

Forestry Act

Promulgated, SG No. 19/8.03.2011, effective 9.04.2011, amended, SG No. 43/7.06.2011, SG No. 38/18.05.2012, effective 1.07.2012, amended and supplemented, SG No. 60/7.08.2012, amended, SG No. 82/26.10.2012, effective 26.11.2012, SG No. 102/21.12.2012, SG No. 15/15.02.2013, effective 1.01.2014, amended and supplemented, SG No. 27/15.03.2013, amended, SG No. 66/26.07.2013, effective 26.07.2013, SG No. 109/20.12.2013, amended and supplemented, SG No. 28/28.03.2014, amended, SG No. 53/27.06.2014, SG No. 61/25.07.2014, SG No. 98/28.11.2014, effective 28.11.2014, amended and supplemented, SG No. 60/7.08.2015, effective 7.08.2015, amended, SG No. 79/13.10.2015, effective 1.08.2016, amended and supplemented, SG No. 100/18.12.2015, amended, SG No. 13/16.02.2016, effective 15.04.2016, SG No. 15/23.02.2016, SG No. 57/22.07.2016, SG No. 61/5.08.2016, effective 5.08.2016, SG No. 95/29.11.2016, amended and supplemented, SG No. 13/7.02.2017, amended, SG No. 58/18.07.2017, effective 18.07.2017, amended and supplemented, SG No. 103/28.12.2017, effective 1.01.2018, SG No. 17/23.02.2018, effective 23.02.2018, supplemented, SG No. 77/18.09.2018, effective 1.01.2019, amended and supplemented, SG No. 83/9.10.2018

*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 1/3.01.2019, effective 1.01.2019

Text in Bulgarian: Закон за горите

Chapter One GENERAL PROVISIONS

Article 1. (1) This Act governs public arrangements pertinent to the protection, stewardship and use of wooded areas in the Republic of Bulgaria, for the purpose of assuring the multi-functional and sustainable management of forest ecosystems.

(2) This Act pursues the following goals:

1. protection of, and increase of the area taken up by, forests;
2. maintenance and improvement of the state and condition of forests;
3. assurance and maintenance of the ecosystemic, social and economic functions of wooded areas;
4. assurance and increase of the production of timber and non-timber forest products by way of the environmentally sound management of wooded areas;
5. maintenance of biological and landscape diversity and improvement of the state and condition of the populations of wild flora, fauna and micota;
6. provision of recreation opportunities for the population and improving recreation conditions;
7. achieving a balance between the interests of society and those of the owners of wooded areas;
8. provision of support and encouragement to owners of landed property in wooded areas;

9. fulfillment of international and European commitments for the conservation of forest habitats.

Article 2. (1) For the purpose of this Act, a forest shall be understood to mean:

1. any piece of land covered with forest vegetation with a surface area of no less than 0.1 hectare, height of mature tree specimens of no less than 5 m., width of the wooded area (measured between the trunks of the most outlying trees) of no less than 10 m., and canopy density of no less than 10% of the total surface of the wooded area;
2. areas in the process of regeneration that have not yet attained, but are expected to attain, a minimum canopy density of 10% of the wooded area and a tree height of 5 m.;
3. areas that, as a result of anthropogenic factors or natural causes may be temporarily deforested but are subject to regeneration;
4. protective forest belts as well as wooded strips with an area larger than 0.1 hectare and a width of 10 meters or over;
5. plantations constituting parts of systems and facilities for protection against the harmful impact of waters;
5. dwarf pine formations;
7. communities of tree or shrub species surrounding bodies of water.

(2) For the purpose of this Act, a wooded area shall be understood to mean:

1. any of the forests as per (1) above;
2. glades, non-industrial lands and other areas intended for forestry activities;
3. karst formations located within areas as per items 1 and 2;
4. protective forest belts with dimensions larger than those defined as per (1) item 4 above.

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

1. parks and public gardens in urban areas;
2. forests and lands within the territories of national parks and reserves;
3. trees of forest species within agricultural lands not fulfilling the definition of a forest as per (1) above;
4. areas covered with forest vegetation within the easement areas of national and local roads as well as railroads.

Article 3. (1) No decrease in the areas of afforested land shall be allowed:

1. within the territory of the Republic of Bulgaria;
2. within the territory of municipalities where afforested lands constitute less than 10% of the total surface area.

(2) Any activities within wooded areas shall be conducted in a manner that does not cause harm to wildlife species or their habitats, or to soils, bodies of water or elements of the technical infrastructure.

Chapter Two

MANAGEMENT OF WOODED AREAS

Section I

Functions and Categorization of Wooded Areas

Article 4. Wooded areas perform the following main functions:

1. protection of soils, water resources and air purity;
2. maintenance of the biological diversity of forest ecosystems;
3. provision of social, educational, scientific, landscape-related and recreational benefits to the public;
4. protection of the natural and cultural heritage;
5. harvesting of timber and non-timber forest products;
6. climate adjustment and carbon absorption.

Article 5. (1) In accordance with their dominant functions, wooded areas fall into three categories:

1. protective;
2. special;
3. industrial.

(2) Protective are those wooded areas intended for the protection of soils, waters, urban areas, buildings and technical infrastructure facilities; the upper timberline; protective forest belts, as well as forests created in accordance with anti-erosion technical designs.

(3) Special are those wooded areas that are:

1. subsumed within the boundaries of protected areas in the sense as per the Protected Areas Act, the special areas of conservation declared in accordance with the Biological Diversity Act, as well as those within which special statuses or regimes are established pursuant to other relevant pieces of legislation;
2. intended for seed-producing plantations and gardens; nurseries; with experimental and geographic crops of forest tree and shrub species; arboreums; research, educational and experimental forest farms; birds' breeding grounds; 200-m. forest strips surrounding tourist chalets and places of worship; intensive game stewardship stations;
3. of recreational significance, for landscape maintenance or of high conservation value.

(4) Industrial are those wooded areas that do not fall under any of items 1 - 3 above and the stewardship of which is intended for sustainable harvesting of timber and non-timber forestry products, as well as for the provision of services.

Article 6. (1) The categorization of wooded areas in respect of which there are no special statuses or regimes defined and introduced pursuant to other pieces of legislation shall be done by force of regional plans for the development of wooded areas supplemented and specified by forestry plans and programs.

(2) The re-categorization of wooded areas is done by way of amendments to once adopted regional plans for the development of wooded areas. Such re-categorization may be initiated by request on the part of the owners as well as of interested government ministries or agencies, municipalities, legal entities or individuals.

(3) The terms and procedure for categorization and re-categorization of wooded areas are defined by force of the ordinance as per Article 18 (1).

Section II

Inventorying of Wooded Areas and Forest Planning

Article 7. (1) To establish the state and condition of resources and prepare an assessment thereof, wooded areas shall be inventoried.

(2) For purposes of such inventory of wooded areas, as well as for planning game stewardship and fire protection activities, forest territorial units shall be defined.

(3) (Amended, SG No. 58/2017, effective 18.07.2017) Such territorial units as per (2) above shall be determined by an order of the Minister of Agriculture, Food and Forestry and shall cover the area of one or more whole municipalities within the boundaries of a single region.

Article 8. The main principles of forest planning are:

1. integrated management of wooded areas and utilization of forest resources for purposes of sustainable economic development;
2. diversification of forestry activities for sustainable reproduction of forest functions by means of creating alternative sources of revenue and livelihood;
3. maintenance of the ecosystemic integrity of the forest and application of ecological principles in forestry development;
4. regularity and consistency in the utilization of timber and non-timber forest products;
5. public involvement in the planning process;
6. consideration of the interests of owners without infringement of the public interest;
7. Introduction of a system of measures and actions for the protection and conservation of wooded areas;
8. introduction of a single information system for wooded areas and the activities performed therein.

Article 9. (1) Forest planning shall be conducted at three levels and shall comprise:

1. a National Strategy for the Development of the Forestry Sector and a Strategic Plan for the Development of the Forestry Sector;
2. a Regional Plan for the Development of Wooded Areas;
3. forestry plans and programs.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) The documents as per (1) items 1 and 2 above shall be posted for public perusal on the website of the Ministry of Agriculture, Food and Forestry and of the Executive Forestry Agency.

(3) The National Strategy for the Development of the Forestry Sector and the Strategic Plan for the Development of the Forestry Sector shall be adopted and, respectively, endorsed, following public hearings. The terms and procedure for conducting such public hearings are defined by force of the ordinance as per Article 18 (1).

Article 10. (1) The National Strategy for the Development of the Forestry Sector shall define the goals of the government policy for forestry development and shall contain:

1. an analysis of the state and condition of the forestry sector;

2. objectives and priorities;

3. means to the attainment of said objectives.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) The National Strategy for the Development of the Forestry Sector shall be adopted by the Council of Ministers subject to a proposal by the Minister of Agriculture, Food and Forestry.

(3) The process of development and public hearing of the National Strategy for the Development of the Forestry Sector shall also involve members of academe, of environmental NGOs and industrial associations.

(4) The National Strategy for the Development of the Forestry Sector shall be updated:

1. (amended, SG No. 15/2016) in the event of significant changes in the macroeconomic and international conditions and the relevant amendments and supplements to the National Development Plan for this country, in the sense as per the Spatial Development Act;

2. as a result of amendments to the national legislation or in the Acquis Communautaire;

3. in case of changes in the priorities and specific objectives of the European Union.

(5) The updating of the National Strategy for the Development of the Forestry Sector shall take place pursuant to the terms and procedure as per (2) and (3) above.

Article 11. (1) The Strategic Plan for the Development of the Forestry Sector shall define the specific actions for attainment of the goals prescribed by the National Strategy for the Development of the Forestry Sector for a period of 10 years.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) The Strategic Plan for the Development of the Forestry Sector shall be developed by the Executive Director of the Executive Forestry Agency and, following a public hearing, shall be endorsed by the Minister of Agriculture, Food and Forestry.

(3) The Strategic Plan for the Development of the Forestry Sector shall be updated:

1. upon any update of the National Strategy for the Development of the Forestry Sector;

2. in the event of significant changes in the economic and social conditions in the forestry sector.

(4) The updating of the Strategic Plan for the Development of the Forestry Sector shall be done pursuant to the terms and procedure as per Article 9 (3) above.

Article 12. (1) The regional plans for the development of wooded areas shall be developed for a 10-year period in compliance with this Act, the National Strategy for the Development of the Forestry Sector and the Strategic Plan for the Development of the Forestry Sector, and shall contain:

1. a harmonized forestry map of the wooded areas;

2. functional zoning of the wooded areas;

3. zones for protection against urbanization;

4. management objectives in respect of the wooded areas and of hunting.

(2) (Repealed, SG No. 82/2012, effective 26.11.2012).

(3) Such regional plans shall be developed for all wooded areas, irrespective of their ownership status, and shall be harmonized with the regional development strategies as per the Regional Development Act.

(4) The drawing up of such regional plans for the development of wooded areas is commissioned by the relevant regional

forestry directorates and shall be funded by the state budget.

(5) The endorsement of said regional plans for the development of wooded areas shall be preceded by a procedure of assessment of their compatibility with the subject matter and the protection objectives of the relevant special area of conservation in accordance with the Biological Diversity Act.

(6) (Amended, SG No. 58/2017, effective 18.07.2017) The Executive Director of the Executive Forestry Agency, in coordination with the relevant regional development councils, shall propose to the Minister of Agriculture, Food and Forestry to issue an order endorsing said regional plans for the development of wooded areas.

(7) The order as per (6) above shall be subject to appeal in accordance with the Administrative Procedure Code.

(8) The regional plans for the development of wooded areas shall be updated:

1. upon any update of the National Strategy for the Development of the Forestry Sector;
2. in the event of significant changes in the economic and social conditions in the relevant region;
3. as a result of amendments to the national legislation or in the Acquis Communautaire.

(9) The updating of the regional plans for the development of wooded areas shall take place pursuant to the terms and procedure as per (3) and (4) above.

(10) The zones for protection against urbanization shall be reflected in both the general and detailed zoning plans.

(11) no management goals or functional zoning shall be included in the regional plans for development of wooded areas in case where such wooded areas are allocated for the needs of national security and defense.

Article 13. (1) (Amended, SG No. 60/2015, effective 7.08.2015) For the wooded areas in state or municipal ownership, forestry plans shall be drawn up, with the exception of the territories provided for the needs of national security and defence.

(2) (Supplemented, SG No. 60/2012, amended, SG No. 60/2015, effective 7.08.2015) Forestry plans in respect of territorial divisions of the state enterprises as per Article 163 shall be developed in accordance with the boundaries of the forest territorial units and shall include wooded areas in state ownership entrusted to them for management.

(3) (Supplemented, SG No. 60/2012, amended and supplemented, SG No. 60/2015, effective 7.08.2015) In respect of wooded areas owned by individuals, legal entities or associations of those, forestry plans or programmes shall be developed.

(4) Such forestry plans and programs shall determine the maximum allowed extent of the utilization of forest resources and the guidelines for attaining the management objective of wooded areas for a 10-year period.

(5) Forestry plans and programs shall be developed on the basis of forestry maps, cadastral maps, restituted property maps and the completed inventory of wooded areas.

(6) The forestry maps as per (5) above are specialized maps of wooded areas in the sense as per the Cadastre and Property Register Act.

(7) (Supplemented, SG No. 60/2012, amended, SG No. 60/2015, effective 7.08.2015) The development of forestry plans and programs shall be funded by the owners of the relevant wooded areas, and for wooded areas in state ownership, by the state enterprises as per Article 163.

(8) Forestry plans and programs shall be endorsed by an order of:

1. the Executive Director of the Executive Forestry Agency, for wooded areas in state ownership;
2. the Director of the relevant Regional Forestry Directorate, for wooded areas other than those as per

item 1 above, falling within their jurisdiction.

(9) The orders as per (8) above shall be subject to appeal in accordance with the Administrative Procedure Code.

(10) The development of forestry plans for state forest enterprises and state game reserves, for game stewardship and fire protection activities may be commissioned simultaneously with the inventory of the relevant wooded areas.

(11) (Supplemented, SG No. 60/2012) In the cases referred to in Paragraph (10) above, the development of such plans shall be commissioned by the Regional Forestry Directorate and/or by the relevant state enterprise under Article 163.

(12) Said forestry plans and programs shall be assessed for compatibility with the subject matter and protection objectives of the relevant special areas of conservation as per the Biological Diversity Act, in cases where no regional plan as per Article 12 has been endorsed in respect of the relevant wooded areas.

(13) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017) The content of forestry maps and the terms and procedure of their production and maintenance shall be defined by an ordinance of the Minister of Regional Development and Public Works and the Minister of Agriculture, Food and Forestry.

(14) (New, SG No. 60/2012, repealed, SG No. 60/2015, effective 7.08.2015).

Article 14. (1) (Amended, SG No. 60/2015, effective 7.08.2015) The forest stewardship plans and the inventory taking of the wooded areas shall be prepared by merchant entities which:

1. (supplemented, SG No. 60/2015, effective 7.08.2015) are listed in the public register under Article 241 (1), and
2. (effective 1.01.2016 - SG No. 19/2011) own a certificate of compliance with an international standard issued by an independent certification authority attesting to the fact that said merchant entity applies one of the following systems of:

- a) sustainable forest management, or
- b) quality assurance of the production process or the goods or services provided.

(2) Forestry programs shall be drawn up by entities recorded in the public registers as per Articles 235 or 241.

(3) (New, SG No. 60/2015, effective 7.08.2015) The regional plans for development of the wooded areas shall be developed by merchant entities listed in the Commercial Register.

Article 15. (1) Municipal development plans as per the Regional Development Act must contain a section on the development of wooded areas, drawn up in conformity with the relevant regional plan for the development of wooded areas.

(2) The section on the development of wooded areas as per (1) above shall be developed on the basis of already endorsed forestry plans and programs and shall define the guidelines for the municipality's development in the sphere of forestry and related activities.

Article 16. (1) The Executive Forestry Agency shall commission an inventory of wooded areas, the drawing up of forestry maps, game stewardship and fire protection plans, in due consideration of the boundaries of forest territorial units.

(2) All activities as per (a) above shall be funded from the state budget.

(3) The forest inventory data shall be part of the public domain and the conditions of access thereto shall be defined by the ordinance as per Article 18 (1).

