1) The tender for selling land properties in forest territories shall be opened by an order of the Minister of Agriculture and Food.

(2) Where the initial price for conducting the tender is above BGN 500 000, it shall be conducted after a Council of Ministers Decision upon proposal of the Minister of Agriculture and Food.

(3) The announcement for conducting the tender shall be published in one central daily newspaper and one local daily newspaper and shall be published on the internet site of the Ministry of Agriculture and Food and the Executive Forest Agency.

(4) The announcement under Para. 3 shall indicate the Municipality, the land, the property numbers, the area, bordering points, the tender type, the initial price, the time and place of conducting the tender and of buying the tender documentation.

(5) Where the determined selling price under the Ordinance under Art. 86, Para. 2 of the forest territories – subject of the tender is lower than their tax price, the tender shall be conducted with an initial price, equal or the tax price.

(6) The revenues from selling the forest territories shall come into the budget of the Executive Forest Agency and shall be spent only for buying forest and farm territories, as well for creating new forests.

Art. 35. (1) The exchange of land properties in forest territories – private state ownership with land properties in forest territories – ownership of natural, legal persons and Municipalities shall be done with an order of the Minister of Agriculture and Food.

(2) The exchange of land properties in forest territories – private state property, whose price, determined by the Ordinance under Art. 86, Para. 2 is above BGN 100 000 with a land property in forest territories – ownership of natural or legal persons, shall be done with a Council of Ministers Decision upon proposal of the Minister of Agriculture and Food.

(3) Exchange of land properties in forest territories – private state and Municipal ownership

may be done only in cases, that it is:

1. a way of termination of ownership over forest territories between the state, respectively, the Municipality and other owners;
2. a way of execution of obligations, comprising from an international agreement;
3. needed in relation to the construction of sites of national significance under the Spatial Development Act or of national sites in the meaning of the State Property Act;
4. needed in relation to the construction of Municipal sites of first importance in the meaning of the Spatial Development Act, which are public Municipal ownership;
5. a way for a change of the property on existing forest roads or parts of them between the state, Municipalities and forest associations;
6. between the state and a Municipality or between Municipalities.

(4) In the cases under Para. 3, p. 1 the acquired by the state or the Municipality land properties as a result of the exchange must border with forest territories – state, respectively – Municipality ownership.

(5) Exchange of land properties shall not be admitted in forest territories – private state and Municipality ownership, where:

1. over the properties – ownership of third persons there is a mortgage or other property rights;
2. the difference in the value of the properties – subject to exchange, determined under the Ordinance of Art. 86, Para. 2 is larger than 5%;
3. the properties – subject to exchange have been rented or are under lease;
4. as a result of the exchange they are divided into properties – state or Municipal ownership.

(6) In the cases under Para. 3, p. 2-5 with the exchange contract the term for building the site or equipment is determined. In case of failure to observe the conditions of the contract, it shall be made invalid by a judicial procedure.

Art. 36. (1) Exchange of land properties in forest territories – private state ownership shall be done with a written application of the interested person.

(2) The application under Para. 1 shall have attached:

1. a price of the offered by him land properties;
2. a document for ownership of the properties under p. 1;
3. plans of the properties from the cadastre map and an excerpt from the cadastre register with data about the properties or plans of the from the map of the restored ownership and lots for them;
4. evidence, that the request falls in the hypothesis of Art. 35, Para. 3;
5. evidence, that there are no obstacles under Art. 35, Para. 5, p. 1 and 3.

(3) The application shall be submitted to the relevant Regional directorate of forests on location of the property – ownership of the interested person.

(4) With each application, the Regional directorate of forests shall make a file, which shall contain the documents under Para. 2, as well as an evaluation of the properties – state ownership and shall submit it with an opinion to the Executive Forest Agency.

(5) The Executive director of the Executive Forest Agency shall give an opinion about the application for exchange within one month term after the receiving the file under Art. 4 and the applicant shall be informed about it.

(6) In case of a positive opinion on the application the Executive director of the Executive Forest Agency shall propose to the Minister of Agriculture and Food to issue an order for exchange.

(7) Within 3 month term after the receiving of the proposal under Para. 6, the Minister of Agriculture and Food shall pronounce on it, by issuing or refusing to issue an order for exchange. The exchange order shall contain:

1. the price of each of the properties – subject to the exchange;

2. description of the properties and documents, establishing the right to ownership;  
3. the size of the overhead expenses, the state fee and the tax, which shall be on the account of the applicant.

(8) The order under Para. 7 shall be delivered to the applicant and shall be published on the internet site of the Executive Forest Agency.

(9) Within 1 month term from the delivery of the order, the applicant shall pay the owed taxes and expenses.

(10) On the basis of the enforced order and payments, the Minister of Agriculture and Food shall sign a contract, which shall be entered by the applicant in the entry offices upon location of the properties on his own account.

(11) The exchange of land properties in forest territories – private Municipal ownership shall be performed while observing the requirements under Art. 35, Para. 3 and under the Municipal Property Act.

(12) The refusal under Para. 7 shall be announced and may be appealed under the Administrative-procedure Code.

Art. 37. (1) Forest roads – public state ownership, may be given for management to Municipalities for implementation of their functions, as well as for permanent satisfaction of public needs of local significance, with a Council of Minister's Decision, after a decision of the relevant Municipal council upon proposal of the Minister of Agriculture and Food. On the basis of the Council of Ministers Decision, the Minister of Agriculture and Food shall sign a contract, which shall provide for the rights and obligations of both parties.

(2) Forest motor roads – private state ownership may be given for management to Municipalities for implementation of their functions by an order of the Minister of Agriculture and Food. On the basis of the order, the Minister of Agriculture and Food shall sign a contract, which shall provide for the rights and obligations of both parties.

(3) where a part of a forest motor road is a public state ownership, its giving to be managed by Municipalities shall be done under Para. 1.

Art. 38. (1) Owners of land properties in forest territories within the borders of one land property, which have been united in a forest association, may offer consolidation of their properties.

(2) Proposal for consolidation of land properties in forest territories may submit also the state forestry, the state hunting reserves and the Municipalities.

(3) The proposal under Para. 1 and 2 shall be submitted by the interested persons to the Minister of Agriculture and Food, accompanied by a written agreement of the owners of the relevant properties, which shall contain data about the owners and the properties, intended to be included in the consolidation plan. The application shall have attached a copy of the restored ownership or of the cadastre map, on which the owners have expressed their proposal for consolidation (a scheme of wishes).

(4) The Minister of Agriculture and Food shall pronounce in writing on the proposal within 2-month term after its receiving. Where the opinion is positive, the interested persons shall draw up their own account plan for consolidation of the forest territories.

(5) The consolidation plan may include forest territories – private state and/or private Municipal ownership and/or forest territories – ownership of natural or legal persons. Forest territories – private state and private Municipal ownership may be included in the consolidation plan under the condition, that partition of their wholeness is not admitted.

(6) The properties of every participant in the consolidation plan shall be designed so, that they

coincide in money value to his properties before the consolidation. The pricing shall be drawn up according to the Ordinance under Art. 86, Para. 2. The costs on development of the pricing shall be on the account of the interested persons.

(7) The consolidation of forest territories shall be assisted by:

1. giving methodical direction by the Executive Forest Agency;
2. providing free updated materials and data, stored by the bodies of the land property and by the Agency and the offices of geodesy, cartography and cadastre;
3. providing expert assistance while drawing up technical tasks for developing the consolidation plan.

(8) The consolidation plan shall be developed by natural or legal persons, possessing a certificate for registration for the activities under Art. 233, Para. 1, p. 3 or for "developing tasks and forestry projects, plans and programmes for forests and lands of the forest fund" under the repealed Forestry Act (publ., SG, N. 125 of 1997; amen., 79 and 133/1998; 26 of 1999; 29 and 78/2000; 77, 79 and 99/2002, 16 and 107/2003, 72 and 105/2005; 29, 30, 34, 36, 82 and 102/2006; 13, 24 and 64/2007; 43, 54, 63, 69, 70 and 91/2008; 6, 12, 19, 32, 74, 80, 94 and 103/2009 and 73/2010), where obligatory shall participate a person, competent to perform activities on the cadastre, entered in the relevant register under Art. 12, p. 8 of the Cadastre and Property Register Act.

(9) While developing the consolidation plan, graphic data may be used also from the system for identification of the farm lands.

(10) Including forest territories – state and Municipal ownership in the consolidation plan a preliminary written agreement shall be taken from the Minister of Agriculture and Food, respectively – from the Municipal council. For including in the consolidation plan of forest territories, ownership of natural and legal persons, the agreement of the owners shall be produced with a notary certified declaration.

(11) The consolidation plan shall not contain properties – state and Municipal ownership in protected territories; properties on which a prohibition is imposed, have other property burdens or limited property rights; which have partition; are subject to judicial dispute for the right to ownership or are subject to a procedure of expropriation.

(12) Properties with imposed restrictions of using, including comprising from their location in violated territories, shall be included in the consolidation plan with the agreement of the owners.

(13) properties, which have been included in contracts for rent or lease with the term of 5 and more years shall be included in the consolidation plan with the agreement of the leaseholder or the lessee. The use on the renting or lease contract shall pass over the consolidated property.

(14) The Minister of Agriculture and Food shall issue an order for appointment of a permanent commission, which shall:

1. perform a check up of the data and the circumstances of the application;
2. approve the technical task for performing the consolidation plan;
3. adopt the draft consolidation plan.

(15) The commission composition under Para. 14 shall contain representatives of the Executive Forest Agency, of the Municipal office on agriculture, of the office on geodesy, cartography and cadastre, of the Municipality, as well as a representative of the applicant/s.

If needed, in the commission composition may be attracted also other experts.

(16) The commission shall get acquainted on site with all the data and circumstances, shall perform official checkups of documents in the Municipal office on agriculture and shall draw up a protocol about the results from the check-up.

(17) On the basis of the protocol of the commission, the Minister of Agriculture and Food shall issue an order on approving the consolidation plan.

(18) The order under Para. 17 shall be subject to appeal under the Administrative-procedure Code.

(19) On the basis of the enforced order, the Minister of Agriculture and Food shall issue an order for a change in the map of the restored ownership. Where a cadastre map has been approved for the land, the change of the borders of the forest territories shall be done under the Cadastre and Property Register Act.

(20) The Municipal office on agriculture shall issue to the owners decisions and plans of the consolidated properties, which shall have the force of a assertive notary act for the right to ownership. Where for the territory a cadastre map has been approved, the plans shall be issued under the Cadastre and Property Register Act

(21) Changing the purpose of land properties shall be prohibited in forest territories for the term of 20 years after their consolidation. The prohibition shall not apply, where the change of the purpose is related with:

1. the national security and defence of the country;
2. implementation of investment projects, approved by a Council of Ministers decision;
3. implementation of investment projects for the needs of the Municipality, approved by a Municipal council decision.

Art. 39. The Minister of Agriculture and Food shall dispose for free movable Articles and immovable properties – state ownership, which are not forest territories, where the disposal shall be between the Executive Forest Agency, its structures and specialized territorial units.

Art. 40. (1) The disposal of forest territories – Municipal ownership shall be done under the Municipal Property Act.

(2) The direction of forest territories, which are not state and Municipal ownership shall be performed in a notary form.

### **Section III. Management of Land Properties in Forest Territories**

Art. 41. (1) Land properties in forest territories – state ownership may be provided for temporary use under rent or lease.

(2) Land properties in forest territories- state ownership and Municipal ownership may be rented or leased under the condition, that the functions of territories are not changed, other activities in it are not stopped and the soils are not damaged.

(3) Land properties in forest territories – state and Municipal ownership, rented or leased shall not be re-rented or re-leased, as well as used in cooperation by a contract with third persons.

(4) The Minister of Agriculture and Food, upon proposal of the directors of the state enterprises under Art. 163 shall annually confirm initial prices for conducting tenders for renting and leasing land properties in the forest territories – state ownership

Art. 42. The land properties in the forest territories, given under rent or lease under this Section shall be used only for the activities, for which they have been given.

Art. 43. (1) The land properties in forest territories – state and Municipal ownership shall be given for rent in the cases, where for the use of the property it is not needed to be changed the way of

permanent use of the territory.

(2) Giving land properties in forest territories – state ownership for rent shall be done after conducting a tender by the director of the relevant enterprise or by an official, authorized by him under the State Property Act. The orders for opening the tender, as well as for selecting the person, who has won the tender shall be issued by the director of the enterprise. On the basis of the tender results a renting contract shall be signed.

(3) Land properties in forest territories – state and Municipal ownership may be given for rent by the body under Para. 2, or by the Mayor of the Municipality, after a Municipal council decision, without a tender:

1. to non-profitable legal persons, determined for realizing public activity – for performing their non-profitable activities;

2. where the territory is given for rent for the term, shorter than 1 year;

3. for placing movable sites, needed for implementation of the activities on signed long term contracts under Art. 100 and 116.

(4) Giving for rent land properties in forest territories – state ownership under Para. 3 shall be performed in prices, lower than the established under Art. 41, Para. 4.

(5) The term for giving for rent land properties in forest territories – state and Municipal ownership, shall not be longer than 10 years.

(6) The funds from rents of land properties in forest territories – state ownership, shall come into the relevant state enterprise under Art. 163, and for forest territories – Municipal ownership – into the relevant Municipality.

Art. 44. (1) Renting immovable properties, which are not forest territories and are managed by the Executive Forest Agency and by its structures and territorial units, shall be performed by the Minister of Agriculture and Food or by an official, authorized by him under the State Property Act.

(2) Renting immovable properties, which are not forest territories and are provided for management of the state enterprises under Art. 163, shall be performed by the director of the enterprise under the State Property Act, after coordination with the Minister of Agriculture and Food.

Art. 45. (1) At signing a contract for rent of a land property in a forest territory – state or Municipal ownership for the term, longer than 3 years, the lessor shall notify in writing the relevant regional Directorate of Forests.

(2) The requirement under Para. 1 shall be applied also in the cases of termination of the contract.

Art. 46. Using the timber shall not be subject to a contract for rent of a land property in a forest territory – state or Municipal property.

Art. 47. (1) The land properties in the forest territories – state and Municipal ownership may be given for temporary use through lease, where the use is connected with a change of the way of permanent use of the territory.

(2) Subject of the contract for lease may be also the existing in the relevant property buildings, machines and equipment, servicing the contract activities.

(3) The land properties in the forest territories – state ownership shall be given for lease after conducting a tender by the director of the relevant state enterprise under Art. 163 or by an official,



authorized by him under the State Property Act. The orders for opening the tender, as well as for determining the person, who has won the tender, shall be issued by the director of the enterprise.

(4) The leasing relations for the forest territories –state ownership shall be provided by a leasing contract, signed by the director of the relevant state enterprise under Art. 163 or by an official, authorized by him. The leasing contract shall oblige the lessor to give to the lessee the contract object for temporary use, and the lessee – to perform a certain leasing payment.

(5) The terms and the way of payment shall be provided by the contract. For each calendar year, the size of the leasing payment for the forest territories – state ownership shall not be smaller than the established prices under Art. 41, Para. 4.

(6) Land properties in forest territories – Municipal ownership may be given for temporary use by a lease after conducting a tender. The order for opening a tender shall be issued by the Mayor of the Municipality after a Municipal council decision.

(7) The contract term for a lease of forest territories – state and Municipal ownership shall not be longer than 30 years.

(8) The funds from the leasing payment shall come into the relevant state enterprise under Art. 163 and for forest territories – Municipal ownership – in the relevant Municipality.

(9) The lessor shall undertake actions for reflecting the change of the way of permanent use of the territory in the cadastre map, or in the map of the restored ownership after signing the contract, respectively – after its termination.

Art. 48. (1) The production, obtained from the leased land properties in forest territories as a result of the activity, for which the contract has been signed, shall be ownership to the lessor.

(2) Using timber and non-timber forest products shall not be subject to the contract, with the exception of such, created as a result of the lessee activity, for which the contract is signed.

Art. 49. (1) Within one month term after signing the leasing contract of forest territories – state ownership, the state enterprise under Art. 163 shall notify in writing the relevant regional Directorate of forests.

(2) The requirement under Para. 1 shall be applied also in the cases of termination of the contract.

Art. 50. (1) The current maintenance of the contract object, including the living and economical buildings, roads, side road ditches, irrigation and draining systems and of the other servicing the contract object equipments and fences, shall be on the account of the lessee.

(2) The lessee shall be obliged to insure the existing buildings, machines and equipments in the relevant property, servicing the forestry activities, which are object of the contract.

Art. 51. Renting or leasing land properties in forest territories- Municipal ownership shall be performed under the procedure, determined by an Ordinance of the relevant Municipality council.

Art. 52. (1) With signing a leasing contract of a land property in a forest territory – Municipal ownership, the Municipality shall notify in writing the relevant regional Directorate of forests.

(2) The requirement under Para. 1 shall be applied also in the cases of termination of the contract.

Art. 53. The Minister of Agriculture and Food shall provide for free management movable Articles and immovable properties – state ownership, which are not forest territories to:

1. the state enterprises under this Act;
2. the Executive Forest Agency, its structures and specialized territorial units.

#### **Section IV.**

#### **Establishing Restricted Property Rights over Land Properties in Forest Territories**

Art. 54. (1) Right to construction on land properties in forest territories without a change of the purpose on the territory shall be established for construction of:

1. pillars for air electric transmissions;
2. pillars for telecommunication equipment, radio and TV broadcasting, communication lines, wireless internet and other equipment of the technical infrastructure;
3. buildings and equipment, related to the management, reproduction, usage and protection of forests and wild animals, notwithstanding of their ownership:
  - a) motor forest roads;
  - b) shelters for public use;
  - c) reserves for raising wild animals, fish nursery reserves and fish reserves;
  - d) visitors' and information centres, which do not included premises for permanent or temporary habitation;
  - e) forest and hunting huts, which do not include premises for permanent or temporary habitation;
  - f) control forest points, which do not include premises for permanent or temporary habitation;
4. underground electric lines, ground and underground pipelines for hydro-technical equipment, petrol pipelines, heating pipelines, gas pipelines, petrol product pipelines, water pipelines, drains, cables and other elements of the technical infrastructure.

(2) The right to construction shall be established permanently or for a certain term:

1. by the Council of Ministers – for forest territories – public state ownership, with the exception of the cases, where the right to construction is established for building sites under Para. 1, p. 3;
2. by the Minister of Agriculture and Food – for land properties in forest territories – private state ownership:
  - a) for pillars for air electric lines above 20 kV;
  - b) for the sites under Para. 1, p. 4;
3. by the Executive director of the Executive Forest Agency – for land properties in forest territories – private state property, apart from the indicated in p. 1 and 2, as well as for building in forest territories – public state ownership of the sites under Para. 1, p. 3;
4. by the mayor of the Municipality after a Municipal council decision – for land properties in forest territories- Municipal ownership;
5. by other owners or unions of owners of land properties in forest territories – for their own properties.

(3) Construction of sites under Para. 1, p. 3, letters "b" - "f" shall not be allowed, where this has not been provided in the adopted for the relevant territory forestry plans, programmes or plans for management of protected territories.

Art. 55. (1) For establishing right to construction on land properties in forest territories, the investor shall make a request for a preliminary coordination before:

1. the Minister of Agriculture and Food – for the land properties in the forest territories – public state ownership, as well as for the objects under Art. 54, Para. 2. p. 2;

2. the Executive director of the Executive Forest Agency – for the land properties in forest territories - private state ownership, apart from the ones, indicated in p. 1;

3. the Mayor of the Municipality – for land properties in forest territories – Municipal ownership;

4. the owner – for the rest of the land properties in forest territories.

(2) For establishing right to construction on land properties in forest territories for construction of objects, related to the national security and defence of the country, the request for preliminary coordination shall be made by the relevant Ministers and heads of institutions. The establishment of the right to construction shall be free.

(3) The request for preliminary coordination for establishing the right to construction for land properties in forest territories – state and Municipal ownership shall be accompanied by the following documents:

1. a plan of the property of the cadastre map or of the map of the restored ownership, coordinated by the relevant regional directorate of forests on the location of the property;

2. a task for drawing up a detailed plan, fulfilled in compliance with the provisions of the Spatial Development Act.

(4) Within 2-month term after receiving the request, the persons under Para. 1 shall pronounce on it. The decision of the persons under Para. 1, p. 1, 2 and 3 shall be announced and may be appealed under the Administrative-procedure Code.

(5) Where the request is for a land property in a forest territory – state property, the body under Para. 1, p. 1 and 2 before pronouncing on it, shall officially request an opinion from the relevant state forestry or state hunting reserve.

(6) Preliminary coordination for establishing right to construction for building objects under Art. 54, Para. 1, p. 3, letters "b" – "f", shall not be requested.

Art. 56. (1) For establishing the right to construction on land properties in forest territories – state and Municipal ownership, an application according to a form shall be submitted to the body, who has given a preliminary coordination for establishment the right to construction, accompanied with the following documents:

1. property plans from the cadastre map and an excerpt from the cadastre register with data about the properties or plans of the properties from the map of the restored ownership and lots for them, coordinated by the relevant regional directorate of forests on the location of the properties;

2. approved detailed territory plan and a certificate, that the act for its approval has come into force, issued by the body, which has approved it;

3. an evaluation of the property according to the ordinance under Art. 86, Para. 2;

4. an enforced administrative act, issued under Chapter Six of the Environmental Protection Act and/or under the Biological Diversity Act and an opinion of the competent body on environment.

(2) The applications for establishing right to construction shall be examined under the order of their coming.

(3) The body under Art. 55, Para. 1 shall pronounce on the application within 1 month term from the date of its receiving, where it shall establish the right to construction on a forest territory or shall order a refusal.

(4) For establishing the right to construction over land properties in forest territories – state ownership shall be paid a price, determined by the ordinance under Art. 86, Para. 2. For establishing the

right to construction over land properties in forest territories – Municipal ownership, shall be paid a price, determined by an ordinance of the Municipal council.

(5) The price of the established property right to construction shall be indicated in the act for its establishment and shall be paid within 3 month term after the enforcement of the act..

(6) The acts under Para. 3 shall be announced and may be appealed under the Administrative-procedure Code. The acts for establishing the right to construction on forest territories – state and Municipal ownership shall be published on the internet site of the Executive Forest Agency or of the relevant Municipality.

(7) On the basis of the enforced act for establishing the right to construction and the payment, made under Para. 5, a contract shall be signed between the applicant and the Executive director of the Executive Forest Agency, respectively – the Mayor of the Municipality. The contract shall be entered by the applicant in the Registry office on the location of the property, and a copy of the entered contract shall be sent to the relevant regional Directorate of Forests.

Art. 57. (1) The rights of the person in whose favour the right to construction has been established, shall lapse:

1. in case of failure to pay the owed value within the term under Art. 56, Para. 5;

2. if the right has not been exercised within the term of 5 years.

(2) The funds from the established right to construction shall come into:

1. the relevant state enterprise under Art. 163 – for the forest territories – state ownership;

2. the relevant Municipality – for the forest territories – Municipal ownership.

(3) In case of lapsing of the rights under Para. 1, the person, in whose favour the right to construction has been established, shall be obliged to remove on his own account the constructed buildings and equipment in the property, as well as to restore the ground, unless something else has been agreed in the establishment act.

Art. 58. (1) For constructing objects under Art. 54, Para. 1, p. 3 for performing the activity of structures of the Executive Forest Agency, state forestry, state hunting reserves and training experimental forestry a written permit shall be issued by the Minister of Agriculture and Food or an official authorized by him – for forest territories, state ownership.

(2) For constructing objects under Art. 54, Para. 1, p. 3 for performing the activity of the relevant Municipality, a Municipal council decision shall be issued for forest territories, Municipal ownership.

Art. 59. (1) Right to construction over land properties in forest territories, which are not state and Municipal ownership, shall be established in a notary form.

(2) Establishment of the right to construction shall not be needed for building the objects under Art. 54, Para. 1 in the cases, where the construction is performed by the owner of the territory or by a forest association under Art. 183, in which the ownership of the single owners has been restored in ideal parts.

Art. 60. (1) The timber from the land properties in the forest territories – state and Municipal ownership on which there is an established right to construction, shall be ownership of the applicant.

(2) The production and disposal with the timber under Para. 1 shall be organized by the applicant under this Act, and on his account.

(3) Within one month term after expiry of the term, for which the right to construction has been established, the person, in whose favour it is established shall be obliged to remove on his account the buildings and equipment, as well as to restore the ground, unless something else has been agreed in the act for its establishment.

Art. 61. (1) Servitude over land properties in forest territories may be established for construction and/or servicing of:

1. air and underground electric lines, ground and underground hydro-technical equipment for production of electric energy, petrol pipelines, heat pipelines, gas pipelines, petrol product pipelines, water pipe lines, drainages, cables and other elements of the technical infrastructure;

2. telephone, telegraph, radio broadcasting and other lines;

3. lifts and tow-lifts;

4. the scope of equipment of wind generator and photo-voltaic parks.

(2) Servitude over land properties in forest territories shall be established termless or for a certain term:

1. by the Council of Ministers – for land properties in forest territories – public state ownership;

2. by the Minister of Agriculture and Food – for land properties in forest territories – private state ownership:

a) for air electric lines above 20 kV;

b) for lifts and tow-lifts;

c) for the objects under Para. 1, p. 4;

3. by the Executive director of the Executive Forest Agency – for land properties in forest territories – private state ownership apart from those under p. 1 and 2;

4. by the Mayor of the Municipality after a Municipal council decision – for land properties in forest territories – Municipal ownership;

5. by the owner – for the rest of the land properties in forest territories.

Art. 62. (1) For establishing servitude over land properties in forest territories, the investor shall make a request for preliminary cooperation before:

1. the Minister of Agriculture and Food – for the land properties in the forest territories – public state ownership, as well as for the objects under Art. 61, Para. 2, p. 2;

2. the Executive director of the Executive Forest Agency – for the land properties in forest territories – private state property under Art. 61, Para. 2, p. 3;

3. the Mayor of Municipality – for land properties in forest territories – Municipal ownership;

4. the owner – for the remaining land properties in forest territories.

(2) For establishing servitude over land properties in forest territories, related to the national security and the defence of the country, the request for preliminary coordination shall be made by the relevant Ministers and heads of institutions.

(3) The request for preliminary coordination for establishing servitude over land properties in forest territories - state and Municipal ownership, shall be accompanied by the following documents:

1. plans of the properties from the cadastre map and an excerpt of the cadastre register with data about the properties or plans of the properties from the map of the restored ownership and lots for them, coordinated by the relevant regional Directorate of Forests on location of the properties;

2. task for development of a detailed territory plan, drawn up in compliance with the provisions of the Spatial Development Act.

(4) Within one month term after receiving the request, the persons under Para. 1 shall pronounce on it. The decision of the persons under Para. 1, p. 1, 2 and 3 shall be announced under the

Administrative-procedure Code and may be appealed under the conditions and procedure, determined by it.

(5) Where the request is for a land property in a forest territory – state ownership, the body under Para. 1, p. 1 and 2 before pronouncing on it, officially shall request an opinion from the relevant state forestry or state hunting reserve.

Art. 63. (1) For establishing servitude over land properties in forest territories, an application according to a form shall be submitted to:

1. the Minister of Agriculture and Food – for land properties in forest territories – public state ownership, as well as for the objects under Art. 61, Para. 2, p. 2;
2. the Executive director of the Executive Forest Agency – for land properties in forest territories – private state ownership, apart from the ones, indicated in p. 1;
3. the Mayor of Municipality – for land properties in forest territories – Municipal ownership;
4. the owner – for forest territories, private ownership.

(2) The application shall have attached:

1. plans of the properties from the cadastre map and an excerpt of the cadastre register with data about the properties or plans of the properties from the map of the restored ownership and lots for them, coordinated by the relevant regional Directorate of Forests on location of the properties;
2. approved detailed territory plan and a certificate, that the act for its approval has been enforced, issued by the body, who has approved it;
3. a document for determining the price for the servitude;
4. an enforced administrative act, issued under Chapter Six of the Environmental Protection Act and/or under the Biological Diversity Act and an opinion of the competent body on the environment.

(3) Where for building an object or equipment in forest territories it is needed establishment of right to construction and servitude, the application shall be examined together.

(4) The body under Para. 1, p. 1 – 3 shall pronounce on the application within 1-month term after the date of its receiving, by establishing an servitude or ordering a refusal. Where the request is for land properties in forest territories, - state ownership, the body under Para. 1, p. 1 and 2 before pronouncing on it, shall officially request an opinion by the relevant state forestry or state reserve.

(5) For establishing servitude over land properties in forest territories – state and Municipal ownership, a price shall be paid, determined by the ordinance under Art. 86, Para. 2. The price for establishing servitude shall be indicated in the act for its establishing.

(6) The acts under Para. 4 shall be announced and may be appealed under the Administrative-procedure Code. The acts for establishing servitude over forest territories – state and Municipal ownership, shall be published on the internet site of the Executive Forest Agency or of the relevant Municipality.

(7) The price under Para. 5 shall be paid within three month term after the enforcement of the act for establishing servitude. In case that the price is not paid within the determined term, the rights of the person, in whose favour the servitude has been established, shall lapse.

(8) On the basis of the enforced act for establishing servitude and the payment made of the owed price, a contract shall be signed between the applicant and the Executive director of the Executive Forest Agency, respectively, the Mayor of the Municipality. The contract shall be registered by the person, in whose favour the servitude has been established in the Registry office on location of the property and a copy of the registered contract shall be sent to the relevant regional Directorate of Forests.

(9) The price of the established servitude shall come into:

1. the relevant state enterprise under Art. 163 – for the forest territories – state ownership;
2. the relevant Municipality – for the forest territories – Municipal ownership.

(10) Establishing servitudes over land properties- forest territories, which have been provided for the needs of the national security and the defence of the country, shall be made after permit by the head of the relevant institution, to which they have been submitted. The permit shall be requested by the applicant and shall be attached to the documents under Para. 2.

Art. 64. (1) For the servitudes, occurred under special laws in the forest territories, the provisions of the relevant laws shall be applied.

(2) The development and adoption of a detailed territory plan for the servitudes under Para. 1, shall be permitted after preliminary voting under the terms and conditions of this Act.

(3) The determination of the compensation for the established servitude under Para. 1 shall be made under the Ordinance of Art. 86, Para. 2.

Art. 65. (1) The servitude over land properties in forest territories, which are not state or Municipal ownership, shall be established by the owner of the notary form.

(2) The way of payment for establishing a servitude in a property – ownership of natural or legal person, shall be determined in the contract under Para. 1.

Art. 66. Where the owner of the objects under Art. 61, Para. 1 and of the forest territory, on which they are situated – private ownership, is one and the same person, servitude shall not be established for building and/or servicing the objects.

Art. 67. The holder of the servitude shall be obliged on his account to maintain the territory, on which the servitude has been established, in a state which should guarantee the safe exploitation of the object under Art. 61, Para. 1.

Art. 68. The ownership over the timber from land properties in forest territories – state and Municipal ownership, on which servitudes have been established, shall belong to the holder of the servitude, where the production and disposal of the timber shall be organized by him and on his account, under this Act.

Art. 69. (1) Right of use on land properties in forest territories may be established:

1. for performing activities, related to exploring and studying ores and minerals under the Underground Resources Act – for the term of the permit, issued under the Underground Resources Act;
2. to schools, scientific institutes and legal persons, which conduct training or scientific activity, related to the management, maintaining and preservation of forests – for unlimited time;
3. for conducting ground studies of archaeological values – for the term, not longer than 3 years.

(2) Right of use over land properties in forest territories shall be established:

1. by the Council of Ministers – in the cases under Para. 1, p. 2 and 3 for land properties in forest territories – state ownership;
2. by the Executive director of the Executive Forest Agency – in the cases under Para. 1, p. 1 for land properties in forest territories – state ownership;
3. by the Mayor of Municipality after a Municipal council decision – for land properties in

forest territories – Municipal ownership;

4. by the owner – for the forest territory, private ownership.

(3) Apart from the cases under Para. 1 and 2, right of use over land properties in forest territories may be established for placing permanent bee gardens in the meaning of the Apiculture Act:

1. the director of the state enterprise under Art. 163 or an official, authorized by him for land properties in forest territories – state ownership, provided for management to the enterprise;

2. the Mayor of Municipality – for land properties in forest territories – Municipal ownership;

3. the owner – for forest territory, his ownership.

Art. 70. (1) For establishing right of use over land properties in forest territories shall be submitted an application according to a form to:

1. the Minister of Agriculture and Food – where the right of use is established for schools, scientific institutes and legal persons, which conduct training or scientific activity, related to management, keeping, planning and protection of forests, as well as for performing ground studies and archaeological values;

2. the Executive director of the Executive Forest Agency – for performing activities, related to exploring and studying ores and minerals under the Underground Resources Act;

3. the Mayor of Municipality – for land properties in forest territories – Municipal ownership;

4. the owner – for the forest territory, private ownership.

(2) where the application under Para. 1 is for forest territories – state or Municipal ownership, it shall have attached a plan of the property with the points, defining the borders of the land property from the cadastre map or from the map of the restored ownership, and where the right to use is established for performing activities, related with exploring and studying of ores and minerals under the Underground Resources Act, also:

1. a permit for exploring and/or studying, issued under the Underground Resources Act;

2. an enforced administrative act, issued under Chapter six of the Environmental Protection Act and/or under the Biological Diversity Act and an opinion by the competent body on environment;

3. an evaluation of the property.

(3) The person under Para. 1, p. 1 – 3 shall pronounce on the application within one month term from the date of its receiving, on which right to use is established or a refusal is ordered.

Where the request is for performing activities, related to exploring and studying ores and minerals, or for performing ground studies of archaeological values, the body under Para. 1, p. 1 and 2 before pronouncing on it officially shall request an opinion from the relevant state forest enterprise or state hunting reserve.

(4) The acts under Para. 3 shall be announced and may be appealed under the Administrative-procedure Code. The acts for establishing right to use over land properties in forest territories – state and Municipal ownership, shall be published on the internet site of the Executive Forest Agency or of the relevant Municipality.

(5) In order to establish right to use over land properties in forest territories for placing permanent apiaries under the Apiculture Act, the owner of the apiary shall submit an application to the persons under Art. 69, Para. 3. The application shall have attached evidences, that the applicant has been registered in the register under Art. 8 of the Apiculture Act and is owner of a permanent apiary with over 10 bee families.

(6) For placing or moving a temporary apiary under the Apiculture Act, right of use shall not be established on land properties in forest territories under Para. 5 and a permit shall be issued by the persons under Art. 69, Para. 3.

(7) The act for establishing right to use under Para. 5 and the permit under Para. 6 shall be issued on the day of receiving the application.



Art. 71. (1) For establishing right of use over land properties in forest territories – state and Municipal ownership, for performing activities, related to exploring and studying ores and minerals under the Underground Resources Act, a price shall be paid, determined by the ordinance under Art. 86, Para. 2.

(2) Establishing right of use over land properties in forest territories – state and Municipal ownership, in favour of schools, scientific institutes and legal persons, who conduct training or perform scientific activity, related to the management, keeping, planning and protection of forests, as well as for conducting ground studies of archaeological values, shall be done free.

(3) The price under Para. 1 shall be paid within 3 month term from the enforcement of the act on establishing the right of use. In case that the price is not paid within the set term, the right of the person, in whose favour the right of use is established, shall lapse.

(4) On the basis of the enforced act for establishing right of use, and in the cases under Para. 1 – and after the payment, the Executive director of the Executive Forest Agency, respectively the Mayor of Municipality shall sign a contract with the applicant. The contract shall be registered by the person in whose favour the right of use is established in the Registry office on location of the property and a copy of the registered contract shall be sent to the relevant Regional directorate of forests.

(5) The price for the established right of use shall go into:

1. the relevant state enterprise under Art. 163 – for the forest territories – state ownership;
2. in the relevant Municipality – for the forest territories – Municipal ownership.

(6) The right of use for land properties in forest territories, which are not state or Municipal ownership shall be established by the owner in a notary form with the exception of the cases under Art. 69, Para. 1, p. 3.

(7) Establishing right of use over land properties in forest territories under Art. 69, Para. 3, as well as issuing the permit under Art. 70, Para. 6 shall be free.

Art. 72. (1) the timber from land properties in forest territories – state or Municipal ownership over which right of use has been established shall be owned by the holder of the right of use.

(2) The production and disposition of the timber under Para. 1 shall be organized by the holder of the right of use under this Act and on his account.

(3) After expiry of the term, for which the right of use is established under Art. 69, Para. 1. p. 1 and 3, the holder of the right of use shall be obliged to perform re-cultivation of the ground. The re-cultivation shall be done on his account within 1 year term after lapsing the right of use. The re-cultivation shall be done under the terms and conditions of the Protection of Farm Land Act.

## **Section V. Change of Function**

Art. 73. (1) Change of the function of land properties in forest territories shall be admitted for:

1. grounds for construction of transport equipment (ports, airports, railway stations, bus-stations) production undertakings, extraction of ores and minerals, graveyards, waste depots, waste banks, depositories, electric power stations, dams, purifying stations for drinking or waste waters and other hydro-technical and electro-technical equipment, with the exception of the fundamentals of the electric line posts;

2. permanent ways of line objects, placed on the surface of the ground – roads and railway lines, including the equipment to them, water canals;

3. creating new or expanding construction borders of existing urban territories in the cases where there are adopted general territorial plans of the Municipalities or parts of them, in which the properties are situated;

4. creating or expanding separate regulated land properties, which are not state ownership, for which there is an enforced general territorial plan;

5. national sites in the meaning of the State Property Act, sites, related to the national security and defence of the country, to the environment protection, for whose construction there is a Council of Ministers decision, as well as Municipal sites of first importance in the meaning of the Spatial Development Act;

6. construction of posts for lifts and tow-lifts, as well as basic equipment of the wind-generators and photo-voltaic parks;

7. construction of ski-tracks.

(2) Change of function of land properties in forest territories shall be banned for the term of 20 years after fire. The ban shall not apply, where the change of function is related to:

1. defence or security of the country;

2. implementation of investment projects, approved by a Council of Ministers decision;

3. implementation of investment projects for the needs of the Municipality, approved by a Municipal council decision.

(3) The revenues from a change of function of land properties in forest territories come into the budget of the Ministry of Agriculture and Food and shall be spent only for afforestation and construction and maintenance of forest roads.

(4) Change of function of land properties in forest territories for creating new or expanding construction borders of existing urban territories shall be admitted, where this is envisaged in adopted general territory plans of Municipalities or parts of them, where the properties are situated, and the applicant had acquired the ownership over the property.

(5) Land properties in forest territories shall be considered with a changed function from the date of enforcement of a detailed territory plan, providing construction of a national site or of a Municipal site of first importance in the meaning of the State Property Act and the Spatial Development Act, which become public state or Municipal ownership.

(6) Change of function shall not be admitted of forest territories for ski tracks and posts for lifts and tow-lifts, where their construction has not been envisaged in the adopted regional plans for forest territories development.

Art. 74. (1) Change of function of land properties in forest territories – public state ownership shall be done by a Council of Ministers decision upon proposal of the Minister of Agriculture and Food. The change of function of forest territories – public state ownership shall be done only for construction of sites, which are state or Municipal ownership.

(2) The change of function of land properties in forest territories apart from the ones, indicated in Para. 1 shall be done:

1. by a commission in the Regional directorate of forests – for land properties in forest territories with area up to 50 decares falling in the territorial scope of activity of the relevant Regional directorate of forests;

2. by a commission in the Executive Forest Agency – for land properties in forest territories apart from the ones, indicated in Para. 1 and in p. 1.

(3) The commission under Para. 2 shall be appointed by an order of the Minister of Agriculture and Food.

(4) The composition of the commission under Para. 2, p. 1 shall consist of representatives of the Regional directorate of forests and of the Municipal administration upon location of the property.

(5) The composition of the commission under Para. 2, p. 2 shall consist of representatives of the Ministry of Agriculture and Food, the Ministry of Regional Development and Public Works and the Executive Forest Agency.

(6) The provisions of Para. 1 and 2 shall not apply in the cases of Art. 73, Para. 5.

Art. 75. (1) For a change of the function of land properties in forest territories the owner or investor shall make a request for preliminary coordination before:

1. The Minister of Agriculture and Food – for land properties in forest territories – public state ownership;

2. the relevant commission under Art. 74, Para. 2 – for land properties in forest territories apart from the ones, indicated in p. 1.

(2) The request for preliminary coordination for change of function of land properties in forest territories shall have attached the following documents:

1. a plan of the property from the cadastre map or from the map of the restored ownership, coordinated by the Relevant regional directorate of forests upon location of the property;

2. an approved task for development of a detailed territory plan, drawn up in compliance with the provisions of the Spatial Development Act;

3. a Municipal council decision – for land properties in forest territories – ownership of Municipalities.

(3) Within one month term from receiving the request, the body under Para. 1 shall pronounce on it. Where the request is for land properties in forest territories – state ownership, the body under Para. 1, before pronouncing on it, shall officially request an opinion from the relevant state forestry or state hunting reserve. The decision shall be announced and may be appealed under the Administrative-procedure Code.

(4) Approving a detailed territory plan under the Spatial Development Act shall be done after preliminary coordination the change of function of land properties in forest territories.

Art. 76. preliminary coordination of a change of function of land properties in forest territories shall not be requested in the cases under Art. 73, Para. 1, p. 3, 4 and 5.

Art. 77. (1) For a change of function of land properties in forest territories the owner of investor shall submit an application according to a form to the body, which has issued the decision for preliminary coordination, with the following documents attached:

1. a document for ownership – for land properties in forest territories, which are not state ownership, and where the application has been submitted by an investor – and a written agreement by the owner;

2. a plan of the property from the cadastre map or from the map of the restored ownership, coordinated by the relevant Regional directorate of forests upon location of the property;

3. an approved detailed territory plan and a certificate, that the act for its approval has come into force, issued by the body, who has approved it;

4. an evaluation of the property under the ordinance of Art. 86, Para. 2;

5. an enforced administrative act, issued under Chapter Six of the Environmental Protection Act and/or the Biological Diversity Act and an opinion by the competent body on environment.

(2) The body under Art. 75, Para. 1 shall pronounce on the application within 1 month term from the date of its receiving, by issuing a decision for change of function of the land property or shall order a refusal.

(3) The decision under Para. 2 shall be announced and may be appealed under the Administrative-procedure Code. The acts for change of function of forest territories shall be published on the internet site of the Executive Forest Agency and of the relevant Regional directorate of forests.

Art. 78. (1) For change of function of land properties in forest territories shall be paid a price, determined by the Ordinance of Art. 86, Para. 2.

(2) The price for change of function shall be paid within 3 month term from issuing the act for change of function.

(3) The right of persons, in whose favour a change of function has been ordered shall lapse, where:

1. the price for change of function is not paid within the term of Para. 2;

2. within 3 year term after the enforcement of the decision for construction of the object for which the function is changed, its construction has not started, and for the objects of the technical infrastructure – within 4 year term, but not more than 10 years from the enforcement of the act for change of function.

(4) The change of function shall be performed free in the cases:

1. under Art. 73, Para. 1, p. 5 on the sites, related to the national security and defence of the country;

2. of constructing objects under Art. 73, Para. 5.

(5) Within 7-day term from the payment of the price for change of function, the Executive Forest Agency shall send a copy of the act for change of function to the geodesy, cartography and cadastre office for reflecting in the cadastre map and registers or to the Municipal agriculture office – for reflecting in the map of the restored ownership.

(6) In the cases under Art. 73, Para. 5, in 7-day term from enforcement of the detailed territory plan, the body, who has approved the plan shall send a copy of it to the geodesy, cartography and cadastre office upon location of the properties – for reflecting in the cadastre map and registers, respectively in the Municipal agriculture office – for reflecting in the map of the restored ownership.

(7) In case of lapsing the rights under Para. 3, the person, in whose favour the change of function has been ordered, shall be obliged to remove on his account the built up in the property buildings and equipment, as well as to restore the ground, unless something else has been agreed in the act for change of function.

Art. 79. (1) The land properties in forest territories, whose function has been changed under this Act and for which the owed price has been paid within the term under Art. 78, Para. 2, shall be sold to the person, upon whose request the change of function has been made.

(2) The sale under Para under Para. 1 shall be done by:

1. The Minister of Agriculture and Food or an official authorized by him under the State Property Act – for the forest territories, state ownership;

2. the Mayor of the Municipality, or an official authorized by him under the ordinance of the relevant Municipal council – for the forest territories, Municipal ownership.

(3) Within 7-day term from signing the contract for sale, the seller shall send a copy of the contract of the geodesy, cartography and cadastre office – for reflecting in the cadastre map and registers, or of the Municipal agriculture office – for reflecting in the map the restored ownership.

Art. 80. (1) The timber from land properties in forest territories, whose function has been changed, shall belong to the owner of the relevant property.

(2) The production and disposition of the timber under Para. 1 shall be organized by the owner under this Act on his account.

Art. 81. (1) Change of the function of land territories or damaged territories in the meaning of the Spatial Development Act in forest territories shall be done free by an order of the Minister of Agriculture and Food, upon proposal of the Executive director of the Executive Forest Agency.

(2) Application for change of function under Para. 1 shall be submitted to the Regional directorate of forests upon location of the property:

1. by the director of the relevant regional directorate "Agriculture" – for agriculture territories – state ownership, as well as for re-cultivated damaged territories;

2. by the owner – for agriculture territories apart from the indicated in p. 1.

(3) The application shall have attached:

1. a document for ownership for the lands, which are not state ownership;

2. a plan of the property with the points, determining the borders of the land property of the cadastre map or the map of the restored ownership;

3. protocol of the commission, adopted the re-cultivation – for re-cultivated damaged territories;

4. an enforced administrative act, issued under Chapter Six of the Environmental Protection Act and/or under the Biological Diversity Act and an opinion by the competent body of environment.

(4) On the basis of the documents under Para. 3 within 14 day term the Regional directorate of forests shall give an opinion on the application and shall send the file to the Executive Forest Agency.

Art. 82. (1) Within 7-day term from receiving the documents under Art. 81, the Executive director of the Executive Forest Agency shall propose to the Minister of Agriculture and Food to issue an order for change of function.

(2) Within 14-day term from receiving the proposal under Para. 1, the Minister of Agriculture and Food shall issue an order for change of function.

(3) The order under Para. 2 shall be sent to the applicant, to the Regional directorate of forests, as well as to the relevant Municipal office of Agriculture or the Office of geodesy, cartography and cadastre for reflecting the change.

Art. 83. (1) Where as a result of the inventory of forest territories it is established, that the farm territories have acquired characteristics of a forest in the meaning of this Act, the persons, who have performed the inventory shall produce to the Executive director of the a list of the properties upon the lands of the populated areas.