- Article 17.** (1) A national inventory of wooded areas shall be taken for the purposes of implementation of the state policy for the development of the forestry sector.
- (2) (Amended, SG No. 58/2017, effective 18.07.2017) Said national inventory of wooded areas shall be taken by decision of the Council of Ministers, upon a proposal by the Minister of Agriculture, Food and Forestry.
- (3) The Executive Forestry Agency shall be commissioned to take said national inventory of wooded areas, which shall be funded from the state budget.

- Article 18.** (1) (Amended, SG No. 58/2017, effective 18.07.2017) The inventory of wooded areas, all regional plans for development of wooded areas, all game stewardship plans as well as all forestry plans and programs shall be drawn up, updated and adopted pursuant to terms and procedure defined by an ordinance of the Minister of Agriculture, Food and Forestry.
- (2) The owners and users of wooded areas are under obligation not to obstruct in any way the implementation of any actions pertinent to the taking of an inventory of wooded areas, and to supply any and all data as may be necessary for such an inventory.

- Article 19.** (1) The Executive Forestry Agency shall establish and maintain an information system about the wooded areas and any and all activities performed in them.
- (2) The content of the information system as per (1) above, as well as the procedure for the supply and use of information therefrom shall be defined by the ordinance as per Article 18 (1).
- (3) For the purposes of information gathering and provision pertinent to the management of wooded areas, the Executive Forestry Agency shall exchange data with the now operational information system of the Geodesy, Cartography and Cadastre Agency, as well as with other agencies and entities.
- (4) State forest enterprises and state game reserves, the owners and users of wooded areas, are under obligation to provide to the Executive Forestry Agency and its structures, free of charge, the information relevant to, and necessary for, maintaining the system as per (1) above.
- (5) (New, SG No. 60/2015, effective 7.08.2015) The access to the information in the information system under Paragraph 1 shall be public and its use shall be free of charge.

Section III

Certification of Forests

- Article 20.** (1) The certification of forests is a voluntary tool applied for evaluation and validation of forest management practices through a set of standards.
- (2) The certification of forests is carried out by independent, non-state-owned certifying bodies.
- (3) The entity responsible for stewardship of a wooded area is issued a certificate by the certifying body attesting that a certification has been performed in accordance with a procedure established by said certifying body.
- (4) The certificate as per (3) above attests to the fact that the stewardship of wooded areas is carried out in a manner that strikes the right balance between environmental, economic and social benefits.

Article 21. The certification of forests is an ongoing process that ensures:

1. reliable and independent verification by a third party of activities pertinent to the stewardship of wooded areas and

monitoring forest yields;

2. compliance with international norms of certification accreditation and the formulation of standards;

3. application of internationally established principles of the right balance between economic, environmental and social dimensions of forest management;

4. equal treatment of stakeholders with regard to their relative significance and involvement in the formulation of standards;

5. striking the right balance between the interests of stakeholders in the stewardship of wooded areas;

6. avoidance of unnecessary hurdles to trading in forest products;

7. use of objective and measurable applicable standards adapted to local conditions;

8. aversion of conflicts of interests on the part of participants in the certification process;

9. transparency in the decision-making process and mandatory consultations with stakeholders in the process of certification;

10. continuous improvement in forest management;

11. accessibility of the system to any parties interested in implementing it, and cost efficiency for all parties to the certification process.

Chapter Three

OWNERSHIP

Section I

Ownership Rights

Article 22. Wooded areas may be owned by natural persons, legal entities, the state and municipalities.

Article 23. (1) Political parties, as well as political organizations, movements and coalitions cannot own wooded areas.

(2) Foreign countries cannot own wooded areas.

(3) Citizens of European Union member states and of the European Economic Area countries may acquire ownership of wooded areas subject to the provisions of this Act, following expiry of the time period as defined by the Treaty on the Accession of the Republic of Bulgaria to the European Union.

(4) Legal entities of European Union member states and of the European Economic Area countries may acquire ownership of wooded areas subject to the terms and procedure as per (3) above.

(5) Foreign nationals who are citizens of third countries as well as foreign legal entities established pursuant to third-country laws may acquire ownership of wooded areas pursuant to the provisions of an international treaty ratified in accordance with the procedure as per Article 22 (2) of the Constitution of the Republic of Bulgaria, duly promulgated and in force, as well as by way of legal inheritance.

Article 24. (1) Where not otherwise provided under an international treaty ratified in accordance with the procedure as per Article 22 (2) of the Constitution of the Republic of Bulgaria, persons and entities as per Article 23 (5) that have acquired ownership of wooded areas by way of legal inheritance must, within three years from discovery of such inheritance, transfer

ownership thereof to entities entitled to the acquisition and ownership of such properties.

(2) For persons and entities as per (1) above, that have had their ownership of wooded areas restituted, the time limit for transfer of such ownership commences as from the moment of restitution.

(3) Failure to comply with the time limit as per (1) above will result in the State buying out all wooded areas in question at prices determined by the ordinance as per Article 86 (2).

Article 25. Wooded areas ownership of which has been restituted to natural persons and/or legal entities, as well as those acquired by way of a legal transaction or by other means of acquisition and are not state or municipal property, are private property.

Article 26. Ownership of wooded areas that are either state or municipal property cannot be acquired by prescription.

Article 27. (1) Wooded areas that are not owned by either natural persons or legal entities or by a municipality are state property.

(2) Wooded areas are exclusive state property where defined as such by force of another law.

(3) The following constitute public state property:

1. wooded areas in state ownership that have been assigned to be managed by government agencies in the discharge of their functions or in connection with the national security and defense, or for the performance of health care, educational and humanitarian activities;

2. wooded areas in state ownership that fall within the innermost ring of sanitary protection zones around water sources and potable water supply facilities, as well as around mineral water sources as per the Waters Act;

3. wooded areas in state ownership in protected areas in the sense as per Article 5 items 3, 5 and 6 of the Protected Areas Act;

4. wooded areas in state ownership included within designated zones for protection of immovable cultural heritage as per the Cultural Heritage Act;

5. protected forest zones;

6. seed-producing gardens, branch collections, geographic cultures and arboreums; as well as tree nurseries of national significance as per Appendix 2;

7. wooded areas within the 200-meter strip along the borders of the Republic of Bulgaria with non-EU-member states, as well as wooded areas constituting parts of systems and facilities for protection against the harmful impact of waters.

(4) Wooded areas in state ownership other than those as per (2) and (3) above, are private state property.

(5) One of the following documents must serve to ascertain state ownership of landed property within wooded areas:

1. a title deed of state ownership;

2. a contract whereby ownership rights are acquired;

3. a certificate issued by the municipal agriculture service within whose jurisdiction the landed property is located, supported with a plan of said property.

(6) (Amended, SG No. 58/2017, effective 18.07.2017) In cases of litigation in respect of wooded areas in state ownership, the State shall be represented in court by the Minister of Agriculture, Food and Forestry or his/her designated representative.

Article 28. (1) Wooded areas the ownership of which has been restituted to municipalities, as well as those acquired by way

of a legal transaction or by other means of acquisition and are not state or private property, are municipal property.

(2) The following wooded areas in municipal ownership are public municipal property:

1. those assigned to be managed by entities in the discharge of their functions or in connection with the national security and defense, or for the performance of health care, educational and humanitarian activities;
2. those falling within the innermost ring of sanitary protection zones around water sources and potable water supply facilities, as well as around mineral water sources as per the Waters Act;
3. those falling within protected areas in the sense as per Article 5 items 3, 5 and 6 of the Protected Areas Act;
4. those included within designated zones for protection of immovable cultural heritage as per the Cultural Heritage Act.

(3) One of the following documents must serve to ascertain municipal ownership of landed property within wooded areas:

1. a title deed of municipal ownership;
2. a contract whereby ownership rights are acquired;
3. a certificate issued by the municipal agriculture service within whose jurisdiction the landed property is located, supported with a plan of said property.

Article 29. Owners of wooded areas shall exercise their ownership rights in respect thereof in a manner that does not lead to deterioration of the condition of such property and causes no harm to other owners or to society.

Section II

Exercise of Ownership Rights

Article 30. The State may acquire landed property in wooded areas by means of purchase, swap, donation, partitioning, bequest or by any other means as provided for by law.

Article 31. The State may acquire wooded areas owned by natural persons, legal entities and municipalities.

Article 32. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The acquisition by the State of wooded areas shall be carried out on the basis of a decision of the Council of Ministers, whereby the Minister of Agriculture, Food and Forestry is instructed to conduct the relevant procedure and to execute a purchase agreement in respect of such landed property.

(2) Priority shall be given to the acquisition of wooded areas bordering on other wooded areas in state ownership, located in protective or special forest zones.

(3) (Amended, SG No. 58/2017, effective 18.07.2017) On the basis of said Council of Ministers' decision as per (1) above, the Minister of Agriculture, Food and Forestry shall adopt the decision to launch such purchasing procedure; said decision of the Minister shall indicate:

1. the municipalities or land-use areas where the State is willing to acquire landed property;
2. the method of assessment of offers as well as the selection criteria for the landed properties to become the subject of such transaction;
3. the date and time of consideration of such offers;
4. the manner of payment and possible securities;

5. other conditions.

(4) The decision as per (3) above shall be published in one central and one local daily newspaper, and shall be posted in public view on the website of the Executive Forestry Agency not later than two months prior to the scheduled date of consideration of offers.

(5) The owners of landed properties in wooded areas shall submit a written offer to the Executive Director of the Executive Forestry Agency stating their asking price; enclosed with said offer shall be the following supporting documents;

1. title deed;

2. a plan of the property;

3. certificate of evaluation of the property for tax purposes;

4. transcript of the forestry plan or program in respect of the relevant property.

(6) On the scheduled day of review of the offers, the Executive Director of the Executive Forestry Agency shall appoint a commission to review the offers meanwhile received, and to make a proposal for the acquisition of certain landed properties or, respectively, for rejection thereof. The commission shall record its deliberations in a protocol.

(7) (Amended, SG No. 58/2017, effective 18.07.2017) The protocol as per (6) above shall be submitted to the Minister of Agriculture, Food and Forestry, supported with a formal opinion of the Executive Director of the Executive Forestry Agency, a draft for the decision to acquire the landed properties of those owners whose offers have been accepted, and a draft for a purchase agreement.

(8) (Amended, SG No. 58/2017, effective 18.07.2017) Based upon the decision as per (7) above, the Minister of Agriculture, Food and Forestry shall conclude the purchase agreement.

Article 33. (1) The State may sell wooded areas in private state ownership:

1. for purposes of terminating a co-ownership arrangement in respect of wooded areas between the State and other co-owners;

2. in case where a valid master plan envisions changes of the purpose of a wooded area, for purposes of creation of new, or expansion of the current development boundaries of existing urban areas.

(2) The sale of wooded areas in private state ownership as per (1) item 2 above shall be carried out by way of a public tender conducted in accordance with the procedure as per the State Property Act.

(3) In cases as per (1) item 2 above, the sale of landed properties within wooded areas in private state ownership, which fall within the NATURA 2000 Network, is prohibited.

(4) The identification of landed properties within wooded areas included within the Master plan as per (1) item 2 above shall take place following the entry into force of a detailed zoning plan for the relevant territory.

(5) (Amended, SG No. 58/2017, effective 18.07.2017) Based upon the valid detailed zoning plan as per (4) above, the Minister of Agriculture, Food and Forestry or his/her designated representative shall undertake steps to cause such properties to be entered into the cadastral map of restituted property.

(6) The sale of wooded areas in private state ownership as per (1) item 1 above shall be carried out without tender, provided that all other co-owners have accepted the sale proposal in accordance with the Ownership Act.

(7) In cases of termination of a co-ownership arrangement in respect of wooded areas, where such co-ownership is between the State and a number of owners joined together in a forestry association, the sale shall be conducted without tender as the management body of said association shall be ultimately responsible for giving its consent for the purchase of such wooded areas.

- Article 34.** (1) (Amended, SG No. 58/2017, effective 18.07.2017) The tender procedure for sale of landed properties within wooded areas shall be launched by force of an order of the Minister of Agriculture, Food and Forestry.
- (2) (Amended, SG No. 58/2017, effective 18.07.2017) In cases where the initial starting price for a tender procedure is BGN 500,000 and over, said tender procedure shall be conducted by decision of the Council of Ministers, subject to a proposal by the Minister of Agriculture, Food and Forestry.
- (3) (Amended, SG No. 58/2017, effective 18.07.2017) The tender notice shall be published in one central and one local daily newspaper and shall be posted in public view on the website of the Ministry of Agriculture, Food and Forestry and the Executive Forestry Agency.
- (4) The notice as per (3) above shall state the municipality, land-use area, property numbers, the coordinates of the key reference points defining the property boundaries, the type of tender, the initial tender price, the date, time and location of the tender, and the deadline and location for purchasing the tender documentation.
- (5) When the sale price for wooded areas subject to the tender procedure, defined in accordance with Article 86 (2), is lower than their tax value, the tender shall be conducted with an initial price equal to the tax value of the property.
- (6) Proceeds from the sale of wooded areas shall be remitted to the budget of the Executive Forestry Agency and shall only be spent on the acquisition of wooded areas and farmland, as well as on the creation of new forests.

- Article 35.** (1) (Amended, SG No. 58/2017, effective 18.07.2017) The swapping of landed properties within wooded areas in private state ownership with landed properties in wooded areas owned by natural persons, legal entities and municipalities, shall take place subject to an order of the Minister of Agriculture, Food and Forestry.
- (2) (Amended, SG No. 58/2017, effective 18.07.2017) The swapping of landed properties within wooded areas in private state ownership whose value, determined in accordance with the ordinance as per Article 86 (2) is in excess of BGN 100,000, with landed properties in wooded areas owned by natural persons or legal entities, shall take place by decision of the Council of Ministers, subject to a proposal of the Minister of Agriculture, Food and Forestry.
- (3) The swapping of landed properties in wooded areas in private state ownership and municipal property may only be carried out subject to the condition that such a swap is:
1. a means to the termination of a co-ownership arrangement in respect of wooded areas between the State, resp. the municipality, and other co-owners;
 2. a means to the performance of obligations arising out of an international treaty;
 3. necessary in pertinence to the construction of sites and facilities of national significance in the sense as per the Spatial Development Act or of national sites and facilities in the sense as per the State Property Act.
 4. necessary in pertinence to the construction of municipal sites and facilities of prime significance in the sense as per the Spatial Development Act, which constitute public municipal property;
 5. a means to changing the ownership status of existing forest roads navigable by motor vehicle or portions of those, between the state, municipalities and forestry associations;
 6. between the State and a municipality or between municipalities.
- (4) In cases as per (3) item 1, the landed properties acquired by the State or the municipality as a result of such swap must border on wooded areas, in either state or municipal ownership respectively.
- (5) No swaps shall be allowed of landed properties in wooded areas in private state or municipal ownership, in cases where:
1. (amended, SG No. 60/2015, effective 7.08.2015) a mortgage or another lien has been established over the properties in the ownership of natural person or legal entities;
 2. the difference between the values of the properties subject to the proposed swap, as determined in accordance with Article

86 (2), is bigger than 5 percent;

3. the properties subject to the proposed swap are operated on lease or concession;

4. the proposed swap results in a partitioning of properties in state or municipal ownership.

(6) In cases as per (3) items 2 - 5 above, the swap agreement defines also the time period for construction of the site or facility. Failure to comply with the contractual provisions may lead to said contract being annulled by a court of law.

Article 36. (1) The swapping of landed properties within wooded areas in private state ownership shall be carried out subject to a written application on behalf of the interested party.

(2) Enclosed in support of the application as per (a) above shall be the following documents:

1. value certificate of the landed properties offered by the applicant;

2. proof of ownership (title) in the name of the applicant in respect of the properties as per item 1;

3. plans of the properties from the cadastral map and a transcript from the cadastral register containing data about them, or plans of the properties from the restituted property map and the relevant account numbers thereof;

4. proof that the application satisfies the definition as per Article 35 (3);

5. proof of the absence of obstacles as per Article 35 (5), items 1 and 3.

(3) Said application shall be submitted to the relevant regional forestry directorate closest to the location of the property owned by the applicant.

(4) For every application, the Regional Forestry Directorate shall open a case file with which it shall enclose the supporting documents as per (2) above, as well as the value certificate of the properties in state ownership, and shall forward said case file with its opinion to the Executive Forestry Agency.

(5) The Executive Director of the Executive Forestry Agency shall issue an opinion on the swap application within one month from the date of receipt of the case file as per (4) above, and shall inform the applicant thereof.