(2) The list under Para. 1 shall be published in one local and one central daily newspaper and shall be announced in public on the internet site of the relevant regional administration, Regional directorate of forests and the Executive Forest Agency.

(3) On the basis of the list under Para. 1, the Executive director of the Executive Forest Agency or an official, authorized by him shall invite in writing the owners of the relevant properties to declare if they wish to use their properties as farm or forest territories.

(4) Within 6-month term from receiving the invitation under Para. 3, the owner, who wishes to use his property as a farm territory shall submit a declaration to the Executive director of the Executive Forest Agency.

(5) If the owner fails to submit a declaration within the term under Para. 4, the Executive director of the Executive Forest Agency shall propose to the Minister of Agriculture and Food to issue

an order for change of function of the properties as forest territory. The proposal shall describe the size of the properties,, the type and origin of the forest and a plan of the property shall be attached from the map of the restored ownership or from the cadastre map and taxation characteristics.

(6) The order under Para. 5 shall be sent to the owner, to the relevant Regional directorate of forests, as well as to the relevant Office of geodesy, cartography and cadastre – for reflecting the change in the cadastre map and cadastre registers, or to the Municipal office of agriculture – for reflecting the change in the map of the restored ownership.

(7) The provisions of Para. 1 – 6 shall not apply to territories, provided to sites of the national security and defence.

Art. 84. (1) Where as a result of the inventory of the forest territories it is established, that farm territories have acquired the characteristics of a forest in the meaning of this Act and the owner declares in writing before the Executive director of the Executive Forest Agency that he wishes to use his property as a farm territory within the term of 3 years from submitting the declaration he shall be obliged to clean his property from the forest timber vegetation.

(2) In case that within the term of Para. 1 the owner fails to clean his property from forest-timber vegetation, the provision of Art. 83, Para. 4 – 6 shall apply.

(3) Notwithstanding of the inventory under Para. 1, unfit for farm use territories may be included on the forest territories on the basis of a written application of the owner under Art. 83, Para. 5 and 6.

Art. 85. The acts for change of function of forest territories, as well as the acts for disposition and establishing limited property rights over forest territories – state and Municipal ownership, shall be announced in public on the internet site of the issuer of the act while observing the Protection of Personal Data Act.

Art. 86. (1) In case of change of function of the land properties in forest territories, consolidation, disposition and establishing of limited property rights over forest territories – state and Municipal ownership, as well as in cases, for which this has been provided by a legislative act, an evaluation of the property shall be drawn up.

(2) The evaluations shall be drawn up by competent independent evaluators, registered under the Independent Appraisers Act, where the conditions and order for the evaluation shall be determined by an Ordinance of the Council of Ministers.

(3) While drawing up evaluations for establishing limited property rights over forest territories – state and Municipal ownership, the evaluation shall include also the value of the wood.

## **Chapter four.** **MANAGING THE FOREST TERRITORIES**

### **Section I.** **Management**

Art. 87. Managing the forest territories shall cover the activities on forestation, protection against erosion and floods and conducting felling in the forests.

Art. 88. (1) The forests shall be managed as high-stemmed, suckered for transforming in seed and low-stemmed.

(2) The high-stemmed forests shall be managed in a way, keeping their seed origin.

(3) The suckered for transforming in seed forests shall be managed in a way, providing their transformation in seed.

(4) The low-stemmed forests shall be managed in a way, providing their sucker restoration.

(5) As a forest shall not be managed:

1. plantation for Christmas trees and vegetation;
2. plantations of timber or bush types, created in view to accelerated production of biomass;
3. plantation for production of fruits.

## **Section II.**

### **Forestation and Protection of the Forest Territories against Erosion and Floods**

Art. 89. The forestation shall cover the activities on creating forests:

1. collecting and production of forest reproductive materials;
2. preparation of the soil and planting forest reproductive materials and fencing;
3. filling, growing, inventory of cultures;
4. supporting the natural restoration.

Art. 90. (1) The protection of the forest territories against erosion and floods shall cover the activities, related to protection from taking away fine fractions from the threatened soil for maintaining the soil fruitfulness by limiting or decreasing the surface water flow, protection of the upper layer from wind erosion and providing opportunities for development of vegetation, including by creating technical equipment

(2) The protection of the forest territories against erosion and floods, as well as the structure of the supporting equipment shall be done under the terms and conditions of the ordinance under Art. 95, Para. 2, p. 4.

Art. 91. (1) Forestation and protection of the forest territories against erosion and floods shall be done in compliance with the confirmed forestry plans and programmes.

(2) Forestation shall be performed on the basis of technological plans for forestation. The technical plans for forestation shall be prepared under the Ordinance of Art. 95, Para. 2, p. 1.

(3) Where as a result of disasters, fires and calamities it is needed forestation of the forest territory, which has not been envisaged in the confirmed forestry plan or programme, it shall be done only on the basis of technological forestation plan.

Art. 92. The protection of forest territories against erosion and floods in the cases, where it is realized also by technical equipment, shall be performed by confirmed specialized projects.

Art. 93. (1) For forestation shall be used appropriate for the relevant type and conditions of growing tree and bush kinds, where priority shall have the local kinds.

(2) Forestation shall be banned:

1. with tree and bush kinds, which are not indicated in the regional development plans of forest territories, in the forestry plans and programmes, as well as with kinds, banned in the management plans for the protected territories and zones;

2. over meadows and lawns in forest territories, unless in the cases of protection against erosion and floods.

(3) The forest nurseries, in which saplings are produced for forestation of forest territories shall be registered in the Relevant regional directorate of forests under terms and conditions of the ordinance under Art. 95, Para. 2, p. 3.

Art. 94. (1) Implementation of the activities of forestation and protection against erosion and floods in the forest territories shall be done by traders, registered in the public register under Art. 241.

(2) The requirements under Para. 1 shall not apply:

1. to construction of barrages, thresholds and supporting walls;

2. where forestation activities in mechanical way of performance are assigned independently;

3. where the activities are performed by a person, registered in the public register for exercising forestry practice in his own forests or in forests – ownership of his relatives in direct line without restrictions and of relatives in law up to second line, including.

Art. 95. (1) The Council of Ministers shall adopt an Ordinance for determining the terms and conditions for assigning the activities in the forest territories – state or Municipal ownership.

(2) The Minister of Agriculture and Food shall adopt ordinances for determining the terms and conditions for:

1. forestation of forest territories and farm lands, used for creating special, protected and farm forests and of forests, in protected areas, inventory of created cultures, their accounting and registration;

2. determining the sources of the seed-production base, collecting and production of forest re-production materials, their qualifying, trade, import and export;

3. registration of forest nurseries, as well as for production of saplings in the forest nurseries – state ownership;

4. protection of forest territories against erosion and floods, as well as construction of supporting equipment.

Art. 96. (1) Testing and determining the origin and quality of the forest reproduction materials shall be performed in specialized territorial units of the Executive Forest Agency – forest seed control stations, under the terms and conditions of the Ordinance of Art. 95, Para. 2, p. 2.

(2) The trade and import of forest reproduction materials shall be performed by suppliers, registered in public register in the Executive Forest Agency or an EU Member State. The terms and conditions for registration and keeping the register shall be determined by the Ordinance under Art. 95, Para. 2, p. 2.

Art. 97. (1) Wood-cutting areas and burned out areas, which cannot be restored naturally up to 7 years after the timber cutting or burning during fire shall be planted by their owner up to 2 years after expiry the 7-year period.

(2) Where the forestry plan or programme envisages restoration in an artificial way, the forestation shall be done within the term of 3 years after cutting the plantation.



Art. 98. The state forestry and the state hunting reserves and Municipalities – owners of forests may provide free forest reproductive materials for forestation for testing and scientific purposes and for training of school children and students, as performing forestation by non-profitable legal persons, registered in public favour under a procedure, determined by the Ordinance under Art. 95, Para. 2, p. 2.

Art. 99. (1) Owners of land properties in forest territories, as well as persons, who perform activities in forest territories, who with their actions or as a result of failure to fulfill an order of a competent body gave caused damage to territories or erosion of the soils, shall be obliged to re-cultivate them. Re-cultivation shall be done on their account and in a term, determined by the Regional directorate of forests.

(2) The re-cultivation shall be done under the terms and conditions of the Protection of Farm Lands Act.

Art. 100. The state enterprises under Art. 163 may sign long-term contracts for assigning the activities on creating forests for the term of 10 years. The terms and conditions for conducting the procedure and for signing the contracts shall be determined by the Ordinance under Art. 95, Para. 1.

### **Section III. Conducting Felling in the Forests**

Art. 101. (1) Felling shall be conducted for restoration, growing and improving the conditions of forests and for achieving the objectives, laid down in the forestry plans and programmes.

(2) Felling in forests in protected territories and protected zones shall be conducted while observing the orders for their announcement and management plans.

(3) The Minister of Agriculture and Food shall adopt an Ordinance, which shall determine:

1. the types of felling and methods for their conducting;
2. the terms and conditions for conducting the felling;
3. the rules for marking the plantations, envisaged for felling;
4. the terms and conditions for issuing permits for felling;
5. the system of regimes and measures for managing the types natural places;

Art. 102. Restoring felling shall be conducted at an age not smaller than:

1. 60 years in high-stem forests with the exception of birch and poplar trees, as well as the artificially created plantations out of their natural region of spreading;
2. 20 years and not bigger than 30 years in forests for sucker restoration;
3. 15 years for acacia forests.

Art. 103. (1) Felling in high-stem forests shall be conducted during the whole year, and in the low-stem – from 1 September till 1 April.

(2) For keeping the growing of the high-stem forests, the owners or the persons, who are assigned to manage the forests, may prohibit felling from 1 April till 1 October.

Art. 104. (1) It shall be prohibited:

1. conducting clear fell in all the forests with the exception of the poplar and low-stem forests;
2. merging clear, non-restorable timber –cutting area, larger than 2 hectare in low-stem forests with the exception of acacia forests;
3. felling dwarf pines and white fir forests with the exception of the sanitary one;
4. felling non-marked trees, apart from the cases, determined by the Ordinance under Art. 101, Para. 3.

(2) Exceeding the planned use on the area of the restored felling shall be prohibited in high-stem forests for the term of action of the relevant forestry plans or programmes, unless in disasters, fires, calamities and change of the purpose of the forest territories.

Art. 105. As clear fell shall not be considered cutting all the trees in a certain territory, where this is done for:

1. performing activities, related to preservation and protection of the forest territories or done in the interest of health and safety of nationals;
2. protection and preservation of cultural values after a recommendation of the Ministry of Culture, as well as for scientific study purposes;
3. absorption of wood, damaged as a result of biotic or abiotic influence after recommendations by the forest protection station;
4. conducting final stages of restoration felling with occurred natural restoration;
5. protection and restoration of natural place habitats and habitats of kinds, included in Annexes 1, 2 and 3 to the Biological Diversity Act, if they are subject to preservation of a certain protected zone, after recommendation of the regional inspection on the environment and waters;
6. hunting areas, game fields and game cutting areas, envisaged in a hunting territory project, as well as for construction of forest roads;
7. implementation of contracts for establishing right to construction, right of use or servitudes;
8. implementation of confirmed plans for fight with fires.

Art. 106. Apart from the cases, envisaged in forestry plan of programme, the owners of forest, as well as persons, who have been assigned with management of land properties in forest territories, shall conduct sanitary fells also where recommendation has been given for that by the Regional directorate of forests or by the relevant forest protection station. The fell shall be conducted within the term, determined by the recommendation.

Art. 107. Marking the plantations, envisaged for felling, shall be conducted under the conditions of the Ordinance of Art. 101, Para. 3 by a person, registered in the Public Register for practicing forestry practice.

Art. 108. (1) The felling shall be conducted on the basis of a written permit according to a form, issued by:

1. the director of the relevant State forestry or state hunting reserve or persons, authorized by him, holding higher forestry education – for the forest territories – state ownership, as well as for such, provided for management on the basis of a contract;
2. an authorized person by the Mayor of the relevant Municipality, holding higher forestry education, registered in the public sector for exercising forestry practice – for the forest territories –

Municipal ownership, as well as for such, provided for management on the basis of a contract;

3. a person, holding higher forestry education, registered in the public register for exercising forestry practice, with who the forestry association has signed a contract;

4. a person, holding higher forestry education, registered in the public register for exercising forestry practice – for the forest territories, apart from the ones, indicated in p. 1 and 2, with who the owner has signed a contract for the concrete property.

(2) Permit for felling shall be issued to a person, registered in the public register for exercising forestry practice.

(3) The person under Para. 2, who has been issued a felling permit, shall bare responsibility and shall exercise control on the production of timber till the cutting area is certified.

Art. 109. (1) Within the term up to 30 days after finalizing the felling, issued the felling permit, shall draw up a protocol for certifying the cutting area. The protocol shall be signed also by the person, who has issued the felling permit.

(2) The protocol for certifying the felling shall be drawn up also in the cases, where up to the end of the calendar year, the felling in the plantation has not been finalized.

Art. 110. The state enterprises under Art. 163 may sign long-term contracts for assigning conducting felling without material production and/or trimming for the term of 10 years. The terms and conditions for conducting the procedure for signing the contracts shall be determined by the Ordinance under Art. 95, Para. 1.

## **Chapter five.** **USING TIMBER AND NON-TIMBER FOREST PRODUCTS**

### **Section I.** **Using Wood**

Art. 111. (1) using timber from the forest territories shall be the production of timber and/or the disposal with it.

(2) using timber from forest territories shall be done by traders, registered in the public register under Art. 241, with the exception of the cases, where:

1. the use is from own forests;
2. natural persons buy timber for personal use without the right to sell it.

Art. 112. (1) using timber from the forest territories – state or Municipal ownership shall be realized in one of the following ways:

1. by selling standing timber on root;
2. by production and sale of produced wood.

(2) The ways of using timber form forest territories – ownership of natural and legal persons shall be determined by the owner.

Art. 113. Using timber from forest territories – state or Municipal ownership shall be paid.

Art. 114. (1) Using timber from the forest territories – state or Municipal ownership shall be done under the terms and conditions, determined by the Ordinance under Art. 95, Para. 1.

(2) Natural, legal persons or Municipalities may on the basis of a contract provide the production of timber in their own forests to state undertakings under Art. 163 or to persons, registered in the public register under Art. 235 and 241. The terms and conditions for production of timber shall be determined by the contract.

Art. 115. (1) The state forestry, state hunting reserves, as well as the Municipalities – owners of forests may provide up to one third of their annual use of timber for production or for processing to traders, who:

1. have a seat and address of management on the territory of the relevant forestry or Municipality and perform their activity on the same territory, and

2. (In force from 01.01.2016) possess a document for compliance with an international standard, issued by an independent body of certification, related to the activities of production and/or processing of wood.

(2) The compliance document under Para. 1, p. 2 shall certify, that the trader applies some of the following systems for:

1. sustainable management of forests, or

2. control over the production of timber and the produced products, or

3. quality of the production process and the offered products and services.

Art. 116. (1) The state enterprises under Art. 163, as well as the Municipalities – owners of forests may sign contracts with traders for the term of up to 15 years for:

1. production of wood;

2. sale of wood.

(2) (In force from 01.01.2016) The traders under Para. 1 shall meet the requirements under Art. 115, Para. 1, p. 2.

(3) The annual quantity – subject to the contracts under Para. 1 shall be in the amount of:

1. up to 1/4th of the annual use of timber in the relevant state enterprise, but no more than 1/3rd of the annual use of timber for each state forestry or state hunting reserve;

2. up to 1/3rd of the annual use of timber in the relevant Municipality.

(4) The terms and conditions for conducting the procedure and for signing the contracts under Para. 1 – 3 shall be determined by the Ordinance under Art. 95, Para. 1.

## **Section II.**

### **Using Non-timber Forest Products**

Art. 117. (1) Using non-timber forest products shall be the production of resin, kindling wood, hay, barks, fiber, seeds, mushrooms, healing and aroma plants or parts of them, lichen and moss, forest fruits, greenery, Christmas trees, leaf fodder, hunt of animals, which are not game, as well as disposal with them.

(2) Using non-timber forest products, where it is economic activity, shall be done only if this has been envisaged in a confirmed forestry plan.

Art. 118. Using medicinal plants shall be provided by the Medicinal Plants Act.

Art. 119. (1) Using non-timber forest products from the forest territories shall be done without violating the rights of third persons and the provisions of the acting legislative provision.

(2) Using mushrooms, forest fruits, healing and aroma plants or parts of them from the forest territories, where it is not an economic activity, shall be performed free.

Art. 120. (1) The director of the state enterprise under Art. 163 or an official, authorized by him shall organize the production and disposition with non-timber forest products from forest territories – state ownership, by:

1. assigning the production and sale of the products in raw and/or processes state – under the Ordinance of Art. 95, Para. 1;

2. by renting certain forest territories;

3. by issuing permit for using non-timber forest products.

(2) For organizing the production and disposition under Para. 1, p. 1 and 2, contracts may be signed for the term of 10 years. The contracts shall determine the permitted for production, the place of their production, prices, quantities and ways of their measurement.

(3) The production and disposition with non-timber forest products from forest territories – Municipal ownership, shall be performed in the ways, determined by Para. 1 after Municipal council decision.

(4) The ways of using non-timber forest products from forest territories – ownership of natural and legal persons, where they are economic activity shall be determined free by the owners.

Art. 121. Production of resin and barks of standing trees shall be prohibited, with the exception of barks of cork oak, apart from the cases, where the production is envisaged in a forestry plan.

Art. 122. The produced timber and non-timber forest products are Articles with fast worsening qualities, which shall be subject to fast sale.

### **Section III. Pasture in the Forest Territories**

Art. 123. (1) Pasture of farm animals in forest territories – state and Municipal ownership shall be done after payment a price for the calendar year, determined:

1. by an order of the Minister of Agriculture and Food or by officials, authorized by him – for the forest territories – state ownership;

2. by a Municipal council decision – for the forest territories – Municipal ownership.

(2) For the paid under Para. 1 price, the person shall be issued a document, which shall indicate the type and number of animals.

(3) Pasture of farm animals in the forest territories – ownership of natural and legal persons shall be done after a written agreement of the owner.

Art. 124. It shall be prohibited:

1. pasture in forest territories of farm animals without a herdsman;
2. pasture in the flooded and erosion forest territories, dendraria, approved and registered sources of production of forest reproductive materials and in the forest nurseries;
3. pasture in the forest cultures and young plantations of family origin and in the sucker plantations, until they right height of 3 m;
4. pasture in forest territories, in which their natural restoration has started or is possible;
5. night pasture in the forest territories;
6. pasture of farm animals in the game-breeding areas of the state forestry and in the hunting reserves.

Art. 125. (1) Annually, by the end of February, the Mayor of the Municipality shall issue an order, which shall indicate the forest territories, in which the pasture of farm animals shall be prohibited. The order shall be announced at an evident place in the building of the relevant Municipality, the region, City Hall or populated area.

(2) The order under Para. 1 shall be issued on the basis of come by the end of January written proposals by:

1. the directors of the state forestry or state hunting reserves – for the forest territories – state ownership;
2. Mayors of regions and City Halls and Municipality deputies – for the forest territories – Municipality ownership;
3. owners – for forest territories apart from those, indicated in p. 1.

(3) The order under Para. 1 shall be issued while observing the restrictions and bans, provided by the orders for announcement and in the plans for management of protected territories and protected zones.

#### **Section IV.**

#### **Export and Import of Non-processed Timber Material And Wild-growing Mushrooms**

Art. 126. (1) The export of non-processed timber material and of wild-growing mushrooms shall be performed after issuing an export certificate. The certificate shall be with a validity term of 3 months from the date of its issuance.

(2) For issuing an export certificate of non-processed timber material the exporter shall produce:

1. a contract with the owner of the forest for use if the timber and/or an Invoice for buying the wood;
2. a foreign-trade contract and/or Proforma-Invoice;
3. a document for a paid charge for issuing the certificate;
4. a filled in form by the exporter of an export certificate.

(3) For issuing an export certificate for wild-growing mushrooms the exporter shall produce:

1. a document for a paid price for collecting non-timber forest products, a contract for rent or an Invoice, issued by the owner;
2. foreign trade contract and/or Invoice;
3. a document for a paid charge for issuing the certificate;
4. filled in by the exporter form of an export certificate.

(4) On the day of producing the documents under Para. 2 and 3, the Minister of Agriculture and Food or an official authorized by him shall issue or refuse to issue an export certificate. The refusal may be appealed under the Administrative-procedure Code.

(5) In order the certificate to be issued, charges shall be collected, determined by a tariff of the Council of Ministers.

(6) The Minister of Agriculture and Food may, by an order, temporarily to prohibit the export of non-processed timber material from certain timber types and/or sizes, as well as of wild-growing mushrooms.

Art. 127. (1) Competent body on implementation of the Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community, called hereinafter Regulation (EC) 2173/2005, shall be the Customs Agency.

(2) While performing check-up for establishing the compliance of consignments with the data of the relevant permit, the activity of the Customs Agency shall be supported by the Executive Forest Agency.

## **Chapter six. PROTECTION OF THE FOREST TERRITORIES**

### **Section I. General Provisions**

Art. 128. The protection of the forest territories shall cover the measures for prevention and fight with diseases, pests, fires and other abiotic influences.

### **Section II. Protection of the Forest Territories from Diseases and Pests and Other Damages**

Art. 129. The protection of the forest territories from diseases, pests and other damages shall provide the creation and growing of healthy, sustainable and highly productive forests and shall include: evaluation of their healthy condition, prognosis for spreading of pests, diseases and other damages in the forests, prophylaxis and quarantine events and conducting fight with the pests, diseases and other damages.

Art. 130. The protection of the forest territories from diseases, pests and other damages shall be conducted by:

1. prophylaxis and quarantine initiatives;
2. conducting observations, investigations and signals for the occurrence, development and spreading of the agents of diseases, insects, weeds and other pests;
3. evaluation and monitoring of the impact of abiotic and biotic factors over the conditions of the forest-timber plantation;
4. conducting protection initiatives and fight with the pests, including biological, chemical, physical-mechanic and integrated methods and means.

Art. 131. (1) Evaluation of the health condition of forests and of the need of conducting protected initiatives in them shall be done with a prognosis, prepared by specialized territorial units under the Executive Forest Agency – forest-protection stations and a confirmed by the Executive

director of the Executive Forest Agency.

(2) The Executive Forest Agency, the Regional directorates of forests and forest-protection stations shall give free methodical management, shall consult the Municipalities and other owners of forests, shall give instructions and shall perform control on the protection of the forests from diseases, pests and other damages.

(3) The instructions of the bodies under Para. 2 for protection of forests from diseases, pests and other damages shall be obligatory for the state enterprises under Art. 163, the Municipalities, the training-testing forestry and owners of forest territories.

Art. 132. The protection of the forest territories from diseases and pests and other damages shall be organized and conducted under the terms and conditions, determined by an Ordinance of the Minister of Agriculture and Food.

Art. 133. (1) The protection of the forest territories from diseases and pests and other damages shall be organized and realized by the owners, respectively – by the persons, who have been provided to manage the territory, on their account.

(2) In the cases of mass development of diseases or calamities in the forest territories the protection shall be organized and controlled by the forest-protection stations on the account of the state budget.

Art. 134. The Municipalities, the natural and legal persons – owners of forests, as well as their associations may assign the activities on protection in the forest territories – their ownership to the state enterprises under Art. 163 or to the forest-protection stations.

Art. 135. (1) The protection of forests shall be realized with means and preparations, permitted and registered under the Plants Protection Act.

(2) The plant-protection means and preparations shall be applied under the conditions and in a way, determined by the Ordinance of the Minister of Agriculture and Food, coordinated with the Minister of Environment and Waters and the Minister of Health.

### **Section III.**

#### **Protection of the Forest Territories from Fires**

Art. 136. (1) The measures and initiatives for protection of the forest territories from fires shall be planned for every forest territory unit, notwithstanding of the ownership on the territory and shall be obligatory for Implementation.

(2) Planning the measures and initiatives for protection of the forest territories from fires shall be on the account of the state budget.

(3) Implementation and maintaining the measures and initiatives for protection of the forest territories from fires shall be organized and realized by the owners, respectively by the persons, to whom the territory has been given for management on their account.

(4) The terms and conditions for planning the measures and initiatives for protection of the forest territories from fires shall be determined by the ordinance under Art. 18, Para. 1.



Art. 137. (1) Annually, upon proposal of the director of the Regional directorate of forests, the regional Governor by an order shall define a fire-dangerous season in the forest territories for the region.

(2) The order under Para. 1 shall be announced in public on the internet site of the relevant regional administration of the regional directorate of forests and of the Executive Forest Agency.

(3) During the fires-dangerous season lighting of open fire and performing fire works at a distance less than 100 m from the borders of the forest territories shall be prohibited.

Art. 138. (1) The terms and conditions for protection of the forest territories from fires shall be determined by an Ordinance of the Minister of Agriculture and Food and the Minister of Interior.

(2) Lighting fire and performing fire works in the forest territories shall be prohibited, unless in the cases, determined by the Ordinance under Para. 1.

Art. 139. (1) The owners of line objects, as well as of equipment, passing or falling in the forest territories, shall be obliged on their own account:

1. to maintain them during the whole year in fire-protected state, by cleaning periodically from trees, branches, bushes, dry grass and from other inflammable materials;

2. to trim the branches of trees, which are close to the object or equipment;

3. to define the specially dangerous inflammable places and to protect them.

(2) Natural persons, passing or inhabiting in the forest territories shall be obliged to observe the rules for fire safety in them.

(3) The hunters, fishermen and tourist associations in Bulgaria shall instruct through their bodies their members for the rules of fire safety in the forest territories before each outing.

(4) The heads of military units shall be obliged while conducting field training and exercises to provide the observation of the rules for fire safety and to undertake actions for non-admittance of fires and for their timely extinguishing.

Art. 140. The bodies of fire safety and protection of the population and the officials of the Executive Agency of Forest and its structures shall have the right to stop actions or machines and equipment, which do not meet the requirements for fire safety or create danger for occurrence of forest fires.

Art. 141. (1) The bodies of the fires safety and protection of population, the Executive Agency of Forest and the Regional directorate of forests independently or jointly shall perform control on the implementation of the envisaged anti-fire measures and initiatives in the forest territories.

(2) The direct organization of the fight with forest fires shall be performed by the bodies of the fire safety and protection of the population with the assistance of the state forestry and the state hunting reserves, Municipalities, owners and users of forest territories, as well as of the persons, performing activities in them.

Art. 142. (1) The Mayors of Municipalities, regions, City Halls and deputies shall organize on the account of the Municipal budget voluntary formations for extinguishing forest fires under the Disaster Protection Act.

(2) The directors of state forestries and of state hunting reserves shall organize specialized

groups of employees and workers for actions in extinguishing forest fires.

(3) The order for action of the voluntary formations and specialized groups under Para. 1 and 2 at extinguishing forest fires shall be determined by the Ordinance under Art. 138, Para. 1.

Art. 143. A person, who has noticed a fire in the forests territories shall be obliged immediately to undertake actions for notifying the centres for accepting emergency calls to the single European number 112.

## **Chapter seven. ACCESS TO FORESTS**

Art. 144. (1) The access to the forest territories shall be free, at own risk, while observing the instructions of the forest administration and the owner of the forest territory, apart from the cases, envisaged by this Act.

(2) The access to, and from the forest territories, given for management to other institutions in relations to the national security and defence shall be determined by an act of the head of the relevant institution.

(3) The access to forest territories, included in protected territories shall be done under the terms and conditions of this Act, apart from the cases, where it is not prohibited or restricted under certain conditions by the orders for announcement or management plans.

(4) With a permission, issued under this Act shall be provided access to:

1. forest territories, in which production of timber is conducted and for this circumstance an instruction sign has been placed;

2. the forest nurseries.

(5) The permit under Para. 4 shall be given in written form by the person, managing the relevant territory.

Art. 145. In the properties in the forest territories shall not be placed fences or other actions, which restrict the free movement of people, wild animals and waters with the exception of properties, for which this has been envisaged by a legislative or administrative act.

Art. 146. (1) the director of the Regional directorate of forests by an order may temporarily, for the term of up to 3 month, restrict or prohibit the access to a certain forest territory:

1. in view to preservation and protection of the forest territories and game;

2. in the interest to the health and safety of the nationals.

(2) The order under Para. 1 may be issued also upon proposal of the director of the relevant state forestry, state hunting reserve or of the owner of the forest territory. The order shall be announced in public on the internet site of the Regional directorate of forests and on the information board in the building of the relevant Municipality.

(3) On the basis of the order under Para. 1, the person, upon whose initiative the access to the forest territory is restricted, shall place barriers or information signs.

(4) The access of owners of forest territories to their properties may be restricted only in the cases under Para. 1, p. 2.

Art. 147. The lessees of land properties in forest territories – state and Municipal ownership may request by the lessor introducing temporary restrictions or prohibitions for access to the areas, used by them, where this is needed for performing their activity under the contract, under Art. 146.

Art. 148. (1) Trucks and road vehicles pulled by animals may move in the forest territories and on forest roads only in connection with fulfillment of forestry, farm and hunting reserve activities.

(2) The circumstance, that the vehicle will be used for fulfillment of the activities under Para. 1, shall be certified by;

1. a document, issued by the director of the state forestry or of the state hunting reserve without paying a charge – where the activity is done by the forestry or has been assigned by it;

2. hunting permit, valid on the concrete data and place of hunting;

3. a document, issued without paying a charge by the Mayor of the Municipality, region, city Hall or the deputy – in the remaining cases.

(3) The movement of the vehicles under Para. 1, where it is not related to fulfillment of forestry, farm or hunting reserve activities, shall be admissible only where:

1. a permit has been given for that by the director of the Regional directorate of forests or an official authorized by him, or

2. is on roads and road-beds, which have special signs for such purposes.

(4) The owners or users of properties, for whose use is needed trespassing with trucks and road vehicles pulled by animals on the forest roads, shall receive a permit for movement on the concrete roads by the Mayor of the Municipality, region, city Hall or the deputy upon location of the property.

(5) The documents for access of the vehicles under Para. 1 shall be:

1. with term of validity by finalization of the relevant forestry, farm and hunting reserve activity;

2. termless – for the owners or users of properties under Para. 4.

(6) The persons, who issue documents for access under this Act shall keep a copy of them for the term of up to 1 year from their issuance.

(7) The movement on the forest roads of road vehicles, apart from the ones, indicated in Para. 1 shall be done under the terms and conditions, determined by the Ordinance under Para. 11. Cycling, as well as riding horses in the forest are permitted only on forest roads and on the road-beds, with signs for that purpose.

(8) Upon request of Mayors of Municipalities, the director of the Regional directorate of forests, by an order, may determine forest roads, for which the movement of road vehicles to be allowed.

(9) The Municipalities, upon whose request the order under Para. 8 has been issued, shall be obliged on their account to place signs on the relevant roads and to provide their current maintenance and repair.

(10) Owners and users of properties in the forest territories or bordering such shall not be able to restrict the access to the forest roads, including by fencing or in any other way, restricting their free use.

(11) The terms and conditions for the movement on the forest roads for placing road signs and their models, as well as the forms of documents for access to forest territories shall be determined by the Ordinance of the Minister of Agriculture and Food and the Minister of Interior.

Art. 149. (1) Movement of road vehicles and riding horses shall be banned on signed tourist paths, unless where the tourist path coincides with a forest road or is a part of the signed road-bed.

(2) Signing new tourist paths and road-beds in the forest territories shall be done with the agreement of the owner, respectively of the persons, to whom the territory has been given to be

managed.

Art. 150. (1) Organized public or sport materials in the forest territories, as well as in territories, which border such, may be held after receiving license by the director of the relevant Regional directorate of forests.

(2) The request for issuance a license shall be submitted at least 14 days before the date of the initiative, by pointing the place of holding and the expected number of participants and a written agreement of the owner or the person, managing the territory shall be applied.

(3) The permit shall be issued within the term of 7 days before the date of holding the initiative and in it additional conditions for holding the initiative may be determined, which shall be obligatory for the organizer.

(4) The organizer of the initiative under Para. 1 shall provide:

1. the fire safety of the held initiative;
2. cleaning the territory and removing the placed movable objects.

Art. 151. The restrictions and prohibitions under this Chapter shall not apply in the cases, where the relevant activities are conducted fulfilling the official duties of bodies at state governance according to this Act and of officials, fulfilling their functions according to the special norms.

#### **Chapter eight.**

### **CONSTRUCTION IN THE FOREST TERRITORIES WITHOUT CHANGING THE PURPOSE**

Art. 152. (1) Construction in the forest territories without changing the purpose shall be admitted only for building up objects under Art. 54, Para. 1.

(2) Construction of objects under Para. 1 shall be permitted under the terms and conditions of the Spatial Development Act and of an Ordinance of the Minister of the Regional Development and Public Works and the Minister of Agriculture and Foods.

(3) The owners and users of properties in forest territories or bordering such shall not stop performing repair and reconstruction of forest roads.

(4) The provisions for design, construction and introducing into exploitation of forest roads, as well as their classification shall be determined by the Ordinance under Para. 2.

Art. 153. (1) As construction shall not be considered building up of:

1. temporary forest roads, temporary cable lines and storehouses for timber;
2. technical strengthening equipment for fight against erosion and floods;
3. temporary anti-fire observation towers;
4. hunting and fishery equipment;
5. architecture elements for servicing recreation and tourism;
6. equipment, providing preservation of cultural values;
7. monitoring stationeries.

(2) Construction of buildings and equipment under Para. 1 shall be done under the terms and conditions, determined by the ordinance under Art. 152, Para. 2.

#### **Chapter nine.**

## **STRUCTURE OF THE EXECUTIVE FOREST AGENCY**

Art. 154. (1) The state policy in the area of forestry shall be performed by the Minister of Agriculture and Food through the Executive Forest Agency.

(2) The Executive Forest Agency shall be a legal person on budget support – second level budgetary spending unit.

(3) The Executive Forest Agency. Shall be directed by an executive director.

(4) The activity and structure of the Executive Forest Agency shall be determined by Rules of Procedure, adopted by the Council of Ministers.

Art. 155. (1) For discussing major issues of the forestry, under the Minister of Agriculture and Food, a National Council on Forests shall be established as a consultative body.

(2) The National Council on Forests shall include representatives of the Ministry of Agriculture and Food, the Ministry of Environment and Waters, the Ministry of Interior, the Ministry of Regional Development and Public Works, the Ministry of Finance, the Ministry of Justice, the Executive Forest Agency, the state enterprises under Art. 163, the Bulgarian Academy of Science, the University of Forestry, the Municipalities and other owners of forests and non-profitable legal persons. Whose activity is related to the management and protection of forests.

(3) The composition of the National Council on Forests as well as its rules of procedure shall be determined by an order of the Minister of Agriculture and Food.

(4) The National Council on Forests shall assist the Minister of Agriculture and Food, while:

1. conducting state policy in the area of forestry;
2. developing projects of legislative acts, related to forestry;
3. solving problems of high public interest in the area of forestry.

Art. 156. The Executive Forest Agency shall:

1. assist the development and shall coordinate the implementation of the National Development Strategy of the Forestry Sector;
2. develop Strategic Development Plan of the Forestry Sector;
3. organize the development and control the implementation of the regional development plans of the forest territories;
4. organize the inventory of the forest territories;
5. control the development and implementation of the forestry plans;
6. organize the development and control the implementation of the management plans for the natural parks;
7. create and maintain an information system for the forest territories and the activities in them;
8. implement the investment programme of the Ministry of Agriculture and Food on forestry activities;
9. implement international and national programmes and projects in the area of forestry;
10. participate in the operation of the supporting bodies of the European Commission, assisting its activity in the area of forestry and shall make contacts with other international organizations;
11. control the implementation of the Act and shall exercise observation and methodical governance over the activity of all the bodies and persons, who have been assigned with obligations on it;
12. give information, perform consultations and provide administrative services of citizens and owners of forests, legal persons and bodies of the state government on issues, related to forestry;
13. assist the owners of forests in the cases, provided by the law;

14. coordinate and control the protection and preservation of forests, the forest seed control, the scientific and engineer-incorporative activity;

15. realize interrelation with non-governmental organizations for providing for their participation while forming and implementing the governmental policy in the area of forestry;

16. fulfill also other activities, assigned an Act or by a Council of Ministers decision.

Art. 157. (1) For adopting projects, plans and programmes, scientific and other developments and proposals for incorporation in the forestry and the hunting reserve, of plans and reports for operation of the specialized territorial units of the Executive Forest Agency the executive director of the Executive Forest Agency by an order shall appoint expert councils.

(2) The terms and conditions for holding the meetings of the expert councils shall be determined by Rules, approved by the executive director of the Executive Forest Agency.

Art. 158. (1) The executive director of the Executive Forest Agency after coordination with the Minister of Agriculture and Food, by an order shall establish and close Regional directorate of forests and shall determine their seats and region of activity.

(2) The regional directorates of forests shall be budgetary spending legal persons – structures of the Executive Forest Agency.

(3) The region of activity of each of the regional directorates of forests shall cover the whole territory of one or more regions in the meaning of the Administrative and Territorial Structure of the Republic of Bulgaria Act.

(4) The Regional directorate of forests shall perform the functions of the Executive Forest Agency in their determined region of activity, with the exception of the indicated ones in Art. 156, Para. 10.

Art. 159. (1) The executive director of the Executive Forest Agency, after coordination with the Minister of Agriculture and Food, by an order shall establish and close specialized territorial units: for protection of the forests; for forest seed control; for inventory and planning of the forest fund; for scientific and engineering-incorporating work; directorates of natural parks for implementation of the orders for announcement and the management plans of the natural parks; for other specialized activities and shall determine their seats.

(2) The specialized territorial units under Para. 1 shall be legal persons on budgetary spending – structures of the Executive Forest Agency.

Art. 160. (1) The structures of the Executive Forest Agency shall be directed by directors, with which the executive director of the Executive Forest Agency has signed a labour contract after holding a competition.

(2) Director of a Regional directorate of forests may be a person holding higher forestry education, with a Master's education-qualification degree, an labour experience in his subject not less than 7 years, acquired after graduating the higher education.

(3) Director of a specialized territorial unit may be a persons, holding higher education, corresponding to the subject of activity of the specialized territorial unit, with a Master's education-qualification degree, an labour experience in his subject not less than 7 years, acquired after graduating the higher education.

Art. 161. The functions and tasks of the structures and specialized territorial units of the Executive Forest Agency shall be determined by rules of procedure. The rules of procedure shall be confirmed by the executive director of the Agency and shall be published in the State Gazette.

Art. 162. (1) The directorates of the natural parks shall develop annual plans for the activities on protection and restoration of the biological diversity, maintenance and development of the tourist infrastructure, educational programmes, etc, in compliance with the management plans of the natural parks. The directorates of natural parks shall develop annual plans for the activities on preservation and restoration of the biological diversity, maintenance and development of the tourist infrastructure, educational programmes, etc, in compliance with the management plans of the natural parks.

(2) The annual plans under Para. 1 shall be confirmed by the executive director of the Executive Forest Agency.

## **Chapter ten. STATE ENTERPRISES**

Art. 163. (1) For management of the forest territories – state ownership, which are not provided to institution or legal persons, state enterprises shall be established according to Annex N 1.

(2) The enterprises under Para. 1 shall be legal persons having status of state enterprises under Art. 62, Para. 3 of the Commercial Law.

(3) The Minister of Agriculture and Food by an order shall determine the regions of activity of the state enterprises under Para. 1.

Art. 164. The state enterprises under Art. 163 shall have two-level structure:

1. central office;
2. territorial units – state forestry and state hunting reserves.

Art. 165. (1) The basic subject of activity of the state enterprises under Art. 163 shall be:

1. implementation of the forestry plans for the forest territories – state ownership;
2. implementation of the hunting reserve plans in the state hunting reserve and in the state forestry;
3. implementation of maintaining and/or restoration activities in forest territories – state ownership, envisaged in the management plans of protected territories;
4. organization and holding initiatives on protection of forest territories – state ownership;
5. organization and holding anti-erosion initiatives;
6. maintaining the diversity of the ecosystems and preservation of the biological diversity in them;
7. organizing and assigning the design and construction in the forests and lands in the forest territories – state ownership;
8. creating new forests on farm territories;
9. protection of forest territories – state ownership;
10. providing public services.

(2) The state enterprises may perform other activities, which are allowed by the law, as well as such, assigned to them by the Minister of Agriculture and Food or on the basis of a contract.

(3) The implementation of the activities under Para. 1. p. 1 – 8. for which registration under this Act is required, including in cases, where they are not envisaged in the relevant forestry plans or management plans of protected territories, shall be assigned to persons, registered in the public registers under Art. 235 and 241.

(4) The activities under Para. 1. p. 1 – 8 may be performed independently by the state hunting reserves or by assigning under Para. 3.

(5) The activities under Para. 1, p. 1 – 8 in the forest nurseries – state ownership may be performed independently by state forestry and state hunting reserves or by assigning under Para. 3.

Art. 166. (1) In order to perform the activity of the state enterprises, the state shall provide for use and management property – state ownership.

(2) The property of the state enterprises shall consist of property, provided to them by the council of Ministers, the Minister of Agriculture and Food, of international institutions, local and foreign natural and legal persons and other organizations, as well as of property, acquired from the enterprises as a result of their activity.

(3) The property, acquired by the state enterprises as a result of their activity shall be private state property.

(4) The state enterprises shall not establish mortgages over forest territories, provided to them for management.

(5) The property of the state enterprises, as well as the provided forest territories to them for management shall not serve for guaranteeing debts to third persons.

(6) The state enterprises shall not participate in trade companies, as well as shall not establish such.

(7) The state enterprises may apply in operative programmes, as well as in international, national and regional tenders and programmes and may be equal participants in procedures under the Public Procurement Act with the exception of such with subject inventory, development and implementation of forestry plans and programmes.

(8) Against the state enterprises procedures of insolvency shall not be opened.

(9) The state enterprises shall be responsible for their obligations up to the amount of their property under Para. 3.

(10) The state enterprises shall not be subject to privatization.

(11) The activity of the state enterprises, as well as their property shall not be subject to concessions in the meaning of the Concessions Act.

Art. 167. Governing bodies of the state enterprises under Art. 163 shall be:

1. The Minister of Agriculture and Food;
2. the managing board.

Art. 168. The Minister of Agriculture and Food shall:

1. exercise the rights of ownership of the state in the state enterprises;
2. determine the seats of the state enterprises;
3. appoint and dismiss the members of the managing boards;
4. confirm rules for the organization and activity of the state enterprises;
5. confirm the annual financial plans of the state enterprises;
6. take decisions for distribution of the profit and for covering losses;
7. take decisions for spending the funds, established and managed by the state enterprises;



8. approve the annual financial reports and/or annual reports on the activity of the state enterprises;
9. take decision for establishing property rights and mortgages and shall coordinate requests for renting properties, which are not forest territories;
10. take decisions for buying, disposition, waste or liquidation of long-term material assets with balance values above BGN 30 000;
11. approve requests of the state enterprises for using credits;
12. upon proposal of the managing board of the state enterprise take decisions for establishing and closing territorial units of the state enterprises and for determining their region of activity and seat;
13. perform his authorities, given to him by the law, related to the activity of the state enterprises.

Art. 169. (1) The managing board of the state enterprises shall consist of 3 members, including the director of the enterprise.

(2) The Minister of Agriculture and Food shall sign a contract for management for the term of 5 years with each member of the managing board. The contract with the director of the state enterprise shall be signed after holding a competition.

(3) Member of the Managing board shall not be a person, who has been convicted for a crime of general nature, who is a spouse or relative in direct line, in second level line of in law to third level including with another member of the managing board.

(4) The members of the managing board shall elect among themselves a chairperson, and this shall not be the director of the enterprise.

(5) The managing board shall meet at least once a week. The meetings of the managing board shall be organized and directed by the board chairperson.

(6) The managing board meeting shall be regular, if all the members are present at it.

(7) The managing board decisions shall be adopted by open voting and with majority of all the members. The managing board may take decisions also if he is not present, if all the members have declared their agreement for the decision in writing.

(8) At the meetings of the managing board protocols shall be kept, which shall be signed by all the present members.

(9) The Minister of Agriculture and Food shall dismiss before expiry of the contract term of management a member of the managing board:

1. where he fails to meet the requirements of Para. 3;
2. in case of breaching the conditions, provided by the management contract;
3. in case of submitting a written application for dismissal;
4. in case of other available reasons, provided by the managing contract.

Art. 170. (1) The managing board shall:

1. adopt a draft rules of procedure for the organization and activity of the state enterprise and shall propose it to the Minister of Agriculture and Food for confirmation;
2. adopt annual financial plan of the state enterprise and shall propose it to the Minister of Agriculture and Food for confirmation;
3. adopt the annual financial plan of the territorial units of the state enterprise;
4. adopt the structure and the full-time employment of the central and territorial units of the state enterprise;
5. assign a register auditor or specialized audit enterprise for audit and certification of the annual financial report and shall confirm it;

6. propose to the Minister of Agriculture and Food to take a decision for distribution of the profit and for covering the losses;

7. propose to the Minister of Agriculture and Food to take a decision for spending the means of the funds, created and managed by the enterprise;

8. propose to the Minister of Agriculture and Food to take a decision for establishing and closure territorial units of the state enterprise and for determining their region of activity and seat;

9. take decision for buying, disposition, waste or liquidation of long-term material assets with balance valued up to BGN 30 000 and shall propose to the Minister of Agriculture and Food to take a decision for such balance value above BGN 30 000;

10. adopt an annual report on the activity of the state enterprise and annual financial report and shall propose them to the Minister of Agriculture and Food for confirmation;

11. implement other functions as well, related to the management of the state enterprise in compliance with the acting legislative acts or assigned to him/her by the Minister of Agriculture and Food.

(2) The managing board shall be assisted by the economic council, which shall consist of the directors of the territorial units of the relevant state enterprise.

(3) The economic council shall:

1. discuss the draft financial plan of the state enterprise and the draft financial plans of the territorial units;

2. make proposals to the managing board for the spending the funds, created and managed by the enterprise;

3. discuss the draft decisions of distribution of the profit and for covering the losses of the state enterprise;

4. discuss the annual report about the activity and the annual financial report of the state enterprise.

(4) The organization of the economic council operation shall be determined by the rules of procedure and the activity of the relevant state enterprise.

Art. 171. (1) The Minister of Agriculture and Food after conducting a competition, shall sign management contracts for the term of 5 years with the directors of the state enterprises.

(2) For director of a state enterprise shall be appointed a person, who shall:

1. hold higher forestry education with a Master's qualification degree;

2. hold labour and/or civil term of experience in their subject not shorter than 7 years, acquired after graduating the higher education under p. 1;

3. be a person, not convicted to deprivation of liberty for a crime of general nature.