(6) (Amended, SG No. 58/2017, effective 18.07.2017) In case of a positive opinion on the application, the Executive Director of the Executive Forestry Agency shall propose to the Minister of Agriculture, Food and Forestry to issue an order putting into effect the proposed swap.

(7) (Amended, SG No. 58/2017, effective 18.07.2017, supplemented, SG No. 77/2018, effective 1.01.2019) Within three months from the date of receipt of the proposal under Paragraph 6, the Minister of Agriculture, Food and Forestry or an official from the Ministry empowered thereby shall issue a ruling thereupon, thereby issuing or withholding the order putting into effect the proposed swap. Said order shall contain:

1. the price of each of the properties subject to the proposed swap;

2. a description of said properties and the documents attesting to ownership rights thereof;

3. the amount of overheads, of the state fee and the tax due, all payable by the applicant.

(8) The order as per (7) above shall be delivered to the applicant and posted on the website of the Executive Forestry Agency.

(9) Within one month from the date of delivery of the order, the applicant shall pay in any and all taxes, fees and expenses due.

(10) (Amended, SG No. 58/2017, effective 18.07.2017) On the basis of the order subsequent to its coming into force and the effected payments, the Minister of Agriculture, Food and Forestry shall conclude an agreement; said agreement shall then be recorded by the applicant, at the latter's expense, with the relevant registration services within whose jurisdiction the property is located.

(11) The swapping of landed properties within wooded areas in private municipal ownership shall be carried out subject to the provisions of Article 35 (3) of the Municipal Property Act.

(12) A refusal as per (7) above shall be made public and shall be subject to appeal in accordance with the Administrative Procedure Code.

Article 37. (1) (Amended, SG No. 58/2017, effective 18.07.2017) Forest roads navigable by motor vehicle in public state ownership may be assigned to be managed by municipalities in the discharge of their functions, as well as for purposes of permanent satisfaction of public needs of local significance, by decision of the Council of Ministers following a decision to that effect being adopted by the relevant municipal council, and subject to a proposal by the Minister of Agriculture, Food and Forestry. Based upon said decision of the Council of Ministers, the Minister of Agriculture, Food and Forestry shall enter into an agreement defining the rights and obligations of both parties thereto.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) Forest roads navigable by motor vehicle in private state ownership may be assigned to be managed by municipalities in the discharge of their functions, by an order of the Minister of Agriculture, Food and Forestry. Based upon said order, the Minister of Agriculture, Food and Forestry shall enter into an agreement defining the rights and obligations of both parties thereto.

(3) In case where a stretch of forest roads navigable by motor vehicle constitutes public state property, said stretch may be assigned to be managed by a municipality in accordance with the procedure as per (1) above.

Article 38. (1) Owners of landed properties in wooded areas located within the boundaries of a single land-use area who are amalgamated into a forestry association may propose the consolidation of their properties.

(2) A proposal for consolidation of landed properties in wooded areas may also be submitted by state forest enterprises, by state game reserves and by municipalities.

(3) (Amended, SG No. 58/2017, effective 18.07.2017) The proposal as per (1) or (2) above shall be submitted by the interested parties in an application to the Minister of Agriculture, Food and Forestry, supported by the written consent of the owners of the properties concerned, which shall contain data regarding said owners and said properties that are envisioned to be included in the consolidation plan. Enclosed with said application shall be a copy of the restituted property map or the cadastral map on which the owners have marked their proposal for consolidation (proposal plan).

(4) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall issue a written ruling on said proposal within two months from the date of receipt thereof. In case of a positive reply, the interested parties shall develop, at their own cost, a consolidation plan in respect of said wooded areas.

(5) Said consolidation plan may include wooded areas in private state and/or private municipal ownership, and/or wooded areas owned by natural persons or legal entities. Wooded areas in private state and private municipal ownership may be included in such consolidation plan subject to the condition that no disruption of their integrity is allowed.

(6) The landed properties of each party to the consolidation plan shall be designed in such a way as to correspond in cash value to the respective properties of same participant prior to the consolidation. Evaluations are carried out in accordance with the ordinance as per Article 86 (2), at the cost of the interested parties,

(7) The consolidation of wooded areas shall be assisted by:

1. the provision of methodological guidance by the Executive Forestry Agency;
2. the gratuitous provision of relevant materials and data stored by the authorities dealing with landed property and by the geodesy, cartography and cadastre agency and services;
3. provision of expert assistance in writing up the terms of reference for the development of the consolidation plan.

(8) The consolidation plan shall be developed by a natural person or legal entity possessing a certificate of registration for performance of activities as per Article 233 (1), item 3 or for "development of terms of reference and forest zoning projects, plans and programs for forests and lands of the forest stock" of the now repealed Forestry Act (promulgated in State Gazette No. 125/1997; amended, SG No. No. 79 and 133/1998 No. 26/1999, No. No. 29 and 78/2000, No. No. 77, 79 and 99/2002, No. No. 16 and 107/2003, No. No. 72 and 105/2005, No. No. 29, 30, 34, 36, 82 and 102/2006, No. No. 13, 24 and 64/2007, No. No. 43, 54, 63, 69, 70 and 91/2008, No. No. 6, 12, 19, 32, 74, 80, 94 and 103/2009 and No. 73/2010), with the mandatory participation of a person or entity duly licensed to perform cadastral activities listed in the relevant register as per Article 12, item 8 of the Cadastre and Property Register Act.

(9) In the course of development of the consolidation plan, the relevant parties may also use graphic data from the farm plot identification system.

(10) (Amended, SG No. 58/2017, effective 18.07.2017) Wooded areas in state and municipal ownership may be included in the consolidation plan subject to the advance written consent of the Minister of Agriculture, Food and Forestry, resp. of the relevant municipal council. For the inclusion in the consolidation plan of wooded areas owned by natural persons or legal entities, the owners' written consent must be duly notarized.

(11) No consolidation plan may include landed properties, whether in state or municipal ownership, located in protected areas; or landed properties subject to an injunction or foreclosure, or otherwise encumbered or in restricted ownership; or subject to an ongoing partition procedure; or subject to an ongoing legal dispute as to ownership rights; or subject to an alienation procedure.

(12) Landed properties subject to restricted use, including as a result of their location in disturbed areas, may be included in a consolidation plan with their owners' consent.

(13) Landed properties in respect of which there is a valid lease or concession agreement concluded for a term of 5 years or over, may be included in a consolidation plan with the consent of the lessee or concessionaire. User rights arising from the lease or concession agreement are transferred to the consolidated property.

(14) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall issue an order for the appointment of a permanent commission authorized to:

1. verify the data and circumstances related to the application;
2. approve the terms of reference for the development of the consolidation plan;
3. approve the draft of the consolidation plan.

(15) The commission as per (14) above shall comprise representatives of the Executive Forestry Agency, of the municipal agricultural service, of the geodesy, cartography and cadastre service, of the municipality, as well as a representative of the applicant(s). Where necessary, other experts may also be invited to join the commission.

(16) Said commission shall examine in situ all data and circumstances, and shall conduct checks ex officio desk reviews at the municipal agriculture service; the results of such verifications shall be written up in a protocol.

(17) (Amended, SG No. 58/2017, effective 18.07.2017, supplemented, SG No. 77/2018, effective 1.01.2019) Based upon said protocol written up by the commission, the Minister of Agriculture, Food and Forestry or an official from the Ministry empowered thereby shall issue an order endorsing the proposed consolidation plan.

(18) The order as per (17) above shall be subject to appeal in accordance with the Administrative Procedure Code.

(19) (Amended, SG No. 58/2017, effective 18.07.2017) Based upon said order subsequent to its coming into force, the Minister of Agriculture, Food and Forestry shall issue an order on amending the restituted property map. In case where a cadastral map has been approved in respect of the relevant populated area, the boundaries of the relevant wooded areas shall be changed in accordance with the Cadastre and Property Register Act.

(20) The municipal agriculture service shall issue to the owners copies of the decision and plans of the consolidated properties, which shall have the force of title attesting to their ownership rights in respect thereof. In case where a cadastral map has been approved in respect of the relevant territory, said plans shall be issued pursuant to the Cadastre and Property Register Act.

(21) A ban shall be imposed on any changes of the purpose of landed properties for a term of 20 years following their consolidation. Said ban shall not apply where such change of the purpose is related to:

1. national security and defense;
2. implementation of development projects approved by decision of the Council of Ministers;
3. implementation of development projects for municipal needs approved by decision of the municipal council.

Article 39. (1) (Previous text of Article 39, amended, SG No. 60/2012, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall have the right to dispose gratuitously of real property in state ownership other than wooded areas, where such disposal takes place between the Executive Forestry Agency, its structures and specialised territorial bodies.

(2) (New, SG No. 60/2012) The Executive Director of the Executive Forestry Agency shall have the right to dispose gratuitously of goods and chattels in state ownership where such disposal takes place between the Executive Forestry Agency, its structures and specialised territorial bodies.

Article 40. (1) Disposal of wooded areas in municipal ownership shall be carried out in accordance with the Municipal Property Act.

(2) Disposal of wooded areas in neither state nor municipal ownership shall be carried out in notarized form.

Section III

Management of Landed Properties in Wooded Areas

Article 41. (1) Landed properties in wooded areas in state or municipal ownership may be made available for temporary use by another party on the basis of either a lease or a concession agreement.

(2) Landed properties in wooded areas in state or municipal ownership may be leased or granted on concession subject to the condition that this does not change the functions of the territory, or hinder or prevent the performance of other activities therein, or damage the soils.

(3) The lessee or concessionaire of a landed property in an urban area in state or municipal ownership shall have no right to lease or grant said property on concession to a third party, or to use said property jointly with a third party on the basis of a contractual arrangement.

(4) (Amended, SG No. 60/2012, SG No. 58/2017, effective 18.07.2017) Subject to a proposal by the directors of state enterprises as per Article 163, the Minister of Agriculture, Food and Forestry shall set the starting prices for tenders for the lease or concession of landed properties within wooded areas in state ownership.

(5) (New, SG No. 60/2012) The starting price in tenders for the lease of landed properties in wooded areas in state ownership may not be lower than that determined in accordance with the procedure provided for by the ordinance under Article 86(2).

Article 42. Landed properties in wooded areas that are leased or granted on concession in accordance with the present section shall be used exclusively for the purpose for which they are leased or granted on concession.

Article 43. (1) Landed properties in wooded areas in state or municipal ownership may only be leased in cases where the use of the property does not involve changing the manner of long-term use of the wooded area.

(2) Landed properties within wooded areas in state ownership are leased following a tender procedure conducted by the director of the relevant state enterprise or his/her designated representative, in accordance with the State Property Act. The order for conducting such tenders, as well as the order naming the winner of said tender, are issued by the director of said state enterprise. Based upon the results of said tender, a lease agreement is concluded.

(3) Landed properties in wooded areas in state or municipal ownership may be leased by the authority as per (2) above, resp. by the mayor of the municipality, subject to a decision of the municipal council, without tender:

1. to non-profit entities designated for the performance of activities for the public benefit, for purposes of the performance of such non-profit activities;

2. in case where said area is leased for a term of less than one year;

3. for deployment of movable facilities necessary for the performance of activities subject to valid long-term contracts as per Arts. 100 and 116;

4. (new, SG No. 100/2015) for deployment of movable sanitary and warehouse premises necessary for aquacultures and the activities related thereto for sites registered in the Integrated Information System of the Bulgarian Food Safety Agency - to persons who are owners or who have been granted rights to use sites and facilities for breeding and raising fish and other aquatic organisms, who are registered under Article 25 of the Fisheries and Aquaculture Act and who have a permit under Article 46, Paragraph 1, Item 2 of the Waters Act - for the term of such permit but for not longer than 10 years; the area provided cannot exceed 1 decare.

(4) (Supplemented, SG No. 60/2012) Landed properties within wooded areas in state ownership in accordance with (3) above shall be leased at rental prices not lower than those established as per Article 41(4) and (5).

(5) The term of validity of a lease agreement in respect of a landed property within wooded areas in state or municipal ownership cannot exceed 10 years.

(6) Proceeds from the lease of landed properties within wooded areas in state ownership shall be remitted to the relevant state enterprise as per Article 163, and those from wooded areas in municipal ownership, to the relevant municipality.

Article 43a. (New, SG No. 60/2015, effective 7.08.2015) (1) When properties in wooded areas in state or municipal ownership constituting a pasture, meadow or clearing according to the forestry plan are leased out, the term of the lease contract shall be not less than 5 years. Candidates which simultaneously meet the following conditions shall be admitted to participation in a tender procedure:

1. Owners or users of livestock-breeding facilities with pasture-fed agricultural livestock in the sense of the Ownership and Use of Agricultural Lands Act;

2. The facilities must have been registered in the integrated information system of the Bulgarian Food Safety Agency (BFSA);

3. The facilities must have been registered on the territory of the municipality in which the properties subject to the tender procedure belong.

(2) The regional directorate of the BFSA shall provide an official excerpt from the integrated system about the livestock-breeding facilities for the territory of the respective municipality.

(3) (New, SG No. 100/2015) Paragraph 1 shall not be applied when properties for sports activities are leased out or when area of up to 1 decare are provided.

(4) (Renumbered from Paragraph 3, amended, SG No. 100/2015) The procedure laid down in Article 43 shall be applied to the vacant areas remaining after the leasing out under the terms of Paragraph 1 and 3.

Article 44. (1) (Amended, SG No. 58/2017, effective 18.07.2017) Real properties other than wooded areas managed by the Executive Forestry Agency, its structures or territorial units, may be leased by the Minister of Agriculture, Food and Forestry or by his/her designated representative, in accordance with the procedure as per the State Property Act.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) Real properties other than wooded areas that have been assigned to be managed by state enterprises as per Article 163 may be leased by the directors of such enterprises in accordance with the procedure as per the State Property Act, subject to approval by the Minister of Agriculture, Food and Forestry.

Article 45. (1) Upon conclusion of a lease agreement in respect of a landed property within a wooded area, in state or municipal ownership, for a term of more than three years, the lessor shall notify in writing the relevant regional forestry directorate.

(2) The requirement as per (1) above shall also apply in cases of termination of a lease agreement.

Article 46. The use of timber cannot be the subject of a lease agreement in respect of a landed property within a wooded area in state or municipal ownership.

Article 47. (1) Landed properties within wooded areas in state or municipal ownership can be assigned for temporary use on concession in cases where their use involves a change in the manner of long-term use of the relevant area.

(2) Any buildings, machines and equipment existing within the relevant landed property and serving the purpose of the lease agreement can also become subject matter of such agreement.

(3) Landed properties within wooded areas in state ownership may be granted on concession following a tender procedure conducted by the director of the relevant state enterprise as per Article 163 or his/her designated representative, in accordance with the procedure as per the State Property Act. The order for conducting such tender, as well as the order naming the winner of said tender, are issued by the director of said state enterprise.

(4) The concession of wooded areas in state ownership is effected on the basis of a concession agreement concluded by the director of the relevant state enterprise as per Article 163 or by designated representative. By force of the concession agreement, the grantor shall undertake to make available, for temporary use by the concessionaire, the concession site, while the concessionaire shall undertake to effect a predetermined concession payment.

(5) The terms and manner of payment shall be prescribed by force of said concession agreement. For each calendar year, the amount of the concession payment for wooded areas in state ownership can be no less than the prices set as per Article 41 (4).

(6) Landed properties within wooded areas in municipal ownership can be assigned for temporary use on concession following a tender procedure. The order for conducting such tender is issued by the mayor of the municipality subject to a decision of the municipal council.

(7) The term of validity of a concession agreement in respect of wooded areas in state or municipal ownership cannot exceed 30 years.

(8) Proceeds from the concession payments shall be remitted to the relevant state enterprise as per Article 163, and for wooded areas in municipal ownership, to the relevant municipality.

(9) The grantor shall undertake actions to cause any changes in the manner of long-term use of the wooded area to be reflected in the cadastral map, resp. in the restituted property map, following conclusion of the concession agreement, resp. following its termination.

Article 48. (1) Any yields from landed properties managed on concession within wooded areas arising out of the activities subject to the concession agreement shall be the property of the concessionaire.

(2) No concession agreement can have as its subject matter the use of timber or non-timber forest products with the exception of those generated as a result of the activity of the concessionaire for which the concession agreement was concluded.

Article 49. (1) Within one month from the date of conclusion of the concession agreement in respect of wooded areas in state ownership, the state enterprise as per Article 163 shall notify thereof the relevant regional forestry **directorate**.