Art. 172. (1) The director of a state enterprise shall:

1. represent the state enterprise before the state bodies, courts and before third persons in this country and abroad;

2. direct the whole activity of the state enterprise;

3. sign:

a) contracts for assigning the development of the forestry plans for the forest territories – state ownership;

b) contracts for the activities, performed by the central management of the state enterprise;

c) long-term contracts under the Forestry Act and under the Hunting and Game Protection Act;

4. sign and terminate the labour contracts with the workers and employees in the central management of the state enterprise, as well as the contracts for management with the directors of the

territorial units;

5. propose to the managing board the draft annual financial plan and annual financial report of the state enterprise;

6. confirm the financial plans of the territorial units of the state enterprise;

7. confirm the names of the employment list of the positions in the central management of the state enterprise;

8. account for his/her activity before the management council;

9. perform the authorities, given to him by the law, related to the activity of the state enterprises;

10. exercise control on observation of the legislative acts, financial discipline and protection of the property of the state enterprise and of the territorial units of the state enterprise;

11. after coordination with the Minister of Agriculture and Food shall take decisions for renting immovable properties, which are not forest territories and are provided for management of the enterprise;

12. take decision for renting immovable properties, managed by the state enterprise;

13. prepare and produce to the management council annual financial report of the state enterprise, certified by a registered auditor or by a specialized audit enterprise;

14. authorize the directors of the territorial units to sign contracts and issue acts for implementation of the activity of the units;

15. implement other functions, related to the management of the state enterprise, in compliance with the acting legislative acts or assigned to him/her by the Minister of Agriculture and Food and by the managing board.

(2) The director of the state enterprise may delegate some of his/her competences under Para. 1 of other employees of the state enterprise.

(3) Implementing their competences, the director of the enterprise shall issue individual administrative acts.

Art. 173. (1) The state forestries and state hunting reserves shall be territorial units of the state enterprises under Art. 163, which shall realize the functions of the state enterprise in their determined region of activity.

(2) The territorial units of the state enterprise shall be directed and represented by directors.

(3) The director of the state enterprise shall sign management contracts with the directors of the territorial units for the term of 5 years.

(4) For director of a territorial unit shall be appointed a person, holding higher forestry education with Master's educational-qualification degree, with labour and/or civil experience in the subject not less than 3 years, acquired after graduating higher education.

Art. 174. (1) The territorial units of the state enterprises shall:

1. sign on their behalf on their account and their own responsibility trade and other contracts within the frames of the authorities, provided by the law and by the director of the state enterprise;

2. keep accountancy and produce to the central management the drawn up annual financial reports according to the Accountancy Act;

3. have bank accounts;

4. have their own stamp;

5. proceed on their behalf and on their account judicial and arbitration cases;

6. be employers in the meaning of § 1, p. 1 of the additional provisions of the Labour Code;

7. account for independently with the Municipal budgets in relation to payment of local taxes

and charges.

(2) Implementing their competences the directors of the territorial units shall issue individual administrative acts.

(3) The territorial units of the state enterprise may apply in operative programmes, as well as in international, national and regional tenders and programmes and may be equal participants in procedures on the Public Procurement Act, with the exception of such with inventory, drawing up and implementation of forestry plans and programmes.

Art. 175. (1) The work salary funds in the state enterprises under Art. 163, as well as in their territorial units shall be determined under the terms and conditions, determined by an ordinance of the Minister of Agriculture and Food, coordinated with the Minister of Labour and Social Policy.

(2) The work salary funds in the central management of the state enterprise shall be formed depending of the financial result and on the implementation of the activities in the whole enterprise.

(3) The work salary funds in the territorial units of the state enterprise shall be formed, depending on the financial result of the activity of the state enterprise and on the implementation of the activities in the concrete unit.

Art. 176. (1) The means of performing the activity of the central management of the state enterprises and of their territorial units shall be collected from the following revenues:

1. the means from the sale of timber, forest reproduction material and non-wood forest products;

2. funds from providing services and from signed contracts;

3. funds from sale and renting immovable properties and movable Articles – ownership of the enterprise or provided for management;

4. donations, inheritances, sponsorship and others, made in favour of the state enterprise;

5. funds from contracts for management of forests – ownership of natural, legal persons and Municipalities;

6. means from leased and rented forest territories – state ownership;

7. funds from established servitudes and right to construction on forest territories – state ownership;

8. funds from sale of deprived in favour of the state timber, forest reproductive materials and non-wood forest products, produced from forest territories – state ownership;

9. credits to the state enterprise for realization of its functions;

10. revenues from portfolio investments with short-term state securities and bonds;

11. insurance compensations from the insured property of the state enterprise;

12. compensation for public ecosystem benefits;

13. revenues from European and other international programmes;

14. revenues and other activities, allowed by the law.

(2) The central office of the state enterprises shall be administrators of:

1. the funds, collected in the Investments in the Forests fund and the Reserve fund;

2. the positive difference between the revenues and costs, envisaged in the financial plans of the separate territorial units;

3. the funds from the remaining profit after its taxation;

4. funds from contracts for management and use of game in the game reserves under the Hunting and Game Protection Act;

5. the revenues under Para. 1, come in the enterprise a result of the activity of the central office.

(3) Each territorial unit shall administer the revenues under Para. 1 independently, by

transmitting to the central office of the relevant state enterprise the positive difference between the revenues and costs, envisaged in its financial plan, as well as the funds, needed for formation of the Investment in the Forests fund and the Reserve fund.

(4) The terms and conditions for transferring the funds from the territorial units to the state enterprise in its central office shall be determined by the Rules of Procedure and activity of the relevant state enterprise.

Art. 177. The funds, come as revenues to the state enterprise shall be spent for implementation of the assigned to it by the law activities and initiatives, envisaged by the confirmed financial plan of the enterprise.

Art. 178. In order to guarantee the financial stability of the state enterprise and to provide target investments for implementation of the activities, assigned to it by the law, the enterprise shall form the Investments in the Forest fund and the Reserve fund.

Art. 179. (1) The Investments in the Forests fund shall be formed by a part of the purchase price of the timber and non-wood forest products, produced from the forest territories – state ownership, determined by a Council of Ministers Decree.

(2) The funds for the Investments in the Forests funds shall be spent for design and construction of forest motor roads and transport technical infrastructure.

(3) The funds from the Investments in the Forests funds shall be spent upon a decision of the Minister of Agriculture and Food.

(4) The costs, made by funds from the Investments in the Forests funds shall be taxation recognized costs.

Art. 180. (1) The Reserve funds shall be formed from:

1. 1/10th of the profit after taxation, which shall be separated, until the funds reach 1/10th of the value of the assets on the balance of the enterprise;

2. a part of the re-distribution profit upon decision of the Minister of Agriculture and Food after taxation.

(2) The funds of the Reserve fund may be used only for:

1. covering annual losses;

2. covering losses of the previous year.

(3) The funds of the Reserve fund shall be spent upon decision of the Minister of Agriculture and Food.

### **Chapter eleven.**

#### **MANAGEMENT OF FOREST TERRITORIES, OWNERSHIP OF MUNICIPALITIES**

Art. 181. (1) The management of the forest territories –Municipal ownership shall be realized:

1. by Municipal forest structure, organized in one of the following forms:

a) structure unit in the Municipality administration;

b) trade company, in which the Municipality is a sole owner of the capital;

c) Municipal enterprise in the meaning of the Municipal Property Act.

2. by the state forestry and the state hunting reserves on the basis of a contract;  
3. by natural persons or traders, entered in the public registers under Art. 235 and 241, on the basis of a contract.

(2) The choice of the form of management under Para. 1, as well as of the persons under Para. 1, p. 3 shall be determined by a decision of the Municipal council.

(3) Where the forest territories – ownership of the Municipality have area above 1500 hectares, the management of the forest territories shall be realized in one of the ways under Para. 1, p. 1 and 2.

(4) Within 1 month term after the choice of the form of management under Para. 1, the Mayor of the Municipality shall notify in writing about that the regional directorate of forests.

(5) As a head of a Municipal forest structure shall be appointed a person, who meets the requirements for director of a state forestry and has been entered in the public register for exercising forestry practice.

(6) The municipal council shall determine by an ordinance the procedure for management of the forest territories – Municipal ownership.

Art. 182. The head of the Municipal forest structure and the persons, appointed in it at positions, for which forestry education is required, shall wear uniforms while implementing their official duties and shall have the rights and duties under Art. 190, Para. 2 in the forest territories – Municipal ownership, in which they perform their official duties, where the costs shall be on the account of the relevant employer.

#### **Chapter twelve.**

### **MANAGEMENT OF FOREST TERRITORIES – OWNERSHIP OF NATURAL AND LEGAL PERSONS AND THEIR ASSOCIATIONS**

Art. 183. (1) Forest associations shall be natural and legal persons – owners of land properties in forest territories, created according to the legislation in force with the purpose of mutual management of their properties.

(2) The Executive Forest Agency shall assist the formation and activity of forest associations, which meet the following requirements:

1. perform some of the following activities:

a) implementation of forestry plans;

b) implementation of forestry initiatives;

c) buying and selling and processing timber and non-wood forest products;

d) preservation and protection of the forest territories;

e) construction and maintaining forest roads and the infrastructure, accompanying the forestry activity;

f) buying machines and equipment for implementation of forestry activities as well as for processing timber and non-wood forest products;

2. unification of neighboring properties of owners with total area of their property after the unification not smaller than 100 hectares;

3. (In force from 01.01.2016) their forests are certified.

(3) Forest association, which has been sanctioned for violation of this Act or of the legislative acts of its implementation, shall not be assisted for the term of one year after the enforcement of the penal decree.

Art. 184. The assistance under Art. 183 may be done by:

1. providing information for development of forestry plans and programmes;
2. assistance for enlargement of separate properties in general forest massif, including free evaluation of the properties – subject to exchange and consolidation;
3. consultations and education for management of the association for applying good forestry practices;
4. consultations while constructing forest roads;
5. consultations while organizing and conducting initiatives for protection of forests;

Art. 185. (1) The representation of the members of forest associations, in which the ownership of the separate owners is in ideal borders shall be performed by the chairs or their managers, upon decision of the managing body of the association.

(2) Under Para. 1 shall be performed the representation of the members of forest associations in relation to their participation in national and international projects and programmes.

Art. 186. (1) Natural and legal persons – owners of land properties in forest territories, shall perform the activities in the relevant territory:

1. independently, where they are entered in the public register under Art. 235 or 241;
2. by assigning to:
  - a) state forestries and state hunting reserves;
  - b) Municipal forest structures under Art. 181, Para. 1. p. 1;
  - c) natural persons or traders, entered in the registered under Art. 235 and 241.

(2) Owners of land properties in forest territories, which have assigned the implementation of the activities under Para. 1, p. 2, shall be obliged within 14-day term after signing the contract for assigning to inform in writing the relevant regional Directorate of forests about the date of its signing, and in the cases under Para. 1, p. 2, letter "c" – also about the number of the certificate for registration of the person, with whom the contract has been signed.

## **Chapter thirteen. PROTECTION OF THE FOREST TERRITORIES**

### **Section I. General Provisions**

Art. 187. (1) Protection of the forest territories shall cover the actions on prevention and establishment of violations of the provisions of the law.

(2) The action on prevention of the violations shall be organized by the owners of the relevant forest territories on their own account.

Art. 188. (1) The state forestries, state hunting reserves, training – testing forestries and Municipalities- owners of forests shall appoint employees for prevention and establishing violations in the forest territories – their ownership, as well as in such, provided for management.

(2) The protection of the forest territories – ownership of natural persons, of legal persons or their associations apart from the ones, indicated in Para. 1 may be performed by persons, hired by the owner or on the basis of a contract.

(3) The Mayors of Municipalities may appoint persons for prevention and establishing violations in the forest territories, falling in the land of the relevant Municipality.

Art. 189. The officials of the Ministry of Interior, with the assistance of the employees and persons under Art. 188 shall under take actions for prevention and detection of crimes, related to the activities in the forest territories.

Art. 190. (1) The functions on protection of the forest territories, notwithstanding of their ownership, shall be assigned to the persons, holding forestry education.

(2) The persons under Para. 1 shall:

1. protect the forest territories, entrusted to them from illegal use and damages;
2. follow for the observation of the rules for felling and other use of the forests, protection of equipment, buildings, bordering and other signs and objects;
3. check all the documents for felling, pasture, hunt and other use of the forests;
4. follow for the observation of the anti-fire rules, and in case of a fire shall under take actions for its restriction and extinguishing;
5. follow for the occurrence of diseases, pests and other damages;
6. preserve the protected kinds of animals and plants and shall follow for the observation of the regimes of the protected territories and protected zones;
7. signal immediately to the bodies of the Ministry of Interior in case of establishing data for crimes, related to the activities in the forests and shall assist for their detection;
8. give instructions in case of found losses and violations;
9. give orders for termination of activities in case of found violations in the forest territories;
10. hold the Articles – subject to violations, as well as the Articles, which have served for their commitment;
11. notify immediately the bodies of the Spatial Development Act for illegal construction in the forest territories.

(3) While fulfilling their duties, the persons under Para. 1 shall identify themselves:

1. with official cards – for the officials, appointed for protection of the forest territories – state and Municipal ownership;
2. with certificates – for the persons, hired for protection of the forest territories, apart from the ones, indicated in p. 1.

(4) The official cards and the certificates under Para. 3 shall be issued by the relevant Regional directorate of forests according to a form, confirmed by the executive director of the Executive Forest Agency.

(5) The persons, fulfilling functions on preservation of the forest territories, shall have the right to carry and use for official purposes official long and short guns for security and persons short grooved gun.

(6) While fulfilling their official duties, the officials, appointed for protection of the forest territories – state or Municipal ownership, shall wear uniforms and distinguishing signs, which shall not be given to somebody else.

Art. 191. (1) The persons under Art. 190, Para. 1 may exercise their authorities under Art. 190, Para. 2 over the relevant territories, for which they are hired.

(2) The officials, appointed for protection of the forest territories – state ownership shall have the authorities under Art. 190, Para. 2, p. 1 – 8 also outside their entrusted for protection forest



territories in the region of activity of the relevant state forestry or state hunting reserve.

(3) The officials, appointed for protection of the forest territories – Municipal ownership shall have the authorities under Art. 190, Para. 2, p. 1 – 8 also outside their entrusted for protection forest territories on the territory of the relevant Municipality.

Art. 192. (1) The employers shall obligatorily insure the hired by them persons, fulfilling functions on protection of the forest territories with the Life and Accident insurance.

(2) The hired persons under Para. 1, who have suffered non-property damages during, or in connection with fulfilling their official duties, shall be paid once money compensation in the amount of 10 gross monthly salaries in case of a heavy physical injury and 6 gross monthly salaries in medium physical injury.

(3) In case of death of the hired persons under Para. 1, or in relation to fulfilling official duties, the spouse, children and parents of the dead person shall be paid once money compensation in the amount of 12 gross monthly salaries to every entitled person.

Art. 193. (1) The workers and employees of the Executive Forest Agency and its structures, of the state forestry, state hunting reserves, training-testing forestries and the Municipalities – owners of forests, whose official duties require to live in the forests, may use living premises, provided for them by their employers.

(2) In order to use the living premises the persons under Para. 1 shall submit an application on the basis of which the relevant employer shall issue an accommodation order and shall sign a contract.

(3) The workers and employees of the Executive Forestry Agency and its structures of the state forestries, state hunting reserves, the training-testing forestries and of the Municipalities – owners of forests, may use annually up to 10 cubic m firewood from the forest territories – state or Municipal ownership, against payment for the costs of production.

(4) With the rights under Para. 3 shall benefit after their retirement also persons with labour of civil service above 20 years, who have worked in administrations, structures or with traders, whose official duties have been related to the management or use of forest territories – state or Municipal ownership, as well as a spouse of a dead employee, when he/she is in retirement age.

(5) The workers and employees of the Executive Forestry Agency and its structures, of the State forestries, state hunting reserves, training-testing forestries and of the Municipalities – owners of forests, shall have the right for each 10 served years to receive 5 cubic m. wood construction material from the forest territories – state or Municipal ownership, against payment of the production costs.

(6) The terms and conditions for using the timber under Para. 3 – 5 shall be determined by an order of the Minister of Agriculture and Food.

Art. 194. (1) the state forestry, state hunting reserves, training-testing forestry, natural, legal persons and Municipalities – owners of forests may sign contracts with the ministry of Interior for protection of the forest territories – their ownership or provided to them for management.

(2) The Municipalities – owners of forests may assign the protection of the forest territories to the units "Municipal police".

(3) The persons under Para. 1 and 2 shall notify in writing the Regional directorate of forests for the contracts, signed by them.

Art. 195. (1) (Amend. - SG, 43/2011) Owners of forests may sign contracts with persons,

performing private security activity under the terms and conditions of the Private Security Business Act for guarding the forest territories – their ownership and shall notify in writing about that the Regional directorate of forests.

(2) (Amend. - SG, 43/2011) For direct guarding of the forest territories, the persons, performing private security activity under the terms and conditions of the Private Security Business Act, persons, holding forestry education shall be appointed.

(3) The protection of the forest territories under Para. 1 and 2 shall be performed according to the provisions of this Act.

## **Section II. Control**

Art. 196. (1) The Executive Forest Agency and its structures shall perform control on the implementation of the Act in relation to all the activities in the forest territories, as well as on the storage, transportation and processing the wood and non-wood forest products.

(2) In relation to performing the control function under Para. 1, the Executive Forest Agency and the Ministry of Interior may sign a cooperation contract.

(3) The terms and conditions for performing the activities on control and protection of the forest territories shall be provided by the ordinance under Art. 148, Para. 11.

Art. 197. The employees of the Executive Forest Agency and its structures, which hold positions, for which forestry education is required, as well as the ones, appointed by an order of the executive director of the Executive Forest Agency, shall:

1. have the right to access to the relevant documentation and to the sites – subject to control under this Act;

2. have the right to request documents and to receive information, needed for the implementation of their control functions;

3. have the right to stop vehicles, which carry wood and non-wood forest products for check up of their origin;

4. have the right to hold Articles – subject of the violation, as well as Articles, which have served for its commitment;

5. give consultations and make prescriptions in cases of found lapses and violations;

6. issue orders for stopping and termination of activities if found violations of this Act, the Hunting and Game Protection Act, the Protected Areas Act, the Fishery and Aquacultures Act, the Medicinal Plants Act, the Biological Diversity Act, the Agricultural Property Protection Act and the legislative acts on their application;

7. signal immediately to the Ministry of Interior bodies in cases of found data for committed crimes, related to the activities in forests, and shall assist for their detection;

8. control the observation of the rights for felling and other use of the forests, protection of equipment, buildings, bordering and other signs and sites;

9. control the observation of the anti-fire rules;

10. control the observation of the regimes in the protected territories and the protected zones;

11. perform expertise, analyses and assessment of the performed forestry activities in the forest territories;

12. have the rights under Art. 67, Para. 3 of the Hunting and Game Protection Act;

13. draw up acts for found violations, as well as for failure of fulfillment of duties by officials under this Act;

14. inform immediately the bodies under the Spatial Development Act for illegal construction in the forest territories.

Art. 198. (1) The immediate control over the activities, performed in the forest territories shall be conducted by forest inspectors – officials of the Executive Forest Agency and its structures.

(2) As a forest inspector may be appointed a person, who:

1. is holding:

a) higher forestry education;

b) high forestry education and labour term of office in his specialty not less than 3 years;

2. has not been convicted for premeditated crime of general nature or has not been released from criminal obligation for committed premeditated crime of general nature with imposed administrative punishment under Art. 78a of the Criminal Code;

3. meets the requirements for carrying and keeping weapon, as well as for psycho-physical ability and professional preparation for occupying the position.

(3) The terms and conditions for appointing forest inspectors, as well as the specific requirements for psycho-physical ability and professional preparation under Para. 2 shall be determined by the ordinance under Art. 148, Para. 11.

Art. 199. (1) The forest inspectors, holding higher forestry education shall have the authorities under Art. 197.

(2) The forest inspectors, holding high forestry education shall have the authorities under Art. 197, with the exception of the one, under p. 11.

Art. 200. (1) While fulfilling their official duties the forest inspectors shall have the right to:

1. take compulsory the violators with non-established personality to the closest regional office of the Ministry of Interior;

2. use physical force and assisting means only if they cannot fulfill their official duties in any other way in case of:

a) counteraction or refusal to fulfill a legal order;

b) detention of lawbreaker;

c) attacks against officials or civilians;

d) group violations of the public order;

3. detain a person, who:

a) fails to submit to a legal order;

b) put up resistance while implementing a legal order;

4. use in case of found violations under this Act and the legislative acts on applying technical means or systems, photographing or recording:

a) the act, date and the exact hour of the committed violation;

b) the perpetrator, the witnesses, as well as the means, used for committing the violation;

5. use motor vehicles with a special regime of movement;

6. carry and use for official purposes official long and short weapon for security and personal short rifled weapon.

(2) In case of detention of a lawbreaker under Para. 1, p. 3 the competent police bodies shall be notified immediately.

(3) While delivering the detained law breaker to the relevant police bodies, a protocol shall be drawn up, a copy of which shall be given to the police bodies.

The protocol shall contain:

1. full name of the complier and his/her position;
2. date of compiling the protocol;
3. date and place of detention;
4. description of the circumstances, under which the person was detained;
5. full name of the detained persons, identity civil N, permanent or present address;
6. the explanations or objections of the detained persons, if he/she has made such;
7. full names of the witnesses (if such are available<sup>0</sup>, identity civil N, permanent or present address and their written testimony;
8. signature of the forest inspector.

(4) Before delivery of the person and drawing up the protocol under Para. 3, the detained person shall be examined medically.

(5) The forest inspectors shall use physical and assisting means under Para. 1, p. 2 after a warning, with the exception of the cases of unexpected attack. Using physical force and assisting means shall be considered with the concrete situation, the nature of violation and the personality of lawbreaker, where the forest inspectors shall be obliged:

1. if possible to keep the health and take all measures of protecting the life of the persons;
2. to terminate using physical force and assisting means immediately after achieving the aim of the applied measure.

(6) Using physical force and assisting means shall be prohibited in relation of visibly juveniles and pregnant women.

(7) After using physical force and assisting means the forest inspectors shall prepare a report to their head officer.

(8) Assisting means shall be: cuffs, rubber, plastic, assault and electro-shock truncheons and appliances; chemical substances, approved by the Minister of Health; official animals – dogs and horses; dummy cartridges, cartridges with rubber, plastic and shock bullets; equipment for compulsory stopping of road vehicles.

(9) The weapon under Para. 1, p. 6 and under Art. 190, Para. 5 may be used only in inevitable defence, where it's using is absolutely necessary. For each case of using weapon a written report shall be drawn up, a copy of which shall be immediately submitted to the relevant police bodies.

(10) The terms and conditions of using assisting means, motor vehicles with a special regime of movement by the forest inspectors, as well as the organization and order for compulsory delivery of the violators with not established personality to the closest regional office of the Ministry of Interior shall be determined by the Ordinance under Art. 148, Para. 11.

Art. 201. (1) The employees of the Executive Forest Agency and its structures, as well as the forest inspectors may perform their authorities on the territory of the whole country, as well as during their extra working time.

(2) while performing their official duties, the employees under Para. 1 shall be establish their identity by their official cards. The official cards shall be issued by the Executive Forest Agency according to a form, approved by the executive director.

(3) While performing their official duties, the employees under Para. 1 shall wear uniform and distinguishing signs, which shall not be given to some other person.

(4) The employers shall obligatorily insure the employees under Para. 1 with Life and Accident insurance.