(2) The requirement as per (1) above shall also apply in case of termination of the agreement.

Article 50. (1) The ongoing maintenance of the concession site, including any residential, commercial and auxiliary buildings, roads, ditches, irrigation and drainage systems, as well as any other facilities and fencing serving said concession site, shall be at the cost of the concessionaire.

(2) The concessionaire shall be under obligation to insure the buildings, machines and equipment used in the performance of forestry activities subject to the concession agreement.

Article 51. The lease or concession of landed properties within wooded areas in municipal ownership shall take place in accordance with a procedure defined by an ordinance of the relevant municipal council.

Article 52. (1) Upon conclusion of a concession agreement in respect of landed property within a wooded area in municipal ownership, the municipality shall notify the relevant regional forestry **directorate**.

(2) The requirement as per (1) above shall also apply in case of termination of the agreement.

Article 53. (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry may assign gratuitously goods and chattel as well as real properties, other than wooded areas, in state ownership, to be managed by:

1. the state enterprises as per this Act;
2. the Executive Forestry Agency, its structures and specialized territorial units.

Section IV

Granting of Limited Real Rights in Respect of Landed Properties in Wooded Areas

Article 54. (1) Building rights on landed properties within wooded areas without change of the purpose of the territory are granted for the construction of:

1. (repealed, SG No. 83/2018);
2. masts for telecommunication equipment, radio- and TV-broadcasting, communication lines, wireless internet connectivity and other technical infrastructure facilities;
3. buildings and facilities relevant to the management, reproduction, use and protection of forests and game, irrespective of their ownership status, such as:
 - a) forest roads navigable by motor vehicle;
 - b) public use shelters;
 - c) game farms, fish hatcheries and fish farms;
 - d) visitor and information centers not including permanent or temporary residence quarters;
 - e) forestry and hunting stations not including permanent or temporary residence quarters;

f) (supplemented, SG No. 60/2015, effective 7.08.2015) forest control points, which do not include premises for permanent or temporary inhabiting, as well as facilities for protecting the forests from fires;

g) (new, SG No. 60/2012) zooveterinary and biotechnical facilities;

4. (amended, SG No. 60/2012, repealed, SG No. 83/2018);

5. (new, SG No. 60/2012) above-ground or underground ducts for hydrotechnical facilities, water mains and sewage disposal systems with a diameter of more than 1500 mm;

6. (new, SG No. 60/2012) stations and towers of existing gondola, chair or drag lifts which are tolerable constructions under the Spatial Development Act, including for the needs of overhauls, reconstruction, replacement and/or upgrades - for a period of up to 20 years;

7. (new, SG No. 13/2017) facilities and sites for restoration and adaptation of immovable archaeological cultural assets.

(2) Building rights may be granted indefinitely or for a definite term:

1. by the Council of Ministers, for wooded areas in public state ownership, with the exception of cases where said building rights are granted for the construction of sites and facilities as per (1) item 3 above;

2. (amended, SG No. 58/2017, effective 18.07.2017) by the Minister of Agriculture, Food and Forestry, for landed properties within wooded areas in private state ownership:

a) (repealed, SG No. 83/2018);

b) (supplemented, SG No. 60/2012, amended, SG No. 83/2018) for sites and facilities under Paragraph 1, Items 5 and 6;

3. by the Executive Director of the Executive Forestry Agency, for landed properties within wooded areas in private state ownership, other than those identified as per items 1 and 2 above, as well as for the construction within wooded areas in public state ownership of sites and facilities as per (1), item 3 above;

4. by the mayor of the municipality, following a decision to that effect of the municipal council, for landed properties in wooded areas in municipal ownership;

5. by other owners or associations of owners of landed properties within wooded areas, for their own property.

(3) No construction of sites or facilities as per (1), item 3 indents (b) through (f) above shall be allowed in cases where this is not envisioned in the forestry plans or in programs or plans for the management of protected areas adopted in respect of the relevant territory.

(4) (New, SG No. 27/2013) No building rights on landed properties within wooded areas shall be established in cases, where a ban on construction had been introduced by special legislative act.

Article 55. (1) For purposes of instituting building rights on landed properties within wooded areas, the investor shall put in a request for advance clearance with:

1. (supplemented, SG No. 60/2012, amended, SG No. 13/2017, SG No. 58/2017, effective 18.07.2017, supplemented, SG No. 77/2018, effective 1.01.2019) the Minister of Agriculture, Food and Forestry or an official from the Ministry empowered thereby, in case of landed properties in public state ownership, as well as for sites and facilities under Article 54, Paragraph 2, Item 2, letter (a) and Article 54, Paragraph 1, Items 4 - 7;

2. the Executive Director of the Executive Forestry Agency, in case of landed properties within wooded areas in private state ownership, other than those as per item 1 above;

3. the mayor of the municipality, for landed properties within wooded areas in municipal ownership;

4. the owner, for any and all other landed properties within wooded areas.

(2) For purposes of instituting building rights on landed properties within wooded areas for the construction of sites and facilities pertinent to the national security and defense, the request for advance clearance shall be submitted by the relevant line ministers and heads of government agencies. Such building rights are granted free of charge.

(3) The request for advance clearance for the granting of building rights on landed properties within wooded areas in state or municipal ownership shall be supported by the following documents:

1. (amended, SG No. 60/2012, SG No. 57/2016) a plan of the property or an excerpt of a group of landed properties from the cadastral map or from the restituted property map, an excerpt from the real property cadastral register or from the restituted property map, with details of the properties and the relevant account numbers thereof;

2. terms of reference for the development of a detailed zoning plan, prepared in accordance with the provisions of the Spatial Development Act;

3. (new, SG No. 60/2012, repealed, SG No. 17/2018, effective 23.02.2018);

4. (new, SG No. 13/2017) document granting the status of immovable archaeological cultural asset pursuant to the Cultural Heritage Act in the cases referred to in Article 54, Paragraph 1, item 7.

(4) Within two months from receipt of said request, the authorities as per (1) above shall rule thereupon. The ruling of the authorities as per (1), items 1, 2 and 3 shall be made public and may be appealed in accordance with the Administrative Procedure Code.

(5) In case where the request is submitted in relation to a landed property within a wooded area in state ownership, the authority as per (1) items 1 and 2 shall, prior to ruling thereupon, request ex officio an opinion from the relevant state forest enterprise or state game reserve.

(6) (Amended, SG No. 13/2017) No advance clearance is required for the granting of building rights for the construction of:

1. sites and facilities referred to in Article 54, Paragraph 1, item 3, letters (b) to (f);

2. national sites and facilities or municipal sites and facilities of primary importance within the meaning of the State Property Act and the Spatial Development Act;

3. sites and facilities in the technical infrastructure on the territory of more than one municipality or region, where there is no other technical option or where another technical solution is clearly not economically feasible.

Article 56. (1) (Supplemented, SG No. 60/2012, amended, SG No. 13/2017, SG No. 83/2018) For the purposes of instituting building rights under Article 54, Paragraph 1, Items 2 and 3, indent (g), Item 5 – 7 on landed properties within wooded areas in state and municipal ownership, the interested party shall submit a standard-form application to the authority that issued the advance clearance for the granting of building rights under Article 54, Paragraph 1, Items 2 and 3, indent (g), Item 5 – 7, with the following documents enclosed therewith:

1. (amended, SG No. 60/2012, SG No. 57/2016) a plan of the property abstracted from the cadastral map or from the restituted property map, an excerpt from the real property cadastral register or from the restituted property map, with details of the properties and the relevant account numbers thereof, or a combined plan containing the same details;

2. an approved detailed zoning plan and a certificate to the effect that the administrative act of its approval is in force, issued by the authority which approved said zoning plan;

3. the certificate of value of the property in accordance with the ordinance as per Article 86 (2);

4. (amended, SG No. 60/2012) a valid administrative act issued in accordance with the procedure as per Chapter Six of the Environmental Protection Act and/or the Biological Diversity Act, or a formal opinion issued by the competent environmental authority.

(2) (New, SG No. 13/2017) In the cases referred to in Article 55, Paragraph 6 the application shall be submitted to the competent authority referred to in Article 55, Paragraph 1.

(3) (Renumbered from Paragraph 2, SG No. 13/2017) The applications for building rights shall be reviewed in the sequence of

their submission.

(4) (Renumbered from Paragraph 3, SG No. 13/2017) The authority as per Article 55 (1) shall rule on the application within one month from the date of submission thereof, by either instituting or withholding building rights in the relevant wooded area.

(5) (New, SG No. 13/2017) In the cases referred to in Article 55, Paragraph 6, where such application is made for a landed property in state ownership, the authority under Article 55, Paragraph 1, items 1 and 2 above shall, prior to ruling thereupon, request ex officio an opinion from the relevant state forest enterprise or state game reserve.

(6) (Renumbered from Paragraph 4, SG No. 13/2017) For the granting of building rights on landed properties within wooded areas in state ownership, the interested party shall pay a fee determined by force of the ordinance as per Article 86, Paragraph 2. For the granting of building rights on landed properties within wooded areas in municipal ownership, the interested party shall pay a fee determined by an ordinance of the municipal council.

(7) (Renumbered from Paragraph 5, SG No. 13/2017) The fee due for the granted real building right shall be specified in the act whereby it is granted and shall be made payable within three months from the date of its entry into force.

(8) (Amended, SG No. 60/2012, renumbered from Paragraph 6, amended, SG No. 13/2017) The administrative acts referred to in Paragraph 4 shall be communicated and may be appealed against in accordance with the procedure provided for by the Administrative Procedure Code.

(9) (Renumbered from Paragraph 7, amended, SG No. 13/2017) Subsequent to the entry into force of the act whereby the building right is granted, and to payment of the fee as per Paragraph 7 above, a contract is concluded between the applicant and the Executive Director of the Executive Forestry Agency, resp. the mayor of the municipality. Said contract shall be caused by the applicant to be recorded in the registration office within whose jurisdiction the property is located, and a copy of the recorded contract shall be forwarded to the relevant regional forestry directorate.

Article 57. (1) The rights of the entity on behalf of which a building right has been granted shall be extinguished:

1. (amended, SG No. 13/2017) in the event of default on the payment of the fee by the due date as per Article 56, Paragraph 7;

2. in the event of failure to exercise said building right for 5 years.

(2) Proceeds from granted building rights shall be remitted to:

1. the relevant state enterprise as per Article 163, for wooded areas in state ownership;

2. the relevant municipality, for wooded areas in municipal ownership.

(3) (New, SG No. 60/2012) The value of the timber from wooded areas in state ownership whereon building rights have been instituted, such value having been established in accordance with the procedure provided for by Article 86(3), shall be credited to the relevant state enterprise under Article 163.

(4) (Renumbered from Paragraph 3, SG No. 60/2012) In the event of extinction of the rights as per (1) above, the entity on whose behalf said building right was granted shall be obligated to eliminate at its cost any buildings and facilities constructed on the property as well as to re-landscape the terrain, unless otherwise provided by force of the act of granting of said building rights.

Article 58. (1) (Amended, SG No. 58/2017, effective 18.07.2017) For the construction of sites and facilities as per Article 54 (1), item 3, necessary for the performance of the functions of the structures of the Executive Forestry Agency, of state forest enterprises, state game reserves and of experimental forest farms, a written permit shall be issued by the Minister of Agriculture, Food and Forestry or his/her designated representative, in respect of wooded areas in state ownership.

(2) For construction of sites and facilities as per Article 54 (1), item 3, necessary for the performance of the functions of the

relevant municipality, a decision of the municipal council shall be issued in respect of wooded areas in municipal ownership.

Article 59. (1) Building rights on landed property within wooded areas that are in neither state nor municipal ownership are granted in notarized form.

(2) (Supplemented, SG No. 60/2012) No granting of building rights is required for the construction of sites and facilities as per Article 54 (1) in cases where such construction is carried out by the owner of the wooded area or by a forestry association as per Article 183, where the ownership of individual owners has been restituted in equivalent shares. The construction of such sites and facilities shall be allowed after a construction permit is issued.

Article 60. (1) (Supplemented, SG No. 60/2012) The timber harvested from landed properties within wooded areas in state or municipal ownership on which building rights have been granted in return for consideration shall be in the ownership of the applicant.

(2) The harvesting and disposal of such timber as per (1) above shall be caused by the applicant in accordance with this Act, at the applicant's cost.

(3) (New, SG No. 60/2012) The timber from the sites and facilities under Article 59(2) may be harvested and disposed of after a construction permit is issued.

(4) (Renumbered from Paragraph 3, SG No. 60/2012) Within one year from the date of expiry of the period for which building rights had been granted, the holder of such rights shall be under obligation to remove, at its own cost, any buildings and facilities as well as to cause the terrain to be re-landscaped, unless otherwise provided in the act whereby such building rights had been granted.

(5) (New, SG No. 60/2012) The timber from landed properties in wooded areas whereon gratuitous building rights have been instituted under Article 55(2) shall be the property of:

1. the relevant state enterprise: in the case of landed properties in state ownership managed by the state enterprises under Article 163;

2. the relevant municipality: in the case of landed properties in municipal ownership.

(6) (New, SG No. 60/2012) The harvesting and disposal of the timber under Paragraph (5) shall be arranged by the relevant state enterprise or municipality.

Article 61. (1) Right of way on landed property within wooded areas may be granted for the construction and/or servicing of:

1. (amended, SG No. 60/2012, supplemented, SG No. 13/2017, amended and supplemented, SG No. 83/2018) above-ground or underground ducts for hydrotechnical facilities, water mains and sewage disposal systems with a diameter of less than 1500 mm, overhead and underground power lines, cables and other incoming and outgoing ducts of the technical infrastructure, including the adjoining facilities (shafts up to 15 square meters or steps up to 100 square meters in the case of overhead power lines);

2. telephone, telegraph, radio-communication and other lines;

3. (supplemented, SG No. 60/2012) gondola, chair and drag lifts: for a period of up to 30 years;

4. the perimeter of wind farm and photo-voltaic facilities;

5. (new, SG No. 83/2018) oil pipelines, heating pipelines, gas pipelines, oil product pipelines, above-ground or underground ducts for electric power generation hydrotechnical facilities.

(2) (New, SG No. 60/2012, amended, SG No. 83/2018) A right of way on landed properties in wooded areas may be instituted for the purpose of servicing above-ground or underground ducts for hydrotechnical facilities, water mains and sewage disposal systems with a diameter of more than 1500 mm.

(3) (Renumbered from Paragraph 2, SG No. 60/2012) Right of way on landed properties within wooded areas may be granted indefinitely or for a defined period of time:

1. by the Council of Ministers, for landed properties within wooded areas in public state ownership;
2. (amended, SG No. 58/2017, effective 18.07.2017) by the Minister of Agriculture, Food and Forestry, for landed properties within wooded areas in private state ownership:
 - a) for overhead power lines over 20 kV;
 - b) for gondola, chair and drag lifts;
 - c) (supplemented, SG No. 83/2018) for sites and facilities under Paragraph 1, Items 4 and 5;
3. by the Executive Director of the Executive Forestry Agency, for landed properties within wooded areas in private state ownership other than those as per items 1 and 2 above;
4. by the mayor of the relevant municipality, subject to a decision to that effect of the municipal council, for landed property within wooded areas in municipal ownership;
5. by the owner, for any and all remaining landed properties within wooded areas.

Article 62. (1) For the granting of right of way on landed properties within wooded areas the investor shall put in a request for advance clearance with:

1. (amended, SG No. 60/2012, SG No. 58/2017, effective 18.07.2017, supplemented, SG No. 77/2018, effective 1.01.2019) the Minister of Agriculture, Food and Forestry or an official from the Ministry empowered thereby, for landed properties within wooded areas in public state ownership as well as for sites and facilities as per Article 61 ,Paragraph 3, item 2;
2. (amended, SG No. 60/2012) the Executive Director of the Executive Forestry Agency, for landed properties within wooded areas in private state ownership as per Article 61 (3), item 3;
3. the mayor of the municipality, for landed properties within wooded areas in municipal ownership;
4. the owner, for all other landed properties within wooded areas.

(2) For purposes of instituting right of way on landed properties within wooded areas for the construction of sites and facilities pertinent to the national security and defense, the request for advance clearance shall be submitted by the relevant line ministers and heads of government agencies.