(5) Employees under Para. 1, who have suffered non-property harms during or in connection of implementing their official duties, shall be paid once a money compensation in the amount of 10 gross monthly salaries in case of heavy physical injury and 6 gross monthly salaries in case of medium

physical injury.

(6) In case of a death of an employee under Para. 1, during or in connection of fulfilling his/her official duties to the spouse, children and parent of the dead person shall be paid once a money compensation in the amount of 12 gross monthly salaries to each entitled.

(7) The bodies of the state and local government, the organizations and persons shall be obliged to assist the employees under Para. 1 whole implementing their authorities.

(8) Owners and users of sites for storage, procession and/or trade with wood or non-wood forest products shall be obliged to admit the employees under Para. 1 to perform checkups.

Art. 202. The Minister of Agriculture and Food shall adopt an Ordinance for determining the type, distinguishing signs, conditions and procedure of receiving and terms of wearing the uniform official and uniform terrain clothes by the employees in the Executive Forest Agency, in its structures and in the state enterprises under Art. 163.

Art. 203. (1) In order to perform control activity, control forest points may be built up in view to checkups on the legal origin of the transported wood, game and other non-wood forest products.

(2) The drivers of vehicles, which transport wood, game and other non-wood products, shall be obliged to stop for checkup at a given signal by the forest inspectors, as well as at the control forest points.

(3) The terms and conditions for opening and closing of control forest points shall be determined by the ordinance under Art. 148, Para. 11.

Art. 204. The trees, chosen for felling, where this is required under the Ordinance under Art. 101, Para. 3, as well as the wood before its transportation from a temporary storehouse, shall be marked by a control forest mark, under terms and conditions, determined by the Ordinance under Art. 148, Para. 11.

Art. 205. Right to possess and use a control forest marks shall have persons, exercising forestry practice, entered into the register under Art. 235.

Art. 206. Owners and users of sites, in which comes, is processed or from which is dispatched wood shall be obliged to keep a diary for the received, processed and forwarded wood, to possess a production mark and to mark with it the forwarded from the sites wood.

Art. 207. The wood, produced outside the forest territories, before transportation shall be marked by a mark – ownership of the Municipality, on whose territory the production is done. The marking shall be done by official persons, determined by the Mayor of the Municipality.

Art. 208. The samples of the marks, the terms and procedure for their acquiring, provision and use shall be determined by the Ordinance under Art. 148, Para. 11.

Art. 209. Giving the control forest marks and production marks to some other person shall be prohibited.

Art. 210. (1) The Executive Forest Agency shall keep a single register of the control forest marks, and the Regional forest directorates – of the production marks.

(2) In case of a theft or loss of the control forest mark or a production mark, the person, who has used it, shall be obliged within 24 hours to inform the relevant body under Para. 1.

Art. 211. (1) The wood shall be transported from a temporary storehouse, accompanied with a transportation ticket.

(2) The transportation tickets shall be issued:

1. by authorized employees by the director in the state forestry, state hunting reserves and training-testing forestry – for the wood, produced from the forest territories, in which they exercise their official duties;

2. by the persons, exercising forestry practice – for the wood, produced by their own forests, as well as from the forest territories, for which they have been authorized by the owner.

(3) Owners and users of sites in which comes, is processed or from which wood is forwarded or authorized by them persons, shall issue transportation tickets for the wood, which is transported from the site.

(4) The wood, produced out of the forest territories under the terms and conditions of the Agricultural Property Protection Act, shall be transported with a transportation ticket, issued by an official, determined by the Mayor of the Municipality.

Art. 212. The origin of wood from import and such from intercommunity supply for the European Union shall be evidenced by the documents of the import or delivery.

Art. 213. Buying and selling and other distribution deals, loading, transportation, unloading, acquiring, keeping and processing shall be prohibited of:

1. wood, unmarked with the control forest mark, or production mark;

2. wood, unaccompanied by a transportation ticket;

3. wood from import, unaccompanied by documents, evidencing its origin.

#### **Chapter fourteen.** **BRANCH ORGANIZATIONS**

Art. 214. (1) Natural and legal persons, performing activity in the forest sector, may establish branch organizations on the basis of the following production principles:

1. branch Forestry – shall cover the activities under Art. 233 and 241;

2. branch Wood processing and Furniture Production – shall cover the activities on the initial and further processing of wood.

(2) The branch organizations in the forest sector shall be non-profitable legal persons, which shall be established, registered, managed, reformed and terminated under the Non-profit Legal Entities Act and shall perform activity in public or private favour.

(3) The branch organizations shall perform its activity while observing the law on the basis of

the statute and implementing the decisions of its managing bodies.

(4) The branch organization under Para. 1 shall not violate the independence of its members or of another branch organization.

(5) The name of the branch organization shall contain a clear symbol that represents a unification of persons on a branch principle, as well as shall not lead to delusion and shall not violate the good morals.

Art. 215. (1) A branch organization in branch Forestry may establish freely and on voluntary principle natural persons and traders, registered in the public registers under Art. 235 and 241.

(2) Branch organization in branch Wood-processing and Furniture Production may establish freely and on voluntary principle legal persons, entered in the registers of the production marks.

Art. 216. (1) Members of a branch organization in branch Forestry may be persons, who are registered in the public registers under Art. 235 or 241.

(2) Members of a branch organization in branch Wood-processing and Furniture Production may be traders, who are entered in the registers of the production marks.

Art. 217. (1) The branch organizations shall be united in one national branch organization for each of the branches under Art. 214.

(2) Every newly registered branch organization shall be member in right of the established national branch organization and shall submit an application for membership within the term of 1 month after its registration.

(3) Member of the national branch organizations under Para. 1 may be only a branch organization.

Art. 218. The national branch organizations under Art. 217, Para. 1 shall be non-profitable legal persons, registered under the Non-profit Legal Entities Act in public favour.

Art. 219. (1) In the cases, where in one of the branches under Art. 214, Para. 1 there is only one branch organization, it shall be recognized as national branch organization.

(2) Where in one of the branches under Art. 214 there are registered 2 branch organizations, which cannot form a non-profitable legal person under the Non-profit Legal Entities Act in public favour, the 2 branch organizations and the Minister of Agriculture and Food shall sign a 3-sided agreement, with which they shall settle their rights and duties in relation to their national representation. The 3-sided agreement under Para. 2 shall be terminated in case of registration of a national branch organization in the relevant branch.

Art. 220. The national branch organizations in the forest sector shall:

1. assist, encourage, represent and protect the interests of their members before the state and Municipal administration and before other organizations;

2. participate in the work groups under the Ministry of Agriculture and Food and under the Executive Forest Agency while developing legislative acts in the area of forestry, wood-processing and the furniture industry;

3. represent their members before the Ministry of Agriculture and Food and before the Executive Forest Agency with the right to sign agreements, whose provisions shall be obligatory for their members;
4. maintain data-base of the organization members and of qualified specialists in the relevant branch;
5. assist their members for development of their activity by providing services, assistance, business contacts, popularization of their abilities, products, services, etc.;
6. collect and give information to their members for assistance of their activity;
7. assist for observation of the good commercial practices and rules for loyal market behaviour in the branches;
8. organize and hold professional training, qualification and re-qualification of their members;
9. assist for raising the professional level of the occupied in the branch, for establishing healthy and safe conditions at work and ecological clean environment;
10. give assistance for voluntary settlement of disputes between their members;
11. cooperate with neighboring organizations in this country and abroad and shall participate in the activity of European and other international bodies and organizations;
12. participate in regional, national and international projects and programmes;
13. perform other activities according to their statute, which do not contradict the law and good morals.

Art. 221. (1) The national branch organizations in the forest sector shall provide to the Minister of Agriculture and Food and to the executive director of the Executive Forest Agency information, related to the production activity of the relevant branch.

(2) The national branch organizations in the forest sector shall assist the operation of the state bodies and those of the local self-government while realizing policies and practices, related to the development of the forest sector and of the rural regions.

(3) The state bodies and those of the local self-government shall assist and give information to the national branch organizations for realizing their functions under this Act.

Art. 222. (1) Upon proposal of the national branch organizations under Art. 217, the state and Municipalities, with a Council of Ministers decision, respectively, with a Municipal council decision may assign them the fulfillment of administrative and technical services.

(2) The rights, duties and all other conditions, referring to the assignment of the services under Para. 1, shall be described in details in the Council of Ministers decision, of the Municipal council decision.

(3) The state and Municipalities shall exercise control over the relevant national branch organizations under Para. 1, where in case of a violation, they may withdraw the rights, assigned to them under Para. 2.

Art. 223. (1) Right to represent the persons, performing activities in the forest sector, before the state, respectively - before the Ministry of Agriculture and Food and the Executive Forest Agency shall have only the representatives of the relevant branch organizations.

(2) each national branch organization shall select one permanent representative, who, if needed shall interact with the Minister of Agriculture and Food. In occurrence of issues of special competence, the representative of the relevant national branch organization shall take an opinion of other members and/or external experts.



Art. 224. (1) The Ministry of Agriculture and Food shall maintain a register of the branch organizations and of the national branch organizations in the forest sector.

(2) Any branch organization under Para. 1, within the term of up to 1 month from its registration shall submit an application to the Ministry of Agriculture and Food for entering into the register.

(3) The application under Para. 2 shall have attached:

1. a copy of the registration decision;
2. a certificate for current state;
3. a list of the members.

(4) For entering into the register of the national branch organizations, apart from the documents under Para. 3, the application shall also have attached:

1. a copy of the certificate for entering in the central register at the Ministry of Justice;
2. the rules and procedure for performing activity in public favour.

(5) Within the term of 14 work days after receiving the application, the Minister of Agriculture and Food, or an official, authorized by him shall issue a certificate of the relevant branch organization for entering into the register.

### **Chapter fifteen.**

## **PROFESSIONAL TRAINING, QUALIFICATION AND RE-QUALIFICATION**

Art. 225. (1) The activities in the forest territories shall be performed only by persons, holding the relevant education and qualification.

(2) The owners of forest territories and the persons, who have been assigned to manage such territories, shall admit performance of activities of the relevant territory only by persons, holding the relevant education and qualification for performing such activity.

Art. 226. (1) The Executive Forest Agency shall encourage, coordinate and control conducting professional training in the area of the forestry.

(2) while implementing its functions under Para. 1, the Executive Forest Agency shall:

1. confirm annual training programmes for the workers and employees in the Agency and its structures and shall control its fulfillment;
2. coordinate annual training programmes for the workers and employees in the state enterprises under Art. 163 in the area of the forestry.

(3) The Regional forest directorates shall coordinate the annual training programmes of the workers and employees of the Municipalities and the owners of forest territories apart from the ones, indicated in Para. 2, p. 1 and 2.

(4) The Executive Forest Agency shall take care for popularization the new information about the forestry among the working people in the forestry, owners of forests and the public.

Art. 227. the employers shall be obliged to encourage and provide funds and conditions for professional training and qualification of their workers and employees.

Art. 228. The Executive Forest Agency shall assist the professional training, qualification and

re-qualification through:

1. developing programmes;
2. issuing training materials;
3. providing qualified specialists;
4. collecting, storage, processing analysis and dissemination of information, needed for decision taking.

Art. 229. For performing certain activities in the forest territories, the Executive Forest Agency may request conducting specialized training on a confirmed by it programme.

## **Chapter sixteen.**

### **REGISTRATION FOR PERFORMING ACTIVITIES IN THE FOREST TERRITORIES**

#### **Section I.**

#### **General Provisions**

Art. 230. (1) The activities in the forest territories shall be organized and/or performed by natural persons and traders, who have been registered in public registers in the Executive Forest Agency, and possess a certificate for registration, with the exception of the cases, in which the law does not require registration.

(2) The registration certificate under Para. 1 shall be issued by the executive director of the Executive Forest Agency or by an official, authorized by him.

(3) The activities in the forest territories, performed by mechanic equipment shall be performed only by persons, who hold an authorization document, issued by the relevant competent body.

Art. 231. (1) For the registration under Para. 230, the persons shall submit an application, according to a form to the Executive Forest Agency, which shall contain a copy of the documents, certifying that they meet the criteria for registration and a document for a paid charge for examination of the application.

(2) The application under Para. 1 shall be examined by a permanent commission, appointed by an order of the executive director of the Executive Forest Agency, in which composition shall be obligatorily included on of each branch organizations of the Forestry branch. The order shall also define the rules for the commission operation.

(3) Within 1 month term from the date of submitting the application, the commission under Para. 2 shall prepare a motivated proposal to the executive director of the Executive Forest Agency for entering into the register, or a refusal for registration.

(4) The executive director of the Executive Forest Agency shall pronounce on the proposal of the commission within 7 day term after its preparation. The applicant shall be informed under the Civil Procedure Code.

(5) The refusal for registration may be appealed under the Administrative-procedure Code.

(6) The entering into the register shall be done within 3 day term after the pronouncing of the body under Para. 3 and the applicant shall be issued a certificate for registration after payment of the charge for its issuance.

(7) The registration certificate shall be personal and shall not be given to some other person.

(8) In order to be examined the application for registration and for issuance a certificate, charges shall be paid, defined by a tariff of the Council of Ministers, which shall come into the budget

of the Executive Forest Agency.

Art. 232. While performing the activities in the forest territories, the registered persons shall be obliged to observe the requirements of:

1. the labour legislation in force, the requirements for health and safety at work, for protection of the environment, as well as other special requirements, determined by a legislative of general administrative act;

2. The Act on Registration and Control of Agricultural and Forestry Machinery and the legislative acts on its application.

## **Section II. Forestry Practice**

Art. 233. (1) Forestry practice shall be:

1. planning and organization of the activities on forestation;

2. marking of trees, envisaged for felling;

3. development of:

a) tasks for forestry plans and programmes and for inventory of the forest territories;

b) forestry plans and programmes and inventory of forest territories;

c) tasks and projects, plans and programmes for protection against erosion and floods for biological re-cultivation of damaged areas;

4. planning and organization of the wood production;

5. planning and organization of the production of non-wood forest products;

6. development of projects on forest motor roads and equipments.

(2) The forestry practice under Para. 1 shall include also issuance of the corresponding documents for these activities.

Art. 234. (1) The persons, holding higher or high forestry education may exercise forestry practice independently or on the basis of a contract after entering into the public register under Art. 235.

(2) The persons under Para. 1, who are employees of the Ministry of Agriculture and Food and in the Executive Forest Agency and its structures shall not exercise forestry practice unless for their official duties.

(3) The persons under Para. 1, who are employees of the structures of the Executive Forest Agency, shall not exercise forestry practice in the forest territories in the territorial scope of the activity of the relevant structure, in which they fulfill their official duties.

(4) The persons under Para. 2 and 3 may exercise forestry practice in their own forests or in forests – ownership of their relatives in direct line without restrictions, of relatives of indirect line to 3rd level, including relatives in law up to second level, including.

Art. 235. The activities under Art. 233, Para. 1 shall be performed by natural persons, who are registered in the public register in the Executive Forest Agency and shall hold a registration certificate.

Art. 236. (1) For the activities under Art. 233, Para. 1, p. 1 in the public register may be entered a natural person, who shall:

1. hold a diploma for higher education in the subject Forestry or Planting or Landscape Architecture, or Ecology and Protection of the Environment with educational qualification degree Bachelor or Master or educational and scientific degree PhD or Doctor of Science, or shall

2. hold a diploma for high education in the subject Forestry and Hunting Reserve or Forestry and Wood Production or Planting with an acquired 2 or 3 qualification degree Forester and/or Technician – Forester;

3. has not been convicted with an enforced verdict for a crime, perpetrated while performing some of the activities under Art. 233, Para. 1;

4. has not committed a violation of a legislative or a general administrative act while exercising the activities under Art. 233, Para. 1 within the frames of 12 months before the date of submitting the application fore registration, established with an enforced act of a competent body.

(2) For the activities under Art. 233, Para. 1, p. 2 and 5 in the public register may be entered a natural persons, who shall:

1. hold a diploma for higher education in the subject Forestry or Ecology and Protection of the Environment with a educational – qualification degree Bachelor or Master or an educational-scientific degree PhD or Doctor of Science, or

2. hold a diploma for high education in the subject Forestry and Wood Production or Forestry and Hunting Reserve with acquired 2 and 3 qualification level Forester and/or Technician forester;

3. has not been convicted with an enforced verdict for a crime, perpetrated while performing some of the activities under Art. 233, Para. 1;

4. has not committed a violation of a legislative or a general administrative act while exercising the activities under Art. 233, Para. 1 within the frames of 12 months before the date of submitting the application fore registration, established with an enforced act of a competent body.

(3) For the activities under Art. 233, Para. 1, p. 3 and 6 in the public register may be entered a natural persons, who shall:

1. hold a diploma for higher forestry education in the subject Forestry with educational qualification degree Bachelor or Master or an education and scientific degree PhD or Doctor of Science;

2. has 2 years service in his fields, acquired after the graduating the higher education;

3. has not been convicted with an enforced verdict for a crime, perpetrated while performing some of the activities under Art. 233, Para. 1;

4. has not committed a violation of a legislative or a general administrative act while exercising the activities under Art. 233, Para. 1 within the frames of 12 months before the date of submitting the application for registration, established with an enforced act of a competent body.

(4) For the activities under Art. 233, Para. 1, p. 4 in the public register may be entered a natural persons, who shall:

1. hold a diploma for higher education in the subject Forestry or Mechanization of Forestry or Forestry Engineering with a educational – qualification degree Bachelor or Master or an educational-scientific degree PhD or Doctor of Science, or

2. hold a diploma for high education in the subject Forestry and Wood Production or Forestry and Hunting Reserve or Mechanization of Forestry and Wood Production or Wood production and Transport or Wood Production Industry or equalized subjects with acquired 2 and 3 qualification level Forester and/or Technician forester;

3. has not been convicted with an enforced verdict for a crime, perpetrated while performing some of the activities under Art. 233, Para. 1;

4. has not committed a violation of a legislative or a general administrative act while exercising the activities under Art. 233, Para. 1 within the frames of 12 months before the date of submitting the application fore registration, established with an enforced act of a competent body.

Art. 237. (1) The application for registration into the public register under Art. 235, by the natural persons shall have attached:

1. a copy of a diploma according to the requirements of Art. 236;
2. a document for service in the subject - in the cases under Art. 233, Para. 1, p. 3 and 6;
3. a judicial record;
4. a declaration, he/she has not committed violation of a legislative or general administrative act while exercising the activity, for which he is registering within the frames of 12 month before the date of submitting the application for registration, established by an enforced act of a competent body;
5. a document a paid charge for the examination of the application.

(2) In the cases, where the applicant has graduated abroad, he/she shall produce a certificate for a recognized high education and professional qualification or a certificate for recognized higher education, acquired in foreign higher schools, issued by the Ministry of Education and Science.

Art. 238. The Executive Forest Agency shall pronounce with a motivated refusal on a registration application, submitted by natural persons, where:

1. some of the documents under Art. 237 has not been produced;
2. the persons fails to meet the registration requirements;
3. by an enforced act of a competent body is established, that some of the required documents, produced by the applicant is false or has untrue contents;
4. Where the persons has been written off the register under Art. 239, p. 4 – 8 and from the date of writing off and the submission of the application the term has not expired or the imposed compulsory administrative measure.

Art. 239. A natural persons, entered into the register for exercising forestry practice shall be written off in the following cases:

1. upon his/her application;
2. in case of death;
3. in cases of prohibition;
4. where a verdict has been enforced of the person for a crime, perpetrated while performing the activity, for which he/she is registered;
5. where within the frame of 12 months before the date of the decision for writing off with enforced 2 or more acts of a competent body, violations of this Act or its legislative acts, have been established or committed while exercising the activity, for which he/she has been registered;
6. where a permit has issued for performing an activity in the forest territories in violation of this Act or its legislative acts of its application;
7. where while performing forestry practice, an entered in the register employee of the Executive Forestry Agency and its structures violates Art. 234, Para. 2 and 3;
8. where after registration in the register it is established that for the issuance of the certificate a false document has been produced or a document, containing untrue contents.

Art. 240. The refusal for registration in the register for forestry practice and for issuance a registration certificate, as well as writing off from the register shall be motivated and may be appealed under the Administrative-procedure Code.

### **Section III.**

## Registration of Traders for Performing Activities in the Forest Territories

Art. 241. The activities of management of forest territories, production of wood, inventory of forest territories, development of plans and programmes for management and development of forest territories, as well as issuance of the accompanying documents shall be done by traders, entered in a public register of the Executive Forest Agency and holders of registration certificate. The register shall also have entered the state forestry and hunting reserves, where they perform independently the activity under Art. 165, Para. 4 and 5.

Art. 242. (1) In the public register under Art. 241 may be entered a trader, who shall:

1. have a signed labour contract with at least 1 person, registered for exercising forestry practice for the activity, which the trader will perform;
2. not be in a liquidation procedure;
3. not be declared in insolvency and shall not be in a procedure for declaring insolvency;
4. not be deprived from the right to exercise commercial activity;
5. not have money obligations to the state, established by an enforced act of a competent body or obligations to insurance funds;

(2) In the public register shall not be entered a trader,:

1. who has committed violation of a legislative act or a general administrative act while exercising the activity, for which he/she is registered, within the frames of 12 months before the date of submitting the application for registration, established by an enforced act of a competent body;
2. whose manager or in his managing body participates a person, written off from the register under Art. 239, p. 4 – 8 during the last 24 months, preceding the date of submission of the registration application;
3. whose manager or member of a managing body has been manager or member of a managing body of a trader, written off from the register under Art. 245, p. 5 during the last 24 months, preceding the date of submission of the registration application.

Art. 243. (1) The application for entering into the public register under Art. 241, the trader shall attach:

1. a declaration that he/she is not in a procedure of liquidation and has not been declared in insolvency and is not in a procedure of declaring of insolvency;
2. a declaration, that he/she has not been deprived from the right to exercise commercial activity;
3. a declaration, that has no money obligations to the state of Municipalities, established by an enforced act of a competent body or obligations to insurance funds;
4. a declaration, that has not perpetrated violation of legislative or general administrative act while exercising the activity for which he is registering within 12 months before the date of submission of the registration application, established by an enforced act of a competent body;
5. a declaration for the circumstances under Art. 242, Para. 2, p. 2 and 3;
6. a copy of entered in the National Revenue Agency a labour contract with the persons, registered for exercising forestry practice for the activity, which the trader will perform;
7. notary certified declaration by the person under p. 6, that he/she agrees his/her certificate to be used by the trader for entering into the register;
8. a document for a paid charge for examination of the application.

(2) Where a trader submits an application for entering into the register for developing plans and programmes for management and development of forest territories, the application shall also have

attached at least 3 labour contracts with natural persons, registered in the public register for exercising forestry practice for tasks of forestry plans and programs and for inventory of the forest territories.

(3) The requirements of Para. 1, p. 5 and 7 shall not refer to traders, whose members of managing bodies have been entered into the register for exercising forestry practice.

(4) Where in the public register under Art. 241 are entered state forestry or state hunting reserves, the application shall have attached the documents under para. 1, p. 2- 8.

Art. 244. The Executive Forestry Agency shall pronounce with motivated refusal on a registration application, where:

1. some of the documents under Art. 243, Para. 1, 2 or 4 has not been produced;
2. the trader fails to meet some of the registration requirements;
3. by an enforced act of a competent body it has been established, that some of the required documents, produced by the applicant is untrue or with untrue contents;
4. the trader has been written off the register under Art. 245, p. 5 and from the date of writing off to the date of submitting the application, the term of the applied compulsory administrative measure has not expired.