(3) The request for advance clearance for the granting of right of way on landed properties within wooded areas in state or municipal ownership shall be supported by the following documents:

1. (amended, SG No. 60/2012, SG No. 57/2016) a plan of the property or an excerpt of a group of landed properties from the cadastral map or from the restituted property map, an excerpt from the real property cadastral register or from the restituted property map, with details of the properties and the relevant account numbers thereof;
2. terms of reference for the development of a detailed zoning plan, prepared in accordance with the provisions of the Spatial Development Act;
3. (new, SG No. 60/2012, repealed, SG No. 17/2018, effective 23.02.2018).

(4) Within one month from the date of submission of the request, the authorities as per (1) above shall rule thereon. The ruling of the authorities as per (1), items 1, 2 and 3 above shall be made public in accordance with the procedure as per the Administrative Procedure Code and shall be subject to appeal subject to the terms and procedure thereby prescribed.

(5) In case where such request is made on behalf of a landed property in state ownership, the authority as per (1), items 1 and 2 above shall, prior to ruling thereupon, request ex officio an opinion from the relevant state forest enterprise or state game reserve.

(6) (New, SG No. 13/2017) Advance clearance shall not be required for the granting of right of way on landed properties within wooded areas for:

1. national sites and facilities or municipal sites and facilities of primary importance within the meaning of the State Property Act and the Spatial Development Act;
2. sites and facilities in the technical infrastructure on the territory of more than one municipality or region, where there is no other technical option or where another technical solution is clearly not economically feasible.

Article 63. (1) For purposes of instituting right of way on landed properties within wooded areas, the interested party shall submit an application in standard form to:

1. (amended, SG No. 60/2012, SG No. 58/2017, effective 18.07.2017) the Minister of Agriculture, Food and Forestry, for landed properties within wooded areas in public state ownership as well as for sites and facilities as per Article 61 (3), item 2;
2. the Executive Director of the Executive Forestry Agency, for landed properties within wooded areas in private state ownership other than those as per item 1 above;
3. the mayor of the municipality, for landed properties in wooded areas in municipal ownership;
4. the owner, for landed properties in private ownership.

(2) The application as per (1) above shall be supported by the following documents:

1. (amended, SG No. 60/2012, SG No. 57/2016) a plan of the property abstracted from the cadastral map or from the restituted property map, an excerpt from the real property cadastral register or from the restituted property map, with details of the properties and the relevant account numbers thereof, or a combined plan containing the same details;
2. an approved detailed zoning plan and a certificate to the effect that the administrative act of its approval is in force, issued by the authority which approved said zoning plan;
3. a document setting the fee for such right of way;
4. (amended, SG No. 60/2012) a valid administrative act issued in accordance with the procedure as per Chapter 6 of the Environmental Protection Act and/or in accordance with the procedure as per the Biological Diversity Act or a formal opinion issued by the competent environmental authority.

(3) In cases where both building rights and a right of way are required for building a site or facility in a wooded area, both applications are considered simultaneously.

(4) The authority as per (1), items 1 - 3 above shall issue a ruling on the application within one month from the date of submission thereof, by either instituting or withholding a right of way in the relevant wooded area. In case where such request is made on behalf of a landed property in state ownership, the authority as per (1), items 1 and 2 above shall, prior to issuing a formal reply thereto, request ex officio an opinion from the relevant state forest enterprise or state game reserve.

(5) For the granting of right of way on landed properties within wooded areas in state and municipal ownership, the interested party shall pay a fee determined by force of the ordinance as per Article 86 (2). Said fee shall be indicated in the administrative act whereby said right of way was granted.

(6) (Amended, SG No. 60/2012) The administrative acts as per (4) above shall be made public and shall be subject to appeal in accordance with the Administrative Procedure Code.

(7) The fee as per (5) above shall be made payable within three months from the date of entry into force of the act whereby right of way was granted. Failure to pay said fee within the prescribed time limit shall result in the extinction of said right of way.

(8) Subsequent to the entry into force of the act whereby said right of way is granted, and to payment of the requisite fee, a contract is concluded between the applicant and the Executive Director

of the Executive Forestry Agency, resp. the mayor of the municipality. Said contract shall be caused by the applicant to be recorded in the registration office within whose jurisdiction the property is located, and a copy of the recorded contract shall be forwarded to the relevant regional forestry directorate.

(9) Proceeds from the payment of said fee shall be remitted to:

1. (amended, SG No. 28/2014) the budget of the Executive Forestry Agency - for wooded areas in state ownership;

2. the relevant municipality, for wooded areas in municipal ownership.

(10) (New, SG No. 60/2012) The value of the timber from wooded areas in state ownership whereon a right of way has been instituted or has arisen by virtue of special laws, such value having been established in accordance with the procedure provided for by Article 86(3) and (4), shall be credited to the relevant state enterprise under Article 163.

(11) (Renumbered from Paragraph 10, SG No. 60/2012) The granting of right of way on landed properties within wooded areas allocated for the needs of national security and defense, shall be carried out subject to the permission of the head of the relevant agency to which such properties are allocated. Such permission shall be requested by the applicant and shall be enclosed with the documents as per (2) above.

Article 64. (1) (Amended, SG No. 60/2012) For rights of way arising in wooded areas by virtue of special laws, the provisions of the relevant law shall apply.

(2) (Amended, SG No. 60/2012) The adoption of a detailed zoning plan in respect of rights of way under Paragraph (1) shall be allowed after the persons referred to in Article 62(1) are notified thereof.

(3) (New, SG No. 60/2012) Paragraph 2 shall not apply to sites and facilities of national importance or municipal sites and facilities of primary importance within the meaning of the Spatial Development Act.

(4) (Renumbered from Paragraph 3, amended, SG No. 60/2012) The compensation for the right of way under Paragraph (1) shall be determined in accordance with the procedure as per Article 86 (2).

Article 65. (1) Right of way on landed properties within wooded areas in other than state or municipal ownership shall be granted by the owner in notarized form.

(2) The manner of payment of the fee for instituting right of way on a property in the ownership of a natural person or legal entity shall be determined by the notarized contract as per (1) above.

Article 66. (Supplemented, SG No. 60/2012) In cases where the owner of the sites or facilities as per Article 61(1) and (2) and of the wooded area in private ownership where they are located is the same entity, no right of way shall be granted for the construction and/or servicing of such sites or facilities.

Article 67. (Supplemented, SG No. 60/2012) The holder of such right of way shall be under obligation to maintain, at its own cost, the territory on which such right of way is granted, in a state and condition as would guarantee the safe operation of the site or facility as per Article 61 (1) and (2).

Article 68. (Supplemented, SG No. 60/2012) The timber harvested from landed properties within wooded areas in state or municipal ownership on which rights of way have been instituted or arise by virtue of special laws shall be in the ownership of the holder of such rights of way. The harvesting and disposal of such timber shall be arranged by the holder of such rights of way in accordance with this Act, at the holder's cost.

Article 69. (1) User rights in respect of landed properties within wooded areas may be granted:

1. for performance of activities pertinent to prospecting of subsurface resources in accordance with the Subsurface Resources Act, for the term of validity of the permit issued in accordance with said Subsurface Resources Act;

2. (supplemented, SG No. 60/2012) to government bodies engaged in environmental control and protection activities, where this is related to their activities, and to schools, research institutes and legal entities conducting training activities or performing scientific research pertinent to the management, stewardship, zoning and protection of forests, for an indefinite term;

3. (supplemented, SG No. 13/2017) for the performance of field research and conservation of archaeological assets, for a term not exceeding three years.

(2) User rights in respect of landed properties within wooded areas shall be granted:

1. by the Council of Ministers, in cases as per (1), items 2 and 3, for landed properties within wooded areas in state ownership;

2. by the Executive Director of the Executive Forestry Agency, in cases as per (1), item 1 above, for landed properties within wooded areas in state ownership;

3. by the mayor of the relevant municipality, subject to a decision to that effect of the municipal council, for landed properties within wooded areas in municipal ownership;

4. by the owner, for wooded areas in private ownership.

(3) In cases other than those as per (1) and (2) above, user rights in respect of landed properties within wooded areas may be granted for purposes of setting up permanent bee farms in the sense as per the Apiculture Act, by:

1. the director of the state enterprise as per Article 163 or his/her designated representative, for landed properties in wooded areas in state ownership, assigned to be managed by said enterprise;

2. the mayor of the municipality, for landed properties within wooded areas in municipal ownership;

3. the owner, for wooded areas in private ownership.

Article 70. (1) For purposes of instituting user rights on landed properties within wooded areas, the interested party shall submit an application in standard form to:

1. (amended, SG No. 60/2012, SG No. 58/2017, effective 18.07.2017, supplemented, SG No. 77/2018, effective 1.01.2019) the Minister of Agriculture, Food and Forestry or an official from the Ministry empowered thereby, in the cases referred to in Article 69, Paragraph 1, Items 2 and 3;

2. the Executive Director of the Executive Forestry Agency, for prospecting of subsurface resources in accordance with the Subsurface Resources Act;

3. the mayor of the relevant municipality, for landed properties within wooded areas in municipal ownership;

4. the owner, for wooded areas in private ownership.

(2) (Supplemented, SG No. 60/2012, amended, SG No. 17/2018, effective 23.02.2018) Where the application under Paragraph (1) above is submitted in respect of a wooded area in state or municipal ownership, it shall be accompanied by a plan of the property or a draft plan showing the coordinates of the key reference points defining the property boundaries abstracted from the cadastral map, or from the restituted property map, and an assessment of the property, and in case user rights are granted for the purposes of prospecting for subsurface resources in accordance with the Subsurface Resources Act, the following shall also be enclosed with such application:

1. prospecting permit issued in accordance with the Subsurface Resources Act;

2. (amended, SG No. 60/2012) a valid administrative act issued in accordance with the procedure as per Chapter 6 of the Environmental Protection Act and/or in accordance with the procedure as per the Biological Diversity Act or a formal opinion issued by the competent environmental

authority;

3. (amended, SG No. 60/2012) a recultivation plan drafted and approved in accordance with the statutory requirements for recultivation of degraded areas, where the activities for which the user rights are instituted involve removal of the surface soil layer;

4. (new, SG No. 60/2012) an unconditional and irrevocable bank guarantee of performance for the plan referred to in Item 3, the value whereof being equal to the total recultivation value and the basic price of the property whereon user rights are instituted, such basic value determined in accordance with the procedure provided for by the ordinance under Article 86(2), issued in favour of the owner or the relevant state enterprise under Article 163, where the activities for which the user rights are instituted involve removal of the surface soil layer; such guarantee shall be released within one month after the recultivation is accepted.

(3) (Amended, SG No. 60/2012) The authority referred to in Article 69(2) shall rule on the application by either instituting or withholding user rights. In case where the application is for prospecting of subsurface resources or for field research of archaeological assets, the authority as per (1) items 1 and 2 above shall, prior to issuing a formal reply thereto, request ex officio an opinion from the relevant state forest enterprise or state game reserve.

(4) (Amended, SG No. 60/2012) The administrative acts as per Paragraph (3) above shall be made public and shall be subject to appeal in accordance with the Administrative Procedure Code.

(5) For purposes of instituting user rights in respect of landed properties within wooded areas for purposes of setting up permanent bee farms in the sense as per the Apiculture Act, the owner of the bee farm shall submit an application to the authorities as per Article 69 (3). Said application shall be supported by proof of entry of the applicant in the register as per Article 8 of the Apiculture Act and proof of ownership by the applicant of a permanent bee farm comprising over 10 bee families.

(6) No user rights in respect of landed properties within wooded areas are granted in accordance with the procedure as per (5) above for purposes of deployment or removal of a temporary bee farm in the sense as per the Apiculture Act; instead, a permit is issued by the entities as per Article 69 (3).

(7) The act granting user rights as per (5) above and the permit as per (6) above shall be issued on the day of submission of the application.

Article 71. (1) (Amended, SG No. 60/2012) User rights in respect of landed properties within wooded areas in state or municipal ownership for the purposes of activities under Article 69(1), Item 1 shall be granted against payment of a fee determined by the ordinance under Article 86(2).

(2) User fees in respect of landed properties within wooded areas in state or municipal ownership are granted free of charge to schools, research institutes and legal entities for conducting training activities or performing scientific research related to the management, stewardship, zoning and protection of forests, as well as for field research of archaeological assets.

(3) The fee as per (1) above shall be made payable within three months from the date of entry into force of the act whereby said user rights were granted. Failure to pay said fee within the prescribed time limit shall result in the extinction of said user rights.

(4) Subsequent to the entry into force of the act whereby the user rights are granted, and to payment of the fee as per (1) above, a contract is concluded between the applicant and the Executive Director of the Executive Forestry Agency, resp. the mayor of the municipality. Said contract shall be caused by the entity to whom said user rights are granted to be recorded in the registration office within whose jurisdiction the property is located, and a copy of the recorded contract shall be forwarded to the relevant regional forestry directorate.

(5) Proceeds from the payment of said fee shall be remitted to:

1. (amended, SG No. 28/2014) the budget of the Executive Forestry Agency - for wooded areas in state ownership;

2. the relevant municipality, for wooded areas in municipal ownership.

(6) User rights in respect of landed properties within wooded areas in other than state or municipal ownership are granted by the owner in notarized form, with the exception of cases as per Article 69 (1), item 3.

(7) User rights in respect of landed properties within wooded areas as per Article 69 (3), as well as permits as per Article 70 (6), are granted free of charge.

Article 72. (1) The timber harvested from landed properties within wooded areas in state or municipal ownership on which user rights have been granted shall be in the ownership of holder of such user rights.

(2) The harvesting and disposal of such timber shall be caused by the holder of such user rights in accordance with this Act, at the holder's cost.

(3) Upon expiry of the term of validity of the user rights granted in accordance with Article 69 (1), items 1 and 3, the holder of such user rights shall be under obligation to recultivate the terrain. Such recultivation shall be carried out at the user rights holder's cost within one year from the extinction of said user rights. Such recultivation shall be carried out subject to the terms and procedure as per the Protection of Agricultural Land Act.

Section V

Change of Purpose

Article 73. (1) A change of the purpose of landed properties within wooded areas is allowed for:

1. (amended and supplemented, SG No. 60/2012, amended, SG No. 27/2013) construction sites for transport facilities (ports, airports, railway stations, bus stations), industrial enterprises and farms for breeding animals, fish and other aquatic animals, mining of subsurface resources, cemeteries, landfills, slime ponds and tailing ponds, power stations, dams, potable and waste water treatment plants and other hydro-technical facilities and of platform power projects within the meaning of the Energy Act ;

2. routes of linear facilities located on the surface of the terrain: roads and railroads, incl. engineering facilities constituting integral parts thereof; water canals;

3. (amended, SG No. 60/2012) creation of new, or expansion of the current development boundaries of existing urban areas where master plans are in effect for the municipalities or parts thereof where the properties concerned are located;

4. (amended, SG No. 60/2012) creation of new, or expansion of individual zoned landed properties for which there is an effective:

a) detailed zoning plan: for the implementation of projects for the provision of residential social services and of social services by specialised institutions;

b) master plan: in all other cases;

5. national sites and facilities in the sense as per the State Property Act; sites and facilities relevant to national security and defense, or to environmental protection, for the construction of which there is a decision of the Council of Ministers, as well as municipal sites and facilities of prime significance in the sense as per the Spatial Development Act;

6. construction of towers for gondola, chair and drag lifts as well as of foundations for wind farm and photo-voltaic facilities;

7. building of ski runs.

(2) No changes of the purpose of landed properties within wooded areas is allowed for a period of 20 years following their destruction by fire. The above prohibition does not apply in cases where the change of purpose is necessitated by:

1. national defense and security;

2. the implementation of development projects approved by decision of the Council of Ministers;
 3. implementation of development projects for municipal needs approved by decision of the municipal council.
- (3) (Amended, SG No. 58/2017, effective 18.07.2017) Proceeds from changes of the purpose of landed properties within wooded areas shall be remitted to the budget of the Ministry of Agriculture, Food and Forestry, and may only be spent on afforestation and the construction and maintenance of forest roads.
- (4) (Amended, SG No. 60/2012) Any change of the purpose of landed properties within wooded areas under Paragraph (1), Item 3 and Indent (b) of Item 4 shall be made after the applicant has obtained the title to the property concerned.
- (5) Landed properties within wooded areas shall be considered to have changed their purpose as from the date of entry into force of a detailed zoning plan providing for the construction of a site or facility of national significance or of a municipal site or facility of prime significance in the sense as per the State Property Act or of the Spatial Development Act, which shall be in public state or municipal ownership.
- (6) No changes of the purpose of a wooded area shall be allowed for purposes of the construction of ski runs or towers for gondola, chair or drag lifts, where the construction of those is not envisioned in a valid regional plan for the development of wooded areas.
- (7) (New, SG No. 60/2012) No change of the functional purpose of sites and facilities constructed on landed properties whose purpose has been changed in accordance with the procedure provided for by Paragraph (1), Item 4, indent "a" shall be allowed for a period of 30 years.
- (8) (New, SG No. 27/2013) No change of the purpose of landed properties in wooded areas may be made within the lines of Zone "A", Zone "B" or of urbanised territories of settlements beyond the lines of Zone "A" within the meaning of the Black Sea Coast Development Act, where pursuant to opinion of the Minister of the Environment and Waters or of an official, designated by him, sand dunes exist, except in the cases under Article 17a of the said Act.

- Article 74.** (1) (Amended, SG No. 58/2017, effective 18.07.2017) Changes of the purpose of landed properties within wooded areas in public state ownership are effected by decision of the Council of Ministers subject to a proposal by the Minister of Agriculture, Food and Forestry. A change of the purpose of a wooded area in public state ownership can only be allowed for the construction of sites or facilities in state or municipal ownership.
- (2) Changes of the purpose of landed properties within wooded areas other than those identified as per (1) above shall be effected:
1. by a commission under the regional forestry directorate, for landed properties within wooded areas with a surface area up to 5 hectares, falling within the territorial jurisdiction of the relevant regional forestry directorate;
 2. by a commission under the Executive Forestry Agency, for landed properties within wooded areas other than those as per (1), item 1 above;
- (3) (Amended, SG No. 58/2017, effective 18.07.2017) The commissions as per (2) above shall be appointed by an order of the Minister of Agriculture, Food and Forestry.
- (4) The commission as per (2), item 1 above shall comprise representatives of the regional forestry directorate and of the municipal administration within whose jurisdiction the property is located.
- (5) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017) The commission as per (2), item 2 above shall comprise representatives of the Ministry of Agriculture, Food and Forestry, the Ministry of Regional Development and Public Works and the Executive Forestry Agency.
- (6) The provisions of (1) and (2) above shall not apply in cases as per Article 73 (5).

Article 75. (1) For changing the purpose of landed properties within wooded areas the owner or the investor shall put in a request for advance clearance with:

1. (amended, SG No. 58/2017, effective 18.07.2017, supplemented, SG No. 77/2018, effective 1.01.2019) the Minister of Agriculture, Food and Forestry or an official from the Ministry empowered thereby, for landed properties within wooded areas in public state ownership;
2. the relevant commission as per Article 74 (2), for landed properties within wooded areas other than those identified as per item 1 above.

(2) The request for advance clearance for changing the purpose of landed properties within wooded areas shall be supported by the following documents:

1. (supplemented, SG No. 60/2012, amended, SG No. 17/2018, effective 23.02.2018) a plan of the property or a draft plan abstracted from the cadastral map or from the restituted property map;
2. approved terms of reference for the development of a detailed zoning plan, prepared in accordance with the provisions of the Spatial Development Act;
3. a decision of the municipal council, for landed properties within wooded areas in municipal ownership;
4. (new, SG No. 27/2013) opinion of the Minister of the Environment and Waters or of an official, designated by him - in regard to properties under Article 17a of the Black Sea Coast Development Act.

(3) (Supplemented, SG No. 27/2013) Within one month from the date of submission of the request, the authority as per (1) above shall rule thereupon. In case where such request is made on behalf of a landed property in state ownership, the authority as per (1) above shall, prior to issuing a formal reply thereto, request ex officio an opinion from the relevant state forest enterprise or state game reserve. The body under paragraph (1) shall abandon the proceedings forthwith, if pursuant to the opinion under paragraph (2), item 4 sand dunes exist within the landed property, except in the cases under Article 17a of the Black Sea Coast Development Act. The decision shall be made public and shall be subject to appeal in accordance with the Administrative Procedure Code.

(4) The approval of a detailed zoning plan in accordance with the Spatial Development Act shall be contingent upon the granting of advance clearance for the proposed change of purpose of landed properties in wooded areas.

Article 76. No advance clearance is required for changing the purpose of landed properties within wooded areas in cases as per Article 73 (1), items 3, 4 and 5.

Article 77. (1) For changing the purpose of landed properties within wooded areas, the owner or investor shall submit an application in standard form to the authority that had granted the advance clearance. Said application shall be supported by the following documents:

1. proof of ownership (title), in respect of landed properties in wooded areas in other than state ownership, and where the application is submitted by an investor, also the written consent of the owner;
2. (amended, SG No. 17/2018, effective 23.02.2018) a plan of the property abstracted from the cadastral map or from the restituted property map;
3. an approved detailed zoning plan and a certificate to the effect that the administrative act of its approval is in force, issued by the authority which approved said zoning plan;
4. the certificate of value of the property in accordance with the ordinance as per Article 86 (2);
5. (amended, SG No. 60/2012) effective administrative acts issued in accordance with the procedure provided for by Chapter 6 of the Environmental Protection Act or the Biological Diversity Act, or a formal opinion issued by the competent environmental authority under the two Acts.

(2) The authority as per Article 75 (1) shall rule on the application within one month from the date of submission thereof,

whereby either granting or withholding permission for change of the purpose of said landed property.

(3) (Amended, SG No. 60/2012) The decision as per (2) above shall be made public and shall be subject to appeal in accordance with the Administrative Procedure Code.

Article 78. (1) For changing the purpose of landed properties within wooded areas, the interested party shall pay a fee determined by force of the ordinance as per Article 86 (2).

(2) (Amended, SG No. 60/2012) Said fee shall be made payable within three months from the date of announcement of the administrative act whereby the purpose of the landed property is changed.

(3) The granted permission for change of purposes shall be extinguished:

1. for failure to pay the fee for change of purpose within the time limit as per (2) above;

2. if, within three years from the date of entry into force of the building permit for the site or facility for which the purpose of the landed property was changed (four years for technical infrastructure facilities), construction thereof has not begun, but for no more than 10 years following the entry into force of the act whereby the purpose of said property was changed.

(4) The purpose of landed properties is changed free of charge:

1. in cases as per Article 73 (1), item 5, concerning sites and facilities pertinent to national security and defense;

2. in cases of construction of sites and facilities as per Article 73 (5).

(5) Within 7 days from the date of payment of the fee for changing the purpose of a landed property, the Executive Forestry Agency shall forward a transcript of the administrative act whereby the purpose of the landed property was changed to the geodesy, cartography and cadastre service, for said change to be entered into the cadastral map and registers, or to the municipal agriculture service, for entry into the restituted property map.

(6) In cases as per Article 73 (5), within 7 days from the date of entry into force of the detailed zoning plan, the authority that endorsed said plan shall forward a copy thereof to the geodesy, cartography and cadastre service within whose jurisdiction the landed properties are located, for entry into the cadastral map and registers, resp. to the municipal agriculture service, for entry into the restituted property map.

(7) In the event of extinction of the rights as per (3) above, the entity on whose behalf permission to change purpose was granted shall be obligated to eliminate at its cost any buildings and facilities constructed on the property as well as to re-landscape the terrain, unless otherwise provided by force of the act of granting of said permission to change purpose.

Article 79. (1) (Supplemented, SG No. 100/2015) Landed properties within wooded areas the purpose of which has been changed in accordance with this Act and in respect of which the fee due has been paid within the time limit under Article 78, Paragraph 2, shall be sold to the entity on whose request said change of purpose has been effected. The person shall submit an purchase application within a time limit of 1 year from the entry into force of the instrument for change of purpose.

(2) (Supplemented, SG No. 100/2015) The sale under Paragraph 1 above shall be effected by an order issued by:

1. (amended, SG No. 27/2013, SG No. 58/2017, effective 18.07.2017) the Minister of Agriculture, Food and Forestry, or his/her designated representative for wooded areas in state ownership;

2. the mayor of the municipality, or his/her designated representative, in accordance with an ordinance of the relevant municipal council, for wooded areas in municipal ownership.

(3) (New, SG No. 27/2013, amended, SG No. 58/2017, effective 18.07.2017) In the cases under paragraph (2) item 1 the Minister of Agriculture, Food and Forestry shall commission an independent valuer to prepare a

market valuation of the property to be sold. The value of remuneration for the valuation prepared shall be included as a charge due and payable in the sale order.

(4) (New, SG No. 27/2013) The sale price of landed properties within wooded areas, the purpose of which had been changed, may not be lower than the tax value of the properties.

(5) (New, SG No. 27/2013) In instances of transfer of ownership utility charges shall be paid in the amount of 2 percent of the sale price.

(6) (Renumbered from Paragraph 3, SG No. 27/2013) Within 7 days from the date of conclusion of a sale contract, the seller shall forward a transcript of the latter to the geodesy, cartography and cadastre service, for entry into the cadastral map and registers, resp. to the municipal agriculture service, for entry into the restituted property map.

(7) (New, SG No. 27/2013) No sale may be permitted of landed properties in wooded areas with changed purpose, falling within the lines of Zone "A", Zone "B" or of urbanised territories of settlements beyond the lines of Zone "A" within the meaning of the Black Sea Coast Development Act, where pursuant to opinion of the Minister of the Environment and Waters or of an official, designated by him, sand dunes exist.

(8) (New, SG No. 100/2015) The right of the person to purchase the property with the changed purpose shall expire when:

1. the purchase application has not been submitted within the time limit of Paragraph 1, sentence two;
2. the purchase price has not been paid within a 6-month time limit from the entry into force of the order for purchase of the landed property.

(9) (New, SG No. 100/2015, amended, SG No. 58/2017, effective 18.07.2017) In the cases under Paragraph 8, the Minister of Agriculture, Food and Forestry shall issue an order for denoting the property as a wooded area, which shall be announced according to the procedure of the Administrative Procedures Code. A copy of the order shall be forwarded to the relevant state enterprise, the relevant regional forestry directorate, as well as to the relevant geodesy, cartography and cadastre service or to the municipal agriculture service, for entry of the changes into the cadastral map or into the restituted property map. Within a 6-month time limit from the entry into force of the order, the competent authority under the Spatial Development Act shall repeal or amend the instrument by virtue of which the respective detailed zoning plan was endorsed.

(10) (New, SG No. 100/2015) Paragraph 1 shall not be applied in the case of a change of purpose of landed properties in wooded territories for concession for extraction of underground mineral resources.

Article 80. (1) The timber harvested from landed properties within wooded areas the purpose of which has been changed shall be in the ownership of the owner of the relevant property.

(2) The harvesting and disposal of the timber as per (1) above shall be caused by the owner in accordance with this Act, at the owner's cost.

(3) (New, SG No. 60/2012) The timber from landed properties in wooded areas whose purpose has been changed gratuitously under Article 78(4) shall be the property of:

1. the relevant state enterprise: in the case of landed properties in state ownership managed by the state enterprises under Article 163;
2. the relevant municipality: in the case of landed properties in municipal ownership.

(4) (New, SG No. 60/2012) The harvesting and disposal of the timber under Paragraph (3) shall be arranged by the relevant state enterprise or municipality.

Article 81. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The change of purpose of agricultural lands or disturbed areas, in the sense as per the Spatial Development Act, within wooded areas shall be effected free of charge by an order of the Minister of Agriculture, Food and Forestry, subject to a proposal by the Executive Director of the Executive Forestry Agency.

(2) the application for change of purpose as per (1) above shall be submitted to the regional forestry directorate within whose jurisdiction the property is located:

1. by the director of the relevant regional agriculture directorate, in respect of agricultural lands in state ownership, as well as for recultivated disturbed areas;

2. by the owner, in respect of agricultural lands other than those as per item 1 above.

(3) The application as per (2) above shall be supported by:

1. proof of ownership (title), in respect of landed properties in other than state ownership;

2. plan of the property showing the coordinates of the key reference points defining the boundaries of the landed property, abstracted from the cadastral map, or from the restituted property map;

3. a protocol of the commission that had approved the recultivation, in case of recultivated disturbed areas;

4. (amended, SG No. 60/2012) a valid administrative act issued in accordance with the procedure as per Chapter 6 of the Environmental Protection Act and/or the Biological Diversity Act, or a formal opinion issued by the competent environmental authority.

(4) Based upon the documents as per (3) above, within 14 days the regional forestry directorate shall issue a formal opinion on said application and shall forward the case file to the Executive Forestry Agency.

Article 82. (1) (Amended, SG No. 58/2017, effective 18.07.2017) Within 7 days from receipt of the documents as per Article 81, the Executive Director of the Executive Forestry Agency shall propose to the Minister of Agriculture, Food and Forestry to issue an order for changing the purpose of the landed property.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) Within 14 days from receipt of the proposal as per (1) above, the Minister of Agriculture, Food and Forestry shall issue an order for changing the purpose of said landed property.

(3) The order as per (2) above shall be forwarded to the applicant, the regional forestry directorate as well as the relevant municipal agriculture service or the relevant geodesy, cartography and cadastre service for entry of the change in the respective register.

Article 83. (1) (Supplemented, SG No. 60/2015, effective 7.08.2015) In case where, as a result of an inventory of wooded areas, agricultural lands are found to have acquired the characteristic features of a wooded area in the sense as per this Act after 1 March 1991, the entities performing the inventory shall submit to the Executive Director of the Executive Forestry Agency a list of the properties itemised by area of land use adjoining the relevant populated areas.

(2) The list as per (1) above shall be published in one local and one central daily newspaper and shall be posted in public view on the website of the relevant municipal administration and the Executive Forestry Agency.

(3) (Amended, SG No. 60/2015, effective 7.08.2015) Based upon the list under Paragraph 1, the Executive Director of the Executive Forestry Agency or his/her designate shall circulate a notification to the owners of the relevant properties in accordance with the procedure of the Administrative Procedures Code

of the circumstances under Paragraph 1.

(4) (Amended, SG No. 60/2015, effective 7.08.2015) Within six months from announcement of the circumstances under Paragraph 1, any owner intending to use said property as agricultural land shall submit a written statement to that effect to the Executive Director of the Executive Forestry Agency.

(5) (New, SG No. 60/2015, effective 7.08.2015) When the owner declares in writing before the Executive Director of the Executive Forestry Agency that he wants to use his property as agricultural land, within a time limit of 3 years from the submission of the written statement he shall be obligated to clear his property of the forest plant vegetation.

(6) (New, SG No. 60/2015, effective 7.08.2015, amended, SG No. 58/2017, effective 18.07.2017) A change of the purpose of the property under Paragraph 1 to that of a "wooded area" shall be made by virtue of the order of the Minister of Agriculture, Food and Forestry, when the owner:

1. declares that he will use his property as a wooded area;
2. fails to submit a written statements within the time limit under Paragraph 4;
3. fails to clear his property of the forest tree vegetation within the time limit under Paragraph 5.

(7) (Renumbered from Paragraph 5, amended, SG No. 60/2015, effective 7.08.2015, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall issue an order under Paragraph 6 on the basis of a well-grounded proposal of the Executive Director of the Executive Forestry Agency, which shall contain a description of the size of the properties and of the type and origin of the forest.

(8) (Renumbered from Paragraph 6, amended, SG No. 60/2015, effective 7.08.2015) The order under Paragraph 7 shall be forwarded to the owner, the relevant regional forestry directorate, as well as to the relevant geodesy, cartography and cadastre service, for entry of said change into the cadastral map and cadastral registers, or to the municipal agriculture service, for entry of said change into the restituted property map.

(9) (New, SG No. 60/2015, effective 7.08.2015) Irrespective of the performance of an inventory under Paragraph 1, lands unfit for agricultural use may be integrated into wooded areas subject to a written application to that effect submitted by the owner in accordance with Article 7, Paragraphs 8 and 6.

(10) (Renumbered from Paragraph 7, amended, SG No. 60/2015, effective 7.08.2015) The provisions under Paragraphs 1 - 8 shall not apply to territories allocated for sites and facilities of national security and defence.

Article 84. (Amended, SG No. 60/2015, effective 7.08.2015) (1) Outside of the cases under Article 83, when a natural person or a legal entity owning landed properties in agricultural areas finds that his/her/its properties have acquired the characteristics of a forest within the meaning of this act after 1 March 1991 but want to use them as agricultural land, he/she/it shall submit a written statement to the director of the respective regional forestry directorate.