Art. 245. A person, entered into the register under Art. 241, shall be written off:

1. upon his/her application;
2. in case of death of the natural persons or in case of his being placed under prohibition;
3. in case of termination of the legal persons, of the state forestry or the state hunting reserve;
4. where as a result of a change in the circumstances, he/she fails to meet the requirements of Art. 242;
5. where within 12 months before the date of taking the decision for writing off with enforced 5 or more acts of a competent body violations of a normative or general administrative act is established, committed while exercising the activity, for which he/she is registered;
6. where the person in judicial or administrative procedure has been prohibited to perform an activity on the subject of the certificate for the term of the prohibition.

Art. 246. The refusal for entering into the register under Art. 241 and for issuing a registration certificate, as well as the writing off from the register shall be motivated and may be appealed under the Administrative-procedure Code.

Art. 247. Traders, entered into the register under Art. 241 shall be obliged to inform the Executive Forest Agency for all the changes in the entered circumstances under Art. 242 within 14 day term from their occurrence. In case of failure to fulfill this obligation the trader shall be written off from the register.

### **Chapter seventeen.**

#### **PUBLIC ECO-SYSTEM BENEFITS FROM THE FOREST TERRITORIES**

Art. 248. (1) Public eco-system benefits from the forest territories shall be the results from the specialized activities of its management.

(2) Public eco-system benefits from the forest territories shall be

1. protection against erosion of soil from avalanches and floods;
2. guaranteeing the quantity and quality of water;
3. maintaining biological diversity;
4. scanning, noise contaminants take over and maintaining micro-climate;
5. providing conditions for recreation and tourism;
6. maintaining the traditional landscape;
7. protection of the natural and cultural heritage;
8. protection of infrastructure sites and equipment;
9. slowing down and regulation of impacts from the climate changes.

Art. 249. (1) The public eco-system benefits under Art. 248, Para. 2, when they are in favour of performing economic activity shall be paid.

(2) The regional development plans for the forest territories shall determine:

1. the concrete forest territories and zones out of them, in which using public ecosystem benefits shall be paid;

2. the types of economic activities, which are paid for public ecosystem benefits.

(3) The persons, who perform economic activity under para. 1 in the forest territories and zones, determined by the regional development plan of forest territories, shall pay in the Municipality, on whose territory they perform the activity, a compensation for the relevant public eco-system benefits.

(4) Annually, by 30 April the Municipality shall distribute the come in funds from compensations among the owners of forest territories, state forestry and state hunting reserves.

(5) Right to receive the funds under Para. 4 shall have the owners of forest territories, as well as state forestry and state hunting reserves:

1. whose forest territories are on the territory of the relevant Municipality and have approved forestry plans and programmes;

2. whose forest territories have been included in the territories and zones under Para. 2, p. 1;

3. (In force from 01.01.2016 ) whose forest territories have been certified.

(6) The funds, collected by the Municipality under Para. 3 may be spent only for compensation of owners of forests, state forestry and state hunting reserves under this Chapter.

(7) In the cases, where non-distributed funds remain under Para. 3, they shall be spent by a Municipal council decision for implementation of projects, related to forests and/or to protection of the environment.

(8) The methods for determining the compensation under Para, 3, the terms and conditions for its payment and for distribution of the collected in the Municipality funds shall be determined by an Ordinance of the Council of Ministers.

Art. 250. Persons, who have been provided by forest territories for management under rent or lease, shall not pay compensation for public eco-system benefits for the relevant territory.

Art. 251. Annually, by 31 May the Municipalities shall provide to the relevant Regional directorate information about the collected and spent funds from compensation for public eco-system benefits.

## **Chapter eighteen.**

### **ADMINISTRATIVE-PENAL PROVISIONS**



## **Section I.**

### **Compulsory Administrative Measures**

Art. 252. For prevention and termination of the administrative violations under this Act and of harmful consequences from them, the competent bodies or officials, authorized by them by shall by an order apply compulsory administrative measures under Art. 254.

Art. 253. (1) The Minister of Agriculture and Food shall stop:

1. orders of central institutions or regional Governors, which are in violation of this Act;
2. realization of plans, confirmed in violation of this Act;

(2) The executive director of the Executive Forest Agency shall stop:

1. orders of the Regional forest directorates and of the state enterprises under Art. 163, which are in violation of this Act;
2. realization of programmes, confirmed in violation of this Act.

(3) The directors of Regional forest directorates shall:

1. stop activities in the forest territories, which are not envisaged in compliance with the forestry plans and programmes or where there are no such plans and programmes;
2. stop construction in forest territories:
  - a) where it is constructed without an adopted project in the relevant procedure, or in violation of such a project;
  - b) of sites and equipment for fight against erosion and floods, for which there is not adopted technical project for fight against erosion and floods, or where the construction is in violation of the envisaged in the project forestry activities;
  - c) in which the function of the territory has not been changed in the cases and under this Act;
3. stop activities in the forest territories, which are in violation of this Act, the Hunting and Game Protection Act, the Protected Areas Act, the Fishery and Aquaculture Act, the Medicinal Plants Act, the Biological Diversity Act, the Agricultural Property Protection Act and of the legislative acts of their application;
4. stop activities or sites, which damage or contaminate the forest territories;
5. stop the activity of sites, in which comes, is processed, or from which is forwarded round wood, sided wood or processed wood for burning in case of found violations under this Act or of the legislative acts of its application.

(4) The directors of the state forestry and of the state hunting reserves, as well as Mayors of Municipalities – owners of forest, shall stop activities and construction in the forest territories – their ownership, and in such, provided to them for management, in case of found violations under this Act or of the legislative acts of its application.

(5) The orders for application of the compulsory administrative measures under Para. 1 – 4 shall contain prescriptions for prevention and removal of the harmful consequences from the violations.

Art. 254. (1) The compulsory administrative measures shall be applied for the term of up to removal of the violation, and in the cases under Art. 253, Para. 3, p. 5 – for the term of up to 6 months.

(2) The orders for application of the compulsory administrative measures shall be subject to immediate implementation.

(3) The applied compulsory administrative measures may be appealed under the Administrative-procedure Code.

## **Section II.**

### **Administrative Violations and Punishments**

Art. 255. Anyone shall be obliged to correct the damages, which he has guiltily caused to other persons as a result of violation of this Act and of the legislative acts of its application.

Art. 256. (1) If the deed is not a crime, a fine of BGN 50 to BGN 300 shall be imposed on a natural persons, who prevents implementation of official duties of officials under this Act and the legislative acts of its application.

(2) The punishment under Para. 1 shall be imposed also to owners and users of forest territories, who prevent conducting of needed activities, related to inventory of forest territories, or fail to give the needed data for its conducting.

(3) Where the violation under Para. 1 and 2 is committed by a legal persons or a sole trader, a property sanction of BGN 100 to BGN 500 shall be imposed.

Art. 257. (1) If no heavier punishment has been provided, a fine shall be imposed of BGN 300 to BGN 5000 on an official or a person, exercising forestry practice, who:

1. fails to fulfill or fails to fulfill on time obligations or control authorities, assigned to him under this Act, the legislative acts of its implementation, as well as decisions and recommendation, based on them;

2. coordinates, approved or issues a document in violation if this Act of the legislative acts of its application or of the approved forestry plans and programmes;

3. fails to take timely measures for prevention and termination of illegal activities in forest territories or for removing the consequences of the violations;

4. for coordination, approval or issuance of documents requests conditions and documents, which are not envisaged by this Act and of the legislative acts of its application, or another legislative act;

5. within a term, determined by a legislative act, fails to pronounce on a request for coordination, approval or issuance of documents; fails to perform checkups or services;

6. orders, coordinates or admits construction in the forest territories in violation of this Act of the legislative acts of its application, also in violation of the provisions, determined by the Ordinance under Art. 152, Para. 2;

7. coordinates or admits an activity in the forest territories by persons, who do not possess the relevant competency.

(2) If no heavier punishment has been provided, a fine of BGN 1000 to BGN 5000 shall be imposed on a person, who issues a permit for performing an activity in the forest territories in violation of this Act or of the legislative acts of its application. The fine shall be imposed notwithstanding of the writing off from the register under Art. 235.

Art. 258. If no heavier punishment has been provided, a fine of BGN 100 to BGN 300 shall be imposed on a person, who performs an activity in the forest territories, without holding the relevant competence.

Art. 259. If no heavier punishment has been provided, a fine of BGN 500 to BGN 5000 shall be

imposed on a person, who has evaluated forest territories in violation of the requirements of the Ordinance under Art. 86, Para. 2.

Art. 260. If no heavier punishment has been provided, a fine of BGN 300 to BGN 1000 shall be imposed on a person, who performs forestry practice, without being entered in the register under Art. 235, as well as a persons, who has been entered into the register, but performs an activity, which is not indicated in his/her registration certificate.

Art. 261. (1) If no heavier punishment has been provided, a fine of BGN 50 to BGN 500 shall be imposed on a natural person, who

1. fails to fulfill an order of a competent body, issued within the frames of his competence, provided by the law;

2. fails to provide access, fails to produce the needed documents and data to control bodies.

(2) If no heavier punishment has been provided, a fine of BGN 1000 to BGN 5000 shall be imposed on a natural person, who fails to perform restoration works and fails to remove on his/her account damages, made to somebody else's land property in the forest territories.

Art. 262. (1) If no heavier punishment has been provided, a property sanction of BGN 200 to BGN 2000 shall be imposed on a legal person, sole trader or a trader, entered in the register under Art. 241, who:

1. performs activity in the forest territories, without being entered in the register under Art. 241;

2. has been entered into the register under Art. 241, but performs an activity, which has not been indicated in the registration certificate;

3. fails to fulfill an order of a control body, issued within the frames of his/her competence under this Act;

4. fails to provide access, fails to produce the needed documents and data to the control bodies;

5. admits performing an activity on his behalf in the forest territories by persons, who do not hold the relevant competence.

(2) If no heavier punishment has been provided, a fine of BGN 500 to BGN 5000 shall be imposed on a legal person, sole trader or a trader, entered in the register under Art. 241, who fails to fulfill restoration works and fails to remove on his/her account damages in somebody else's immovable property in the forest territories.

Art. 263. (1) If the deed is not a crime, a fine of BGN 200 to BGN 2000 shall be imposed on natural persons, who perform, or order to be performed the following activities:

1. causing damages or destroying forest roads, road equipment and appliances on the road;

2. using forest roads in violation of the ordinance under Art. 148, Para. 11;

3. throwing wastes and construction materials, making dirty the forest territories;

4. taking away a humus layer and/or dead forest coverage.

(2) For violation under Para. 1, apart from the imposed fine, the provided permit or certificate for access to the forest territory shall be withdrawn and he/she shall be obliged within a certain term to remove the consequences of the violations.

(3) In case of failure to fulfill the obligation under Para. 2, the consequences of the violation shall be removed by the owner of the road on the account of the violator. For his/her taking from the violator, the owner may request issuance of an order for immediate fulfillment under Art. 417 of the

Civil-procedure Code on the basis of an excerpt of the accounting books.

(4) New permit or certificate for access to a forest territory may be given after fulfillment of the obligations under Para. 2 and 3.

Art. 264. (1) A fine of BGN 100 to BGN 1000 shall be punished natural persons – owners and/or users of properties, bordering to forest territories, who prevent performing of repair works and reconstructions of forest roads or restrict the access to such roads.

(2) Where the violation under Para. 1 has been committed by a legal persons or a sole trader, a property sanction in the amount of BGN 200 to BGN 2000 shall be imposed.

(3) With the punishment under Para. 1 and 2 shall be punished also persons, who violating this Act and the legislative acts on its application prevent or restrict the access to the forest territories and free movement of people, wild animals and waters. Where the access to the forest territories is restricted by placed fences, barriers and hedges, they shall be removed on the account of the persons, who has placed them.

Art. 265. (1) A fine of BGN 1000 to BGN 5000 shall be imposed on a natural persons, who changes the function of forest territories and their factual use not in the established order.

(2) Where the violation under Para. 1 has been committed by a legal persons or a sole trader, a property sanction shall be imposed in the amount of BGN 3000 to BGN 15000.

(3) The punishment under Para. 1 and 2 shall be imposed also to persons, who build up sites under Art. 54, Para. 1 or perform activity under Art. 73, Para. 1 in forest territories, without having the right to a construction, respectively – without having changed the function of the territory according to the provided order for this.

Art. 266. (1) If no heavier punishment has been envisaged, a fine of BGN 50 to BGN 3000 shall be imposed on natural persons, who in violation of this Act and the legislative acts of its application, chops, transports, loads, unloads, acquires, keeps, processes or delivers wood and non-wood forest products.

(2) Where the violation under Para. 1 has been committed by a legal persons or a sole trader, a property sanction of BGN 100 to BGN 5000 shall be imposed.

Art. 267. (1) Anyone, who fails to notify timely the competent body under this Act for a theft or a lost control forest mark or production mark, shall be punished by a fine of BGN 50 to BGN 500.

(2) Where the violation under Para. 1 has been committed by a legal person or a sole trader, a property sanction of BGN 200 to BGN 1000 shall be imposed.

Art. 268. (1) If the deed is not a crime, a fine of BGN 1000 to BGN 10 000 shall be imposed on a natural persons, who in violation of this Act and the legislative acts of its implementation:

1. gives the control forest mark, production mark, uniform or distinctive sign to some other person;
2. uses somebody else's or false or fake control forest mark, production mark, uniform, distinctive sign or registration certificate;
3. issues a permit for performing an activity in the forest territories without having the right for this.

(2) where the violation under Para. 1. p. 1 and 2 has been committed by a legal persons or a sole trader, a property sanction of BGN 1000 to BGN 10 000 shall be imposed.

Art. 269. A fine of BGN 50 to BGN 500 shall be imposed also the heads and assigners, who have violated or have admitted an administrative violation under this Act and the legislative acts of its application while performing the activity of enterprise, offices and organizations.

Art. 270. For other violations under this Act and the legislative acts of its application the fine shall be BGN 50 to BGN 500, respectively – a property sanction in the amount of BGN 100 to BGN 1000, if no heavier punishment has been provided.

Art. 271. For violations of Regulation (EC) № 2173/2005 the punishment shall be a fine of BGN 500 to BGN 5000, respectively – a property fine of BGN 1000 to BGN 10 000, if not heavier punishment has been provided.,

Art. 272. If a person commits a violation under Art. 256 - 271 after having an enforced criminal order for another such violation within 1 year after its enforcement, the fine and the property sanction shall be tripled.

Art. 273. (1) The Articles, used for committing the violation, as well as the Articles, - subject to the violation shall be seized in favour of the state, notwithstanding whose property they are, unless it is established, that they are used against the will of their owner.

(2) The Articles, seized in favour of the state shall be sold by the executive director of the Executive Forest Agency or by an official, authorized by him under the State Property Act. For the disposition with these Articles, the provision of the Tax-insurance Procedure Code and the National Revenue Agency Act shall not apply.

(3) The wood and non-wood forest products – subject to the violation, as well as the animals – means of the violation, seized and kept by acts for establishing administrative violations or establishing protocols, may be sold under Para. 2, before finalization of the administrative – penal procedure.

(4) The Articles, seized in favour of the state may be provided free by the executive director of the Executive Forest Agency to its structures, state forestry, state hunting reserves and training –testing forestry, and where the Articles have been seized by a penal order, issued by a Mayor of Municipality, they may be provided free to the relevant Municipality.

(5) Articles, seized in favour of the state, which are unfit to be used, shall be destroyed by the Regional forest directorates.

(6) The funds from the sale of the Articles under Para. 3, received after calculating all the costs on its keeping and sale, shall be deposited in a bank account of the relevant Regional forest directorate:

1. by finalization of the administrative file with an enforced act of a competent body;
2. by expiry of a year tem from the date of the found administrative violation – where during this term the violator is unknown.

(7) For the time, during which the funds under Para. 6 are deposited in a bank account of the relevant Regional forest directorate, interests shall not be owed.

(8) The seized and kept weapons, ammunitions and explosives shall be sent within the term of 24 hours to the Ministry of Interior units.

Art. 274. (1) The violations under the law and the legislative acts of its application shall be established by acts of:

1. the officials of the executive Forest Agency and its structures, who occupy position, for which forestry education is needed, as well as those, assigned by an order of the executive director of the Executive Forest Agency;

2. the employees in the state forestry, state hunting reserves and training-testing forestry, provided to them for management;

3. Mayors of City Halls, deputies and persons who occupy a position in the Municipalities, for which forestry education is needed – for the forest territories on the territory of the relevant Municipality;

4. persons, entered in the register for forestry practice under Art. 235 – for the forest territories, for which there is a signed contract for forestry activities and meet the conditions of Art. 37 of the Administrative Violations and Penalties Act;

5. civil servants of the Ministry of Agriculture and Food, authorized by the Minister;

6. civil servants of the Ministry of Interior, authorized by the Minister.

(2) The persons under Para. 1, p. 3 and 4 shall have the right to check up all the documents for felling, pasture and other uses of the forests.

Art. 275. (1) The penal orders under the law and the legislative acts of its application shall be issued:

1. by Mayors of Municipalities – for violations, established by the persons under Art. 274, Para. 1, p. 3;

2. by authorized by the Minister of Agriculture and Food officials from the Regional forest directorates – in the remaining cases;

3. by authorized by the Minister of Interior officials – for the violations under Art. 274, Para. 1, p. 6.

(2) The fines, property sanctions and sums, received from the sale of the seized in favour of the state Articles or money equality of lacking Articles – subject and/or means of the violation, shall be deposited to the budget of the Executive Forest Agency and where the penal order has been issued by a Mayor – in the budget of the relevant Municipality.

(3) (revoked – SG 38/12, in force from 01.07.2012)

(4) The amount of the compensations for damages over forest territories, equipment in them and forest roads shall be determined by an Ordinance of the Council of Ministers.

(5) Penal order, which impose a fine of up to BGN 100 shall not be subject to appeal, or a seizure has been ordered in favour of the state of Articles, whose value is up to BGN 1000, or the compensation for damages is at the same value.

Art. 276. Violations of Regulation (EC) № 2173/2005 shall be established by acts of the officials of Customs Agency.

Art. 277. Drawing up acts, issuance, appeal and implementation of penal orders shall be performed under the Administrative Violations and Penalties Act.

## **Additional provisions**

§ 1. In the meaning of this Act:

1. "Abiotic" are impacts, factors and damages, caused by elements of the non-alive nature – wind, snow, low and high temperatures, fires, etc.

2. "Architecture elements servicing the recreation and tourism" is the public accessible infrastructure for servicing the recreation and tourism without trade function, as well as shelters, alcoves, benches, tables, information boards, fountains, wooden fences, grills, wooden bridges, eco-paths, which are not construction in the meaning of the Spatial Development Act.

3. "Biomass" is biologically decomposing products or parts of products, waste and remnants of biological origin from the forest territories and connected with the industries.

4. "Biotic" are factors, caused by elements of the alive nature – flora, fauna and mycota.

5. "Higher forestry education" is higher education in the subject of the professional direction Forestry with acquired professional qualification Forestry Engineer or Master- Engineer in the subjects Forestry, Forest Using, Forest Planning, Hunting reserves, Selection and Seed Production and Forest Cultures, Forest Protection, Management of Forests in compliance with the provisions of the Higher Education Act.

6. "Temporary storage" is a ground with technological plan for felling and transportation, suitable for storage of the wood from the felling before its transportation.

7. "Restoration felling" is felling, at which after the felling, renewal of the trees is provided.

8. "Geographic culture of forest trees and bushes" is artificially created plants in a certain scheme with saplings from different geographic origin of one and the same type of trees.

9. "Clear felling" is renewal felling, at which for a period, not longer than a year, all the trees are cut at a certain territory.

10. "Clear area" is unplanted forest area to be afforested.

11. "Forest ecosystem" is a combination of organisms of the forest flora, fauna and mycota with the non-alive matter, connected with them, which interrelate within the frames of certain borders.

12. "Forest seed production case" are all approved and registered sources for production of forest reproduction materials.

13. "Forest motor roads" are permanent forest roads with asphalt – concrete coverage, surface processing or broken-stone coverage.

14. "Forest cultures" are forests, created in an artificial way.

15. "Forest roads" are temporary or permanent equipment, needed to management, protection and preservation of the forest territories, wood production and non-wood forest products, management and use of game.

16. "Forest nursery" is an area, in which saplings of forest tree and bush kinds are produced.

17. "Forest reproduction materials" are units for reproduction, parts of plants and planting material of forest kinds for reproduction and forestation.

18. "Forest territories of high conservation value" are forest territories with critical significance for protection and maintenance the biological diversity, ecological and social functions of forests.

19. "Forestry activities" are activities, related to management, protection and preservation of the forest territories and production of wood, as well as development of forestry plans and programmes.

20. "Dendrarum" is alive collection of trees and bushes on a certain territory, organized in systematic, geographic or other principle.

21. "Wood production" is felling and transportation of wood to a temporary storage.

22. "Eroded forest territories" are forest lands on the surface of which there are processes of destruction, transformation and sedimentation of ground materials and water flows and wind.

23. "Shelter" is a temporary building in a forest territory without premises for permanent or temporary accommodation.

24. "Protected forest belts" are forest cultures, created for protection of soils, engineering equipment and urbanized territories for improvement of the micro-climate.

25. "Zone for from urbanization" is a part of the forest territories, in which construction is prohibited, with the exception of elements of the technical infrastructure and hydro-technical equipment, as well as equipment, related to the management of the forest territories.

26. "Inventory of the forest territories" is determining the area, the quantitative and qualitative characteristics of the forest territories according to concrete forestry indicators by inspection and measurement.

27. "Export" is movement of goods from EU Member State to a third state.

28. "Calamity" are mass appearances of pests, connected with administering of significant damages of the forests;

29. "Branch" is a group of individuals (copies) produced from one individual (mother) by vegetative reproduction.

30. "Branch collection" is a forest culture, created from branches in a certain relation.

31. "Lesistost" is the percentage relation of the area of a given territory, occupied by forests to its whole area.

32. "Forestry education with educational qualification degree Master" is higher forestry education with professional qualification Master Engineer in Forestry in the subjects:

Forestry, Forest Using, Forest Planning, Hunting reserves, Selection and Seed Production and Forest Cultures, Forest Protection, Management of Forests in compliance with the provisions of the Higher Education Act.

33. "Forestry education" is high or higher education in the subjects: Forestry Engineer or Master- Engineer in the subjects Forestry, Forest Using, Forest Planning, Hunting reserves, Selection and Seed Production and Forest Cultures, Forest Protection, Management of Forests in compliance with the provisions of the Higher Education Act, the Public Education Act, the Vocational Education and Training Act, the Act on the Level of Education, General Education Minimum and the Curriculum and the Higher Education Act;

34. "Logistics" is assisting the decision taking, based on objective, exact, reliable and timely information by collecting, storage, processing, analysis and dissemination of this information.

35. "Mycota" are multy-cell organisms of fungi.

36. "Dead forest coverage" is over soil organic layer, formed from fallen wood and other plants.

37. "Non-tree-productive lands": meadows, lawns, fields, erosion soils, forest roads, rocks, screes, sands, area, occupied by buildings in the forest territories and yards, forest nurseries, etc.

38. "Non-processed wood material" are fallen and trimmed trees with separate tops with or without bark, cut.

39. "Newly created forest cultures" are forest cultures at the age of 1 to 3 years or 1 to 5 years, created in a high mountain zone above 1600 m.