(2) Enclosed with the request shall be a document of ownership title and a drawing of the property.

(3) The director of the regional forestry directorate shall appoint a commission in charge of establishing the circumstances under Paragraph 1. This commission shall include representatives of the regional forestry directorate and of the municipal agriculture service. The commission shall notify the stakeholder or representative thereof of the date and time of conducting a terrain inspection of the property.

(4) The commission shall perform the inspection based on the forest enterprise map, the digital orthophotography map and other available documents regarding the circumstances under Paragraph 1 and shall draw up a protocol.

(5) When it is impossible to determined, based on the available documents under Paragraph 4, when the properties acquired the characteristics of a forest within the meaning of Article 2, Paragraph 1, Item 1, the commission shall perform an on-the-spot inspection in order to determine these circumstances.

(6) When the owner has declared in writing before the director of the regional forestry directorate that he wants to use his property as agricultural land and when the commission has found that the data from the written statement is consistent with the condition of the property, he shall be obligated, within a time limit of three years from the submission of the written statement, to clear his property of the forest tree vegetation.

(7) Failure by the owner to clear the property of forest vegetation within the time limit under Paragraph 6 shall result in invoking the procedure under Article 83, Paragraphs 7 and 8.

Article 85. (Amended, SG No. 60/2012, SG No. 27/2013, supplemented, SG No. 60/2015, effective 7.08.2015, amended, SG No. 13/2017) The acts under Article 56, Paragraph 4, Article 63, Paragraph 4, Article 70, Paragraph 3, Article 77, Paragraph 2 and Article 79, Paragraph 6, as well as the market appraisal value under Article 79, Paragraph 3, shall be published on the website of the issuer of such act, subject to the Personal Data Protection Act.

Article 86. (1) An appraisal of a property is carried out in cases of change of purpose of a landed property within a wooded area in state or municipal ownership, or its consolidation, disposal or granting of limited real rights in respect thereof, as well as in cases where this is prescribed by a law, statute or bylaw.

(3) Such appraisals shall be performed by competent independent valuers registered under the Independent Valuers Act, and the terms and procedure of performance of an appraisal shall be prescribed by an ordinance of the Council of Ministers.

(3) In case where an appraisal is performed for purposes of granting limited real rights in respect of wooded areas in state or municipal ownership, such appraisal shall also include the value of the timber.

(4) (New, SG No. 60/2012) The provision of Paragraph (3) shall also apply to the performance of assessments to determine the compensations for rights of way arising in wooded areas by virtue of special laws.

(5) (New, SG No. 60/2012, amended, SG No. 58/2017, effective 18.07.2017) In case the purpose is changed, or rights of way are instituted or arise, and in case limited real rights are instituted on forests in state or municipal ownership, a compensatory afforestation fee determined on an annual basis by an order by the Minister of Agriculture, Food and Forestry shall be paid.

(6) (New, SG No. 60/2012) The fee under Paragraph (5) shall be credited to:

1. the relevant state enterprise under Article 163: in the case of forests in state ownership;
2. the relevant municipality: in the case of forests in municipal ownership.

(7) (New, SG No. 60/2012) The fee paid under Paragraph (6) shall be used exclusively to create new forests.

Chapter Four

STEWARDSHIP OF WOODED AREAS

Section I

Stewardship

Article 87. The stewardship of wooded areas comprises the actions of afforestation, erosion and flash-flood protection and logging in forests.

- Article 88.** (1) Forests are stewarded as either tall forests, offshoot forests being grown into seed forests, and coppices.
- (2) Tall forests shall be stewarded in a manner geared to preserve their seed origin.
- (3) Offshoot forests being grown into seed forests shall be stewarded in a manner ensuring their becoming seed forests.
- (4) Coppices shall be stewarded in a manner ensuring their renewal through offshoots.
- (5) The following shall not be stewarded as forests:
1. plantations of Christmas threes and greenery;
 2. plantations of tree and shrub species created for the purpose of accelerated production of biomass;
 3. orchards;
 4. (new, SG No. 60/2012) plantations of fast-growing forest species created on agricultural land or urban areas, with a short growing period, for the purpose of special timber production; the growing period for forest species shall be determined by the ordinance under Article 18(1);
 5. (new, SG No. 60/2012, repealed, SG No. 60/2015, effective 7.08.2015).

Section II

Afforestation and Protection of Wooded Areas against Erosion and Flash Floods

Article 89. Afforestation comprises the following activities pertinent to the creation of forests:

1. gathering, harvesting and production of forest reproductive materials;
2. soil preparation and planting/sowing of forest reproductive materials and fencing;
3. completion, growing and inventory of cultures;
4. assisting natural renewal.

Article 90. (1) The protection of wooded areas against erosion and flash floods comprises activities geared for prevention of the removal of fine fractions from endangered soils, for purposes of maintaining soil fertility, by restricting or reducing surface outflow; protection of topsoil from wind erosion and enabling the growth of vegetation, incl. by means of construction of technical facilities.

(2) The protection of wooded areas against erosion and flash floods, as well as the construction of reinforcing facilities, shall be carried out in accordance with the ordinance as per Article 95 (2), item 4.

Article 91. (1) Afforestation and the protection of wooded areas against erosion and flash floods shall be carried out in accordance with approved forestry plans and programs.

(2) Afforestation shall be carried out on the basis of methodological afforestation plans. Such methodological afforestation plans shall be developed in accordance with the ordinance as per Article 95 (2), item 1.

(3) In cases where natural disasters, fires and calamities necessitate the afforestation of a wooded area for which there is no provision in the relevant approved forestry plan or program, such afforestation shall be carried out solely on the basis of a methodological afforestation plan.

Article 92. The protection of wooded areas against erosion and flash floods, in cases where carried out by means of technical facilities, shall take place in accordance with approved specialized blueprints.

Article 93. (1) Only tree and shrub species suitable for the relevant type of habitat and growth conditions shall be used for afforestation, and priority shall be given to native species.

(2) No afforestation shall be allowed:

1. using tree and shrub species not provided for in the relevant regional plans for development of wooded areas, or in forestry plans or programs, as well as species expressly forbidden in the management plans for protected areas and special areas of conservation;

2. on clearings and meadows in wooded areas, except for protection against erosion and flash floods;

3. (new, SG No. 28/2014, repealed, SG No. 60/2015, effective 7.08.2015).

(3) Forest nurseries producing saplings for afforestation in wooded areas shall be registered with the relevant regional forestry directorate in accordance with the ordinance as per Article 95 (2), item 3.

Article 94. (1) (Supplemented, SG No. 28/2014, SG No. 60/2015, effective 7.08.2015) Activities pertinent to afforestation and protection against erosion and flash floods in wooded areas shall be performed by state forest enterprises, state game reserves, training and experimental forest farms, specialised territorial units of the Executive Forestry Agency, municipal forestry bodies and commercial entities listed in the public register as per Article 241, Paragraph 1.

(2) The requirements as per (1) above shall not apply:

1. to the construction of dams, weirs and supporting walls;

2. in cases where mechanized afforestation activities are commissioned independently;

3. in case where such activities are performed by a natural person listed in the public register as a forester operating within his/her own forests or within forests owned by his/her direct relatives without limitation, or by relatives of lateral branches of the family up to a third degree inclusive, or by persons related to them by marriage, up to a third degree inclusive.

Article 95. (1) The Council of Ministers shall adopt an ordinance to define the terms and procedure of commissioning of activities within wooded areas in state or municipal ownership.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall have the authority to issue ordinances defining the terms and procedure of:

1. afforestation of wooded areas and agricultural lands used for the creation of special, protected and industrial forests and of forests in protected areas; inventorying of thus created forest cultures, their reporting and registration;

2. (amended, SG No. 60/2012) identification, approval, registration and cancellation of sources from the forest seed-beds, gathering and harvesting of forest reproductive material, the quality rating thereof, as well as trade therein and import thereof;

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

4. protection of wooded areas against erosion and flash floods, as well as construction of reinforcement facilities.

Article 96. (1) Testing and determining the origin and quality of forest reproductive materials is carried out by specialized territorial units of the Executive Forestry Agency: forest seed control stations, in accordance with the ordinance as per Article 95 (2), item 2.

(2) Trade in, and the import of, forest reproductive materials shall be carried out by suppliers listed in the public register of the Executive Forestry Agency or registered in another European Union member state. The terms and procedure of registration and the keeping of said register shall be prescribed by the ordinance as per Article 95 (2), item 2.

(3) (New, SG No. 60/2012, amended and supplemented, SG No. 28/2014) State forest enterprises, state game reserves, training and experimental forest farms and specialized territorial units of the Executive Forestry Agency - being suppliers of forest reproductive materials shall also be registered in the public register under Paragraph (2).

(4) (New, SG No. 60/2012, amended, SG No. 58/2017, effective 18.07.2017) Based on an act by the European Commission, the Minister of Agriculture, Food and Forestry may, subject to the terms and conditions and in accordance with the procedure provided for by the ordinance under Article 95(2), Item 2:

1. allow the production for trading purposes of forest reproductive materials deviating from the minimum requirements laid down in the ordinance under Article 95(2), Item 2, where their origin is naturally adapted to the local and regional conditions and is threatened by genetic erosion;
2. allow the offering on the market within the territory of the Republic of Bulgaria of forest reproductive materials intended for testing, scientific purposes, selection or genetic conservation, and of generative units not intended for forestry;
3. allow the import of forest reproductive materials covered by the trade requirements of the ordinance under Article 95(2), Item 2;
4. prohibit for the whole territory of the Republic of Bulgaria or parts thereof the trade in a specific reproductive material to an end used for sowing or planting.

Article 97. (1) (Amended, SG No. 28/2014) Logging grounds and forest fire sites that cannot be regenerated by natural means up to three years from being felled or burned down shall be afforested by their owner within two years following expiry of the said three-year period.

(2) (Supplemented, SG No. 28/2014) Where a forestry plan, or program, or a plan abstract concerning change of the type of felling and regeneration provides for artificial regeneration of a logging area, its afforestation shall be carried out within three years from the plantation being felled.

Article 98. (1) (Redesignated from Article 98, SG No. 28/2014) State forest enterprises and state game reserves as well as municipalities that own forests may provide gratuitously forest reproductive material for purposes of afforestation, for experimental and scientific research purposes, and for training of school and college students, as well as for afforestation by non-profit legal entities registered for the public benefit in accordance with the ordinance as per Article 95 (2), item 2.

(2) (New, SG No. 28/2014) Forest reproductive materials may be provided gratuitously also to the Executive Forestry Agency for representative purposes.

Article 99. (1) The owners of landed properties within wooded areas, as well as entities operating in wooded areas which, through their actions or as a result of failure to obey instructions by a competent authority, have caused damage to such areas or soil erosion, shall be under obligation to cause them to be recultivated. Such recultivation shall be carried out at their cost and within a time period to be determined by the regional forestry **directorate**.

(3) Such recultivation shall be carried out pursuant to the terms and procedure as per the Protection of Agricultural Lands Act,

Article 100. State enterprises as per Article 163 may conclude long-term contracts to commission such afforestation activities, for a term of validity of up to 10 years. The terms and procedure for conducting a tender procedure and or conclusion of such contracts shall be determined by force of the ordinance as per Article 95 (1).

Section III

Felling in Forests

Article 101. (1) Felling is carried out for purposes of renewal, growing and improving the overall condition of forests and for attaining the goals set by virtue of forestry plans and programs.

(2) Felling in forests within protected areas and special areas of conservation shall be carried out in compliance with the decrees whereby these were declared and with their management plans.

(3) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall issue an ordinance to determine:

1. the types of felling and the methods of carrying them out;
2. the terms and procedure for carrying out such felling;
3. the rules of marking forest plantations intended to be felled;
4. the terms and procedure for issuing a felling permit;
5. the system of regimes and measures for stewardship of the types of natural habitats;
6. (new, SG No. 60/2012) the terms and conditions and the procedure for logging within the boundaries of river bed adjustments;
7. (new, SG No. 60/2015, effective 7.08.2015) the specific requirements for felling in protected wooded areas.

Article 102. Regenerative felling shall be carried out where the forest age is no less than:

1. (supplemented, SG No. 60/2012, amended, SG No. 60/2015, effective 7.08.2015) 80 years in tall forests with the exception of birch, willow and poplar, as well as in artificial plantations outside the natural area of habitation;
2. (supplemented, SG No. 60/2012, amended, SG No. 60/2015, effective 7.08.2015) 50 years in offshoot forests for growing them into seed forests;
3. (supplemented, SG No. 60/2015, effective 7.08.2015) 15 years for acacia forest and 20 years for the remaining coppices.

Article 103. (1) Felling in tall forests may be carried out on a year-round basis, and in coppices, between September 1st and April 1st.

(2) To protect young growth in tall forests, their owners or the entities responsible for the management thereof may ban felling between April 1st and October 1st.

Article 104. (1) The following shall be prohibited:

1. (supplemented, SG No. 60/2012, amended, SG No. 60/2015, effective 7.08.2015) clear felling in any forests with the exception of polar, willow forests and coppices;
2. (new, SG No. 60/2015, effective 7.08.2015) clear felling in lime forests on an area greater than 2 hectares;
3. (renumbered from Item 2, SG No. 60/2015, effective 7.08.2015) the merging together of barren, unregenerated logging grounds with a combined area larger than 2 hectares, in coppices with the exception of acacia forests;
4. (renumbered from Item 3, SG No. 60/2015, effective 7.08.2015) felling in dwarf pine and white pine forests, except for sanitary purposes;
5. (renumbered from Item 4, SG No. 60/2015, effective 7.08.2015) felling of unmarked trees, except in cases specified by the ordinance as per Article 101 (3).

(2) It is forbidden to exceed the planned extent of regenerative felling per unit of surface area in tall forests for the term of validity of the relevant forestry plans or programs, except where due to disasters, forest fires, calamities or a change of purpose of the relevant wooded areas.

(3) (New, SG No. 60/2015, effective 7.08.2015) The harvesting of timber in the nighttime shall be prohibited.

Article 105. The felling of all trees within a certain territory shall not be considered clear felling when done for the purposes of:

1. activities pertinent to the protection and conservation of wooded areas or such performed in the interest of public health and safety;
2. protection and conservation of cultural assets as prescribed by the Ministry of Culture, as well as for purposes of scientific research;
3. (amended, SG No. 60/2015, effective 7.08.2015) utilisation of timber damaged as a consequence of biotic or abiotic impacts;
4. completion of the final phases of regenerative felling where natural regeneration has also occurred;
5. protection and regeneration of natural and/or species habitats as listed in Appendices No. No. 1, 2 and 3 to the Biological Diversity Act, where these are subject to protection within a given area of special area of conservation, as prescribed by the regional inspectorate for the environment and waters;
6. hunting strips, game foraging fields and game logging grounds as provided under the hunting zoning plan, as well as for building forest roads;
7. implementation of contracts on the granting of building rights, user rights or right of way;
8. implementation of approved fire protection plans;
9. (new, SG No. 60/2012, repealed, SG No. 60/2015, effective 7.08.2015).

Article 106. Except in the cases provided for as per the forestry plan or program, the owners of forests as well as the entities responsible for the management of landed properties within wooded areas shall carry out sanitary felling also when prescribed by the regional forestry directorate or the relevant forest protection station. Such felling shall be carried out within the time frame as prescribed.

Article 107. The marking of plantations intended for felling shall be done in accordance with the terms and procedure as per Article 101 (3) by an entity listed in the public register as a forester.

Article 108. (1) Felling shall be carried out subject to a written permit issued in standard form by:

1. the director of the relevant state forest enterprise or state game reserve, or officials designated by either with university degrees in forest engineering, for wooded areas in state ownership, as well as for those assigned to be managed by other entities on contract;
2. (supplemented, SG No. 60/2015, effective 7.08.2015) a person with a university degree in forest engineering, listed in the public register as a forester, authorised by the mayor of the relevant municipality or by the manager of the municipal forest structure under Article 181, Paragraph 1, Item 1, for wooded areas in municipal ownership, as well as for those assigned to be managed by other entities on contract;
3. a person with a university degree in forest engineering, listed in the public register as a forester, with whom a forestry association has a valid contract;
4. a person with a university degree in forest engineering, listed in the public register as a forester, for wooded areas other than those as per items 1 and 2 above, with whom the owner has a valid contract in respect of a specific property.

(2) (Supplemented, SG No. 60/2015, effective 7.08.2015) A logging permit is issued to a person listed in the public register as a forester, under the terms and according to the procedure stipulated in the ordinance under Article 101 (3).

(3) (Amended, SG No. 28/2014) The person as per (2) above to whom a logging permit is issued shall exercise control and take measures to prevent and halt any illegal activities in performing the harvesting of timber, as well as for hauling away any residue therefrom under procedure, prescribed by the ordinance as per Article 148(11) until the logging ground is certified.

Article 109. (1) Within 30 days following completion of the felling, the official who issued the logging permit shall draw up a protocol certifying the logging ground. Said protocol shall be countersigned by the holder of the logging permit.

(2) (New, SG No. 28/2014) In case of demise, as well as of inability of the official who issued the logging permit to certify the logging ground, the certification protocol shall be drawn up by another person as per Article 108(1), designated by:

1. (amended and supplemented, SG No. 60/2015, effective 7.08.2015) the director of the relevant state forest enterprise, state game reserve, training and experimental forest enterprise, the mayor of the municipality or the manager of the municipal forest structure under Article 181, Paragraph 1, Item 1 – concerning wooded areas in state or municipal ownership, as well as concerning such assigned to be managed by them;

2. the chairman or manager of the respective forestry association - concerning wooded areas, kept and managed by the association;

3. the owner of the wooded area - in all other cases.

(3) (Renumbered from Paragraph 2, SG No. 28/2014) The protocol certifying the logging ground shall also be drawn up in cases where the felling in the relevant plantation is not completed by the end of the calendar year.

(4) (New, SG No. 60/2015, effective 7.08.2015) The time limit under Paragraph 1 may be extended in the presence of circumstances hampering the inspection of the logging ground. The extension shall be effected after being coordinated in writing with the respective regional forestry directorate.

Article 110. State enterprises as per Article 163 can enter into long-term contracts for commissioning felling campaigns without material yield and/or pruning for periods of up to 10 years. The terms and procedure for conducting the procedure and concluding such contracts shall be defined by the ordinance as per Article 95 (1).

Chapter Five

UTILIZATION OF TIMBER AND NON-TIMBER FOREST PRODUCTS

Section I

Utilization of Timber

Article 111. (1) The utilization of timber from wooded areas comprises the harvesting of such timber and disposal thereof.

(2) (Amended, SG No. 60/2012, supplemented, SG No. 60/2015, effective 7.08.2015) Harvesting of timber from wooded areas shall be performed by merchant entities listed in the public register as per Article 241(1), with the exception of cases where:

1. the harvesting is performed independently by individuals in their own forests;

2. the harvesting is performed by individuals who have purchased live trees for personal use from state-owned or municipal forests without the right to sell them.

(3) (New, SG No. 60/2012) The individuals under Paragraph (2), Item 2 shall purchase the timber from wooded areas owned by the municipality wherein their permanent address is, or, where that is not possible, from wooded areas in state ownership.

(4) (New, SG No. 60/2012) The quantity of timber which may be harvested in accordance with the procedure provided for by Paragraph (2), Item 2 shall be laid down:

1. by a resolution by the Municipal Council: in the case of wooded areas in municipal ownership;
2. by the director of the relevant state enterprise under Article 163 for each territorial division upon a proposal by the directors of the relevant state forest enterprises and state game reserves: in the case of wooded areas in state ownership;
3. by the director of training and experimental forest enterprises: in the case of wooded areas the management whereof has been vested in them.

(5) (New, SG No. 60/2012) In accordance with the quantity determined under Paragraph (4), the mayors of the municipalities or of the populated areas shall draw up lists of individuals entitled to purchase timber from wooded areas in accordance with the procedure provided for by Paragraph (2), Item 2. Where the timber is purchased from wooded areas in state ownership, the lists shall be approved by the director of the relevant territorial division of the state enterprise or the training and experimental forest enterprise.

(6) (New, SG No. 60/2012) The lists under Paragraph (5) shall include each individual's full name, the permanent address of no more than one member of the household, and the quantity of timber that the latter may purchase. The total quantity of timber that the members of one household may purchase within one calendar year shall not exceed 10 cubic metres.

(7) (New, SG No. 60/2012) Timber may be harvested in accordance with the procedure provided for by Paragraph (2), Item 2 only in plantations in respect whereof the following has been planned:

1. thinning in tall forests aged up to 60 years;
2. sanitary and technical felling;
3. felling in offshoot forests to turn them into seed forests and coppices;
4. (amended, SG No. 60/2015, effective 7.08.2015) compulsory fellings.

(8) (New, SG No. 60/2015, effective 7.08.2015) The timber in the forests which are owned by more than a single natural person or legal entity can be used only with the written notary-certified consent of at least half of the co-owners of the property.

(9) (New, SG No. 100/2015) Paragraph 8 shall not be applied for the use of timber from wooded areas which are under the stewardship and management of the forest association under Article 183.

Article 112. (1) Timber from wooded areas in state or municipal ownership shall be utilized in one of the following ways:

1. through sale of live trees;
2. through harvesting of timber and sale of harvested timber.

(2) The manner of utilization of timber from wooded areas in the ownership of natural persons or legal entities shall be determined by the owner.

Article 113. Timber from wooded areas in state or municipal ownership is utilized against compensation.

Article 114. (1) Timber from wooded areas in state or municipal ownership shall be utilized in accordance with the ordinance as per Article 95 (1).

(2) Natural persons, legal entities or municipalities may, on a contractual basis, reassign the harvesting of timber in their own forests to state enterprises as per Article 163 or to entities listed in the public registers as per Article 235 and Article 241. The

terms and procedure for the harvesting of timber shall be set forth in the relevant contract.

Article 115. (1) State forest enterprises and state game reserves as well as municipalities that own forests may reallocate up to one third of the annual quantities of timber utilized by them to be harvested or processed by merchant entities that:

1. (amended, SG No. 28/2014) have their seat and registered address within the territory of:

a) any municipality, containing territories of the relevant state forest enterprise or state game reserve, in which utilization of timber is taking place, or

b) the relevant municipality in cases, where utilization of timber is taking place in wooded areas in municipal ownership and,

2. (effective 1.01.2018 - amended, SG No. 60/2015) own a certificate of compliance with an international standard issued by an independent certification authority in pertinence to timber harvesting and/or processing.

(2) The certificate of compliance as per (1), item 2 above must attest to the fact that the merchant entity applies one of the following systems of:

1. sustainable forest management, or

2. control of the origin of timber or derivative products, or

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

Article 116. (1) State enterprises as per Article 163, as well as municipalities that own forests may conclude contracts with merchant entities for a term of validity of up to 15 years, for:

1. timber harvesting;

2. sale of timber.

(2) (Effective 1.01.2018 - amended, SG No. 60/2015) The merchant entities as per (1) above must satisfy the requirements as per Article 115 (1), item 2.

(3) The annual quantity subject to the contracts as per (1) above shall amount to:

1. up to one quarter of the annual quantity of timber utilized within the relevant state enterprise, but not exceeding one third of the annual quantity of timber utilized by any individual state forest enterprise or state game reserve;

2. up to one third of the annual quantity of timber utilized within the relevant municipality.

(4) The terms and procedure for conducting the procedure and the conclusion of contracts as per paragraphs 1 - 3 shall be defined by the ordinance as per Article 95 (1).

Article 116a. (New, SG No. 60/2012, repealed, SG No. 28/2014).

Article 116b. (New, SG No. 60/2012) (1) To perform activities laid down by law or actions provided for in the endorsed financial plans, state enterprises under Article 163 and their territorial divisions may harvest timber from wooded areas in state ownership the management whereof has been vested in them.

(2) The timber under Paragraph (1) may be utilised to:

1. construct buildings and facilities under Article 54(1), Item 3;

2. construct sites and facilities under Article 153(1);

3. construct fire safety depots;

4. maintain real property other than wooded areas which are used by the relevant state enterprise and its territorial divisions.

(3) In return for utilising the timber under Paragraphs (1) and (2), the relevant state enterprise or its territorial division shall pay into the Forest Investments Fund an amount determined by the decree under Article 179(1).

(4) Timber shall be harvested under Paragraph (1) after a decision to that effect is adopted by the management board of the relevant state enterprise, either through commissioning in accordance with the procedure provided for by the ordinance under Article 95(1), or by the state forest enterprises or the state game reserves themselves.

(5) The management board of the state enterprise shall adopt a timber harvesting decision under Paragraph (1) based on a written request by:

1. the director of the relevant state forest enterprise or state game reserve: where the timber is needed by the territorial division;
2. the director of the state enterprise: in all other cases.

Section II

Utilization of Non-timber Forest Products

Article 117. (1) The utilization of non-timber forest products comprises the harvesting of resin, pine splinters, hay, tree bark, bast, seeds, mushrooms, medicinal and aromatic plants or parts thereof, lichens and mosses, forest fruits, greenery, Christmas trees, leaf fodder; catching of animals other than game, as well as disposal thereof.

(2) The utilization of non-timber forest products, where this constitutes an economic activity, may only be carried out if provided for by an approved forestry plan.

Article 118. The utilization of medicinal plants is governed by the Medicinal Plants Act,

Article 119. (1) The utilization of non-timber forest products from wooded areas shall not infringe the rights of third parties or the provisions of the applicable statutory framework.

(2) The harvesting of mushrooms, forest fruits, medicinal and aromatic plants or parts thereof, when this does not constitute an economic activity, shall be free of charge and hindrance.

Article 120. (1) The director of the state enterprise as per Article 163 or his/her designate shall organize the harvesting and disposal of non-timber forest products from wooded areas in state ownership, by way of:

1. (amended, SG No. 60/2012) reassigning the harvesting and sale of such products, whether raw or processed;
2. leasing out certain wooded areas;
3. issuing a permit for the use of non-timber forest products.

(2) To organize the harvesting and disposal as per (1), items 1 and 2, the relevant authorities may conclude contracts with a term of validity of up to 10 years. Such contracts shall identify the types of products to be harvested, the location where such harvesting is to take place, the unit prices, quantities and the manner of measuring those.

(3) The harvesting and disposal of non-timber forest products from wooded areas in municipal ownership shall be carried out in the manners as per (1) above, following a decision to that effect of the municipal council.

(4) The manners of utilization of non-timber forest products from wooded area in the ownership of natural persons or legal entities, where such harvesting constitutes an economic activity, shall be determined by the owners at their own discretion.

(5) (New, SG No. 60/2012) Non-timber forest products from wooded areas in state or municipal ownership under Paragraph

(1), Items 1 and 3 shall be utilised in accordance with the procedure provided for by the ordinance under Article 95(1).

Article 121. No harvesting of resin or bark from live trees shall be allowed with the exception of cork from corkwood trees.

Article 122. The timber and non-timber products harvested constitute perishable goods and therefore must be brought to market expeditiously.

Section III

Pasturing in Wooded Areas

Article 123. (1) Livestock can be pastured in wooded areas in exchange of a fee payable for the relevant calendar year. Said fee shall be determined:

1. (amended, SG No. 58/2017, effective 18.07.2017) by an order of the Minister of Agriculture, Food and Forestry or of officials designated by the latter, in respect of wooded areas in state ownership;
2. by decision of the municipal council, in respect of wooded areas in municipal ownership.

(2) The payer of the fee as per (1) above shall be issued proof of payment stating the type and number of heads of livestock.

(3) Livestock can be pastured in wooded areas in the ownership of natural persons or legal entities subject to the advance written consent of the owner.

Article 124. The following shall be prohibited:

1. pasturing of unattended livestock in wooded areas;
2. pasturing in forest terrains prone to flash floods or erosion, arboreums, approved and registered sources of forest reproductive materials, and tree nurseries.
3. pasturing in forest cultures and young plantations of seed origin and in offshoot plantations before they have reached a height of 3 meters;
4. pasturing in wooded areas the natural regeneration of which is ongoing or possible;
5. nighttime pasturing in wooded areas;
6. (repealed, SG No. 60/2012).

Article 125. (1) (Amended and supplemented, SG No. 28/2014) The prohibition as per Article 124 shall be imposed by order, issued by the mayor of the municipality on an annual basis, not later than the end of February, identifying those wooded areas where pasturing of livestock is to be prohibited. Said order shall be displayed visibly in the building of the relevant municipality, regional administration, town hall or within the populated area, as well as on the website of the respective municipality.

(2) The order as per (1) above shall be issued on the grounds of written proposals, submitted not later than the end of January, by:

1. directors of state forest enterprises or state game reserves, in respect of wooded areas in state ownership;
2. mayors of regions and mayoralities and mayoral delegates, in respect of wooded areas in municipal ownership;
3. the owners, in respect of wooded areas other than those as per item 1.

(3) The order as per (1) above shall be issued in keeping with any restrictions and prohibitions as may be provided in the orders whereby protected areas and special areas of conservation are declared, and in their management plans.

(4) (New, SG No. 28/2014) The order as per (1) above shall be delivered by the 10th of March to the relevant regional forestry directorate and the relevant regional directorate of environment and water, the territorial scope of which comprises those wooded areas.

Section IV

Import and Export of Unprocessed Timber and Wild Growing Mushrooms

Article 126. (1) (Repealed, SG No. 60/2012).

(2) (Repealed, SG No. 60/2012).

(3) (Repealed, SG No. 60/2012).

(4) (Repealed, SG No. 60/2012).

(5) (Repealed, SG No. 60/2012).

(6) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry may issue an order imposing a temporary ban on the export of unprocessed timber harvested from certain tree species and/or of certain sizes, as well as of wild growing mushrooms.

Article 127. (1) The competent authority empowered to implement Council Regulation 2173/2005 (EC) dated December 20, 2005, on enforcing the FLEGT scheme of timber import licensing into the European Community, further in the text to be referred to as "Regulation 2173/2005 (EC)", shall be the Customs Agency.

(2) In verifying conformity of shipments with the data as per the relevant export permit, the Customs Agency shall be assisted by the Executive Forestry Agency.

(3) (New, SG No. 60/2012, amended, SG No. 28/2014) The competent authority empowered to implement Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (OJ, L 295/23 of 12 November 2010), hereinafter referred to as "Regulation (EU) No 995/2010", shall be the Executive Forestry Agency.

(4) (New, SG No. 60/2012, amended, SG No. 28/2014) To implement Regulation (EU) No 995/2010 i the Customs Agency shall provide to the Executive Forestry Agency information concerning the imports of timber and timber products, indicated in the Annex to the Regulation. Such information shall contain data on the consignees, the dates and quantities of the imports and be made available on quarterly basis by the 15th day of the month, following the respective period.

Chapter Six

PROTECTION OF WOODED AREAS

Section I

General Provisions

Article 128. The protection of wooded areas comprises measures to prevent and combat diseases, pests, forest fires and other abiotic impacts.

Section II

Protection of Wooded Areas against Diseases, Pests and Other Harmful Impacts

Article 129. The protection of wooded areas against diseases, pests and other harmful impacts ensures the creation and growth of healthy, resilient and highly productive forests; this includes: an assessment of their health, a forecast regarding the spread of pests, diseases and other harmful impacts on forests, preventative and quarantine measures, and a fight against pests, diseases and other harmful impacts.

Article 130. The protection of wooded areas against diseases, pests and other harmful impacts shall be effected by means of:

1. preventative and quarantine measures;
2. observations, investigations and a system of alerts as to the emergence, development and spread of disease causing factors, insects, weeds and other pests;
3. an assessment and monitoring of the impact of abiotic and biotic factors on the state and condition of forest trees;
4. plant protection measures and fight against pests, including biological, chemical, physical, mechanical and integrated methods and means;

Article 131. (1) The assessment of the health of forests and the need of protective measures to be put into effect in them shall result in a forecast to be made by the specialized territorial units under the Executive Forestry Agency, namely, forest protection stations, and to be endorsed by the Executive Director of the Executive Forestry Agency.

(2) The Executive Forestry Agency, the regional forestry directorates and the forest protection stations shall provide gratuitous methodological guidance and consulting services to municipalities and other forest owners; shall prescribe and control the protection of forests against disease, pests and other harmful impacts.

(3) The prescriptions of the authorities as per (2) above regarding protection of the forest against disease, pests and other harmful impacts shall be binding for the state enterprises as per Article 163, for municipalities, experimental forest farms and the owners of wooded areas.

Article 132. (Amended, SG No. 58/2017, effective 18.07.2017) The protection of wooded areas against diseases, pests and other harmful impacts