40. "Night pasture" is the pasture between 23.00 and 04.00 hours;

41. "Experimental culture of forest tree and bush kinds" is artificially created plants for testing kinds, branches, origins, forms etc, in view examination and establishing certain forestry indicators.

42. "Fire dangerous season" is a period of weather, in which the forest plants are characterized by a great fire danger, depending on the meteorological conditions and risk of fires.

43. "Flood forest territories" are forest lands, situated in the territory of flood water flows and catchment areas.

44. "Road carriage vehicle" is a vehicle equipment for movement, used for carriage of people and/or loads, including all equipment, used motors, electric vehicles or animal haulage.

45. "Reproductive materials" are seeds, parts of plants (cuttings, grafts, etc) sapling of forest



tree and bush kinds.

46. "Seed production garden" is a forest culture, created from selective branches or seed saplings from families, which has been isolated and maintained in such a way to avoid pollination of unwilling individuals for obtaining rich and easy for collection seed harvests.

47. "Seed production plant" is approved natural plant or forest culture for production of forest reproductive materials, selected in phenotype principles at level population, which is situated in a certain region of origin.

48. "Felling without material production" is removing retarded, damaged, and unwilling trees and bushes in view improvement the conditions of the young plants at the age, to which no wood is produced from them.

49. "High forestry education" is high education in the subject of the professional direction Forestry with qualification Technician-forester or Technician – technologist or profession Technician-forester or Technician-mechanic in compliance with the Public Education Act, the Vocational Education and Training Act, the Act on the Level of Education and the General Education Minimum and Curriculum.

### **Transitional and concluding provisions**

§ 2. This Act shall amend the Forestry Act (publ., SG, 125/1997; amend. 79 and 133/1998, 26/1999, 29 and 78/2000, 77, 79 and 99/ 2002, 16 and 107/2003, 72 and 105/ 2005, 29, 30, 34, 36, 80, 82 and 102/2006, 13, 24, 53 and 64/2007, 43, 54, 63, 69, 70 and 91/2008, 6, 12, 19, 32, 74, 80, 94 and 103/2009 and 73, 87 and 88/2010).

§ 3. (In force from 08.03.2011) (1) Construction in land properties in forest territories, which natural and legal persons or Municipalities have acquired from the state as a result of exchange, made by the day of the enforcement of the Act in the State Gazette, shall not be subject to change of the function under this Act.

(2) The restriction under Para. 1 shall be applied also in case of a change of the ownership of the properties, with the exception of the cases, where the relevant forest territory is acquired by the state.

(3) The restriction under Para. 1 shall not apply, where the change of function is for building up of a national site or a Municipal site of first level significance, under the State Property Act and the Spatial Development Act, which become public state or Municipal ownership.

(4) Within 1-month term from the day of publication of the Act, the Ministry of Agriculture and Food shall publish in the State Gazette a list of the properties under Para. 1.

(5) Within 14-day term from the publication of the list under Para. 4, the Agency of Geodesy, Cartography and Cadastre, the Municipal offices on agriculture, the Registry Agency shall mark the restriction under Para. 1 in the cadastre maps, respectively in the maps of the restored ownership and in the property register.

§ 4. (1) Within one month term from the enforcement of the Act, the Minister of Agriculture and Food by an order shall appoint regional commissions, which shall draw up lists under Art. 2, Para. 1, p. 1, which on the day of the enforcement of the Act have not been marked as such in the cadastre map or in the map of the restored ownership.

(2) The commissions under Para. 1 shall have the following composition: chairperson – representative of the Regional directorate Agriculture and members: a representative of the relevant

Municipality, determined by the Mayor of the Municipality, a representative of the relevant Municipal office of agriculture, a representative of the relevant office of geodesy, cartography and cadastre and a representative of the relevant Regional forest directorate.

(3) The regional commission shall check up on site by documents and by the digital ortho-photomap about the availability of properties under Para. 1 in the territorial scope of the activity of the relevant state forestry or state hunting reserve and shall draw up a protocol about their operation, and shall attach a list of the properties. The protocol shall contain the size of the properties, the type and origin of the forest and a plan of the property and a taxation characteristic shall be attached.

(4) The protocol under Para. 3, within 6 month after the enforcement of the Act, shall be submitted to the Minister of Agriculture and Food for confirmation.

(5) Within 14 day term from the confirmation of the protocol under Para. 4, the Minister of Agriculture and Food shall issue an order for determining the properties and a forest territory. The order shall be submitted to the Municipal office of agriculture or the office of geodesy, cartography and cadastre.

(6) The order under Para. 5 shall be delivered to the owners of the properties under Para. 1 and may be appealed under the Administrative-procedure Code.

(7) After the enforcement of the order under Para. 5, a copy of it shall be submitted to the Regional forestry directorate and to the relevant office of geodesy, cartography and cadastre, if for the territory there is a cadastre map or to the Municipal office of agriculture for marking the properties as a forest territory in the cadastre map or in the map of the restored ownership.

§ 5. (1) The applications for excluding areas from the forest fund for providing the right to use and servitudes over forests and lands of the state forest fund, as well as those under § 123 of the Transitional and Final Provisions of the Act, Amending and Supplementing the repealed Forestry Act (publ., SG, 16/2003; amend., 29 and 34/2006), submitted before the enforcement of this Act, shall be examined under the previous procedure, where the evaluation if the properties shall be determined under the Ordinance of Art. 86, Para. 2 of this Act, if the validity term of the evaluation certificate has expired, issued under the Ordinance for determining basic prices, prices for the excluded areas, establishing right to use and servitudes over forests and lands of the forest fund (publ., SG, 101/2003; amend., 39/2004, 6/2005, 1/ 2007, 38/2010).

(2) The procedures under Art. 15b of the repealed Forestry Act, which have been initiated before the enforcement of this Act, shall be terminated.

(3) Procedures, initiated under Art. 14d, Para. 2 of the repealed Forestry Act shall be finalized under the current order, in case that the person, upon whose request the exclusion has become:

1. has submitted or within 3-month term from the enforcement of this Act submits an application with all the required documents attached, and

2. pays the owed price on the deal within 6-month term from the enforcement of the order for sale, exchange or establishing restricted property right.

(4) In case, that the requirements under Para. 3 are not fulfilled, the rights of the persons in whose benefit a change of function is ordered, shall lapse.

(5) In the cases under Para. 4, the Minister of Agriculture and Food shall issue an order for marking the properties as a forest territory, a copy of which shall be submitted to the Regional forestry directorate and to the relevant office of geodesy, cartography and cadastre or the Municipal office of agriculture for marking the changes to the cadastre map or the map of the restored ownership. As well as a request under the Spatial Development Act for a change of the relevant acting territory plan.

(6) where such territory plans are developed for land properties in forest territories, which are subject to sale under § 123 of the Transitional and Final Provisions of the Act, amending and Supplementing the repealed Forestry Act (publ., SG, 16/2003; amend., 29 and 34/2006), the legally

determined area – subject to sale shall be determined on the basis of limited admissible norms for density and intensity of construction for the separate types of territories and territory zones.

(7) The provisions of Art. 73, Para. 5 and Art. 78, Para. 4, p. 2 and Para. 7 shall apply also to industries under the repealed Forestry Act on exclusion and change of function of forests and lands of the forest fund for construction of national sites and Municipal sites of first significance which have not been finalized on the date of the enforcement of the Act.

(8) The provisions of Art. 78, Para. 3, p. 2 shall not apply to finalized procedures under the repealed Forestry Act.

(9) Where on the date of the enforcement of the Act a preliminary coordination has been given for excluding areas from the forest fund or a request has been submitted for preliminary coordination, the procedure for change of the function of the relevant properties shall be finalized under the previous procedure.

§ 6. (1) Forest territories, included in the borders of urban territories – populated places and rural settlements, determined by a construction and regulation plan or circular polygon, approved by 1 June 1973, shall be considered with a changed function and for them procedures for change of function under this Act shall not be proceeded. The change of the function and of the regulation of these lands shall be done under the Spatial Development Act.

(2) Forest territories, included in the borders of urban territories – populated places and rural settlements, determined by a detailed territory plan, by a construction or regulation plan or circular polygon, approved after 1 June 1973, for which no procedures of change of function under the repealed Forestry Act have been proceeded, a procedure shall be made for a change of function under this Act upon an initiative of their owners.

(3) In the cases under Para. 2, where the territories have been built up, the evaluation of the price for change of function shall be done on the basis of the data of the last forestry project, before the building up.

§ 7. (1) From the date of the enforcement of the Act, the state forest nurseries, established on agriculture or urbanized territories, shall become forest territories.

(2) Within 1 year term from the enforcement of the Act, the director of the Regional forest directorate shall make a request before the relevant Municipal offices of agriculture, as well as before the offices of geodesy, cartography and cadastre for marking the properties under Para. 1 as a forest territory in the map of the restored ownership, or in the cadastre map.

§ 8. The higher schools and scientific institutes and stations, whose basic activity is connected to the researches in the forests and to a preparation of staff for forests, shall keep the right, provided to them by law or act of the Council of Ministers, on forest territories for research and educational testing activity.

§ 9. (1) Within 7 day term after the enforcement of the Act, the Minister of Agriculture and Food shall issue orders for determination the regions of activity of the state enterprises under Annex N1 and their seats.

(2) From the date of registering in the trade register, the state enterprises under Annex N1 shall be legal receivers of the assets and liabilities, as well as of the archive of the relevant state hunting reserves under Annex N2, p. 1 – 25 of the Hunting and Game Protection Act, as well as of the existing

on the day of the enforcement of the Act state forestry.

(3) from the date of entering into the trade register of the state enterprises under Annex n 1, the existing on the day of the enforcement of the Act state forestry and state hunting reserves under Para. 2 shall become territorial units of the state enterprise, in whose region of activity they exist.

(4) Where on the date of entering into the trade register under Para. 3 the region of activity of the state forestry or the state hunting reserve falls in the region of activity of 2 or more state forestries under Annex N 1, this forestry shall become territorial unot of the enterprise, in whose region is its seat.

(5) The regions of activity of the territorial units under Para. 3 and 4 shall cover the regions of activity, or the territorial scope of activity of the existing on the day of the enforcement of the Act state hunting reserves and state forestries.

(6) From the date of entering into the trade register of the state enterprise under Annex N 1, the registration of the relevant state forestries and state hunting reserves shall be deleted.

(7) The borders of the hunting regions, confirmed by an order of the Minister of Agriculture and Food by the enforcement of the Act shall be kept.

(8) The concluded contracts by the state forestries and hunting reserves under Para. 2 and 3 on the day of the enforcement of the Act under Art. 9, Para. 12l of the Hunting and Preservation of Game Act, as well as the contracts for providing the management of game to the hunting associations shall keep their force.

(9) (In force from 08.03.2011) The existing on the day of the enforcement of the Actstate hunting reserves Beglika, Midjur, Seslav, Razlog, Tervel, Rodopi, Preslav, Tundja, Kotel, Bolyarka, Rakitovo and Alabak shall become state forestries.

(10) (In force from 08.03.2011) The concluded management contracts with the directors of the state hunting reserves under Para. 9, shall be provided under Art. 123 of the Labour Code.

(11) (In force from 08.03.2011) The contracts under Art. 9, Para. 12 of the Hunting and Game Protection Act, signed by the state hunting reserves under Para. 9, as well as the contracts for providing the management of the game to the hunting associations, shall keep their force.

§ 10. By entering in the trade register, the state enterprises under Annex N 1 for collecting revenues and performing payments shall be used the previous bank accounts of the state forestries and the state hunting reserves.

§ 11. The state enterprises under Annex N1 shall transfer to the budget of the Ministry of Agriculture and Food for 2011, 50% and for 212 – 25% of the funds under Art. 179, Para. 1.

§ 12. The directors of the existing on the day of the enforcement of the Act state forestries and state hunting reserves shall be transferred to work as directors if the relevant territorial units of the state enterprises under Annex N1 and shall sign management contract with the directors of the enterprise.

§ 13. The labour relations of the workers and employees of the existing on the day of the enforcement of the Act state forestries and state hunting reserves shall be provided under Art. 123 of the Labour Code and shall be transferred to work at the relevant territorial units of the state enterprises under Annex N 1.

§ 14. In the determined region of activity, the training-testing forestries shall perform their

activity and functions of the state forestries and state hunting reserves, assigned to them by this Act, the Hunting and Game Protection Act and the legislative acts on their application, until in another Act something else is provided.

§ 15. within 6 month term from the adoption of the Ordinance under Art. 175, the directors of the state enterprises and the directors of the territorial units shall confirm the names in the pay rolls of the positions in the central offices or in the territorial units of the enterprises and shall transfer the labour salaries of the employees and workers in compliance with the new system for payment of the labour.

§ 33. (1) Within the term of 1 year after the enforcement of the Act, the persons, holding certificate for finished course for evaluation of forests and lands of the forest fund, issued by the Forestry University, the Institute of Forest under the Bulgarian Academy of Science, the National Management of Forests, the State Forest Agency and the Executive Forest Agency, shall be entered upon their right into the register under Art. 15 of the Independent Appraisers Act.

(2) The entering under Para. 1 shall be done on the basis of an application, which shall have attached a copy of the certificate for a finished course for evaluation of forests and lands of the forest fund.

(3) After expiry of the term under Para. 1, evaluations of forest territories may be done only by evaluators, entered into the register under Para. 1.

§ 34. The registered branch organization by the day of enforcement of the Act shall be re-registered within the term of up to 1 year according to its requirements.

§ 35. (1) Within 1 year term from the enforcement of the Act, the Executive Forest Agency shall re-register the persons, entered into the public registers under Art. 39, Para. 2 and Art. 57a, Para. 1 of the repealed Forestry Act.

(2) The persons, entered into the public register under Art. 39, Para. 2 of the repealed Forestry Act shall be entered into the register under Art. 235 and shall have an issued certificate for registration, as follows:

1. for the activity "planning and organization of the forestation activities: to the persons, holding certificate for registration for collecting and production of seeds, production of sapling and other reproductive materials of forest-wood and bush kinds, creating forest cultures and the corresponding accountancy documents for these activities" under the repealed Forestry Act;

2. for the activity "marking trees, envisaged for felling" – to the persons, holding certificate for registration for "marking trees for felling, growing young plants (without material production), trimming standing trees and preparing the accompanying accountancy documents" under the repealed Forestry Act;

3. for the activity "drawing up tasks for forestry plans and programmes and for inventory of forest territories" - to the persons, holding certificate for registration for "preparing tasks and forestry projects, plans and programmes for forests and lands of the forest fund: under the repealed Forestry Act;

4. for the activity "drawing up forestry plans and programmes and for inventory of forest territories" - to the persons, holding certificate for registration for "drawing up tasks and forestry projects, plans and programmes for forests and lands of the forest fund" under the repealed Forestry Act;

5. for the activity "drawing up tasks and projects, plans and programmes for protection against erosion and floods and for biological re-cultivation of damaged terres" – to the persons, holding

certificate for registration for "drawing tasks and projects, plans and programmes for fight against erosion and floods and for biological re-cultivation of damaged terrenes" under the repealed Forestry Act;

6. for the activity "planning and organization of the wood production" – to persons, holding certificate for registration for "organization of wood production and developing transportation – technologic projects, plans and schedules for using forests and lands of forest fund and preparing the accompanying documents" under the repealed Forestry Act;

7. for the activity "planning and organization of production of non-wood forest products" – to the persons, holding registration certificate for "organization of wood production and developing transportation – technologic projects, plans and schedules for using forests and lands of forest fund and preparing the accompanying documents" under the repealed Forestry Act;

8. for the activity "drawing up projects for forest motor roads and equipment for them" – to the persons, holding registration certificate for "drawing up projects for forest roads and equipment" under the repealed Forestry Act.

(3) Registration shall be deleted to persons, entered in the public register under Art. 39, Para. 2 of the repealed Forestry Act for the activities "evaluatin of forests and lands of the forest fund", "management of forests and lands of the forest fund – ownership of natural and legal persons and Municipalities" and "expertise and consultations on forestry activities".

(4) Persons, who have been entered into the register under Para. 3 for the activity "evaluation of forests and lands of the forest fund" may be entered in the public register under the Independent Appraisers Act for the term up to 1 year from the enforcement of this Act. By their registration, the persons may perform evaluations of forest territories on the basis of the certificate for finished course for evaluation of forests and lands of the forest fund.

(5) Traders, entered in the public register under Art. 57a, Para. 1 of the repealed Forestry Act shall be entered in the register under Art.241 and shall be issued a registration certificate, as follows:

1. for the activity "management of forest territories" to traders, holding registration certificate for "reproduction of forests" under the repealed Forestry Act;

2. for the activity "wood production" to traders, holding registration certificate for "using wood from the forest fund" under the repealed Forestry Act;

3. for the activity "developing plans and programmes for management and development of the forest territories – to traders, hodling registration certificate for "planning lands and forests of the forest fund and hunting reserves" under the repealed Forestry Act.

(6) Re-registration under Para. 1 – 5 shall be done officially, without paying fees.

(7) Para. 6 shall not apply to the cases, where together with the re-registration, the competent person has submitted an application for entering a change in the circumstances.

(8) \by the re-registration of the persons under Para. 1 – 7, their right to perform activities in the forest territories shall be certified by the registration certificates, issued under the repealed Forestry Act;

(9) Persons, holding certificates for finished course for evaluation of forests and lands of the forest fund, issued by the day of enforcement of the Act, shall have the right to perform evaluation of forest territories by their registration in the register under the Independent Appraisers Act.

§ 36. (1) Within the term of up to 1 year after the enforcement of the Act, the employees at the state forestry, the state hunting reserves and training – testing forestry, occupying positions, for which forestry education is needed, may perform activities in the forest territories, without being entered into the public register under Art. 235.

(2) Within the term under Para. 1, the relevant employees shall be entered in the public register under Art. 235.

(3) The state forestries, state hunting reserves and training – testing forestries may use the

control forest marks, possessed by them within the term of up to 2 years after the enforcement of the Act, by providing them to:

1. their employees holding forestry education, notwithstanding of the fact whether they are entered into the register under Art. 235 – by the expiry of the term under Para. 1;
2. their employees with forestry education, entered into the public register under Art. 235 – after expiry of the term under Para. 1.

§ 37. (1) The executive director of the Executive Forest Agency shall confirm by an order forms of documents under the law unless a legislative act provides something else. The forms shall be published on the internet site of the Executive Forest Agency.

(2) The order under Para. 1 shall determine also the conditions and procedure for producing and reporting the documents, as well as the documents, which may be submitted electronically.

§ 38. (1) The issued on the basis of the repealed Forestry Act legislative acts shall be applied, unless they contradict the law.

(2) By the adoption of regional plans for development of forest territories, the categories and re-categorization of the forest territories shall be done under the terms and conditions of the Ordinance under Art. 8, Para. 1.

(3) The legislative acts, issued by the executive director of the Executive Forest Agency in implementation of the Act shall be published in the State Gazette.

§ 39. Within 1 month term after the enforcement of the Act, the Council of Minister shall comply with it the Rules of Procedure of the Executive Forest Agency.

§ 40. The Act shall repeal the Decision of the National Assembly of 3 September 2009 for termination of excluding in case of change of the function of forests and lands of the forest fund, acquired by natural and legal persons, with the exception of the Municipalities, through exchange with forests and lands of the forest fund – private state ownership ( SG, 72/2009).

§ 41. The implementation of the Act shall be assigned to the Minister of Agriculture and Food.

§ 42. The Act shall be enforced within 1 month term after its publication in the State Gazette with the exception of:

1. Para. 3, § 9, 9 - 11 and § 16, p. 41, which shall come into force on the day of the publication of the Act in the State Gazette;
2. Art. 14, Para. 1, p. 2, Art. 115, Para. 1, P. 2, Art. 116, Para. 2, Art. 183, Para. 2, p. 3 and Art. 249, Para. 5, p. 3, which shall be enforced from 1 January 2016.

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The Act has been adopted by the 41st National Assembly on 23 February 2011 and has been sealed by the official stamps of the National Assembly.

### **Transitional and concluding provisions**

## TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL SERVANTS ACT

(PROM. - SG 38/12, IN FORCE FROM 01.07.2012)

§ 84. (In force from 18.05.2012) Within one month from the promulgation of the Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Administration Positions in compliance with this Act;

2. the competent authorities shall bring the statutory rules of the respective administration in compliance with this Act.

§ 85. (1) Legal relations with the persons from administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act and the Financial Supervision Commission Act, Act on Access to and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army, Confiscation by the State of Proceeds of Crime, Act on Prevention and Findings of Conflict of Interests, Code of Social Insurance, Health Insurance Act, Agricultural Producers Assistance Act and the Roads Act shall be regulated under the terms and following the procedure of § 36 of the Transitional and Final provisions of the Act Amending and Supplementing the State Servant Act (SG 24/06).

(2) By the act appointing the civil servant shall be:

1. awarded the minimum rank for the position occupied defined in the Classifier of Administration Positions, unless the civil servant has a higher rank;

2. determined the individual basic monthly salary.

(3) The funds additionally needed for insurance installments of the persons referred to in para 2 shall be provided within the costs for salaries, remuneration and insurance installments of the budgets of the respective budget credit spending units.

(4) The Council of Ministers shall carry out the changes required in the extra-budgetary account of State Fund Agriculture according to this Act.

(5) The managing bodies of the National Insurance Institute and the National Health Insurance Fund shall carry out the changes requires according to this Act in the respective budgets.

(6) Unused leaves under employment relationships shall be retained and may not be compensated by cash benefits.

§ 86. (1) Within one month from entry into force of this Act the individual basic monthly salary of the employee shall be determined in such a manner as to ensure that the said salary, reduced by the tax due and the mandatory insurance installments at the expense of the insured person, if they were due, is not lower than the gross monthly salary received hitherto, reduced by the mandatory insurance installments due at the expense of the insured person, if they were due, as well as by the tax due.

(2) The gross salary under para 1 shall include:

1. the basic monthly salary or basic monthly remuneration;

2. bonuses paid regularly along with the basic monthly salary or basic monthly remuneration due, which are related solely to the hours worked off.

§ 87. The Act shall enter into force from July 1, 2012 except for § 84, which shall enter into force from the date of its promulgation in the State Gazette.



### **Annex N 1, under Art. 163, Para. 1**

#### List of the State Enterprises

1. North-west state enterprise.
2. North- central state enterprise.
3. North-east state enterprise.
4. South-east state enterprise.
5. South-west state enterprise.
6. South-central state enterprise.

### **Annex N 2 under Art. 27, Para. 3, p. 6**

#### List of the Forest Nurseries of National Significance

1. Ashiklar - Berkovitsa.
2. Galovo - Oryahovo.
3. Mikrevo - Strumyantsy.
4. Sushitsa – Gotse Delchev.
5. Poroy - Nesebar.
6. Dabovete - Dobrich.
7. Djulyunitsa – Gorna Oryahovitsa.
8. Momchilgrad - Momchilgrad.
9. Dolno Selo - Kyustendil.
10. Riben - Pleven.
11. Tsarevo - Tsarevo.
12. Ravnogor - Peshtera.
13. Nikov Chiflik - Pazardjic.
14. Golyamo konarsko shoes - Plovdiv.
15. Kapsidata - Asenovgrad.
16. Hotantsa - Hotantsa.
17. Trankovo - Elhovo.
18. Ormana - Yambol.
19. Barchevo - Smilyan.
20. Siniya vir - Etropole.
21. Vetren - Maglzh.
22. Stanyantsi - Varbitsa.
23. Bayachevo - Targovishte.
24. Vardim - Svishtov.
25. Vardim – in the Experimental station of fast growing tree kinds - Svishtov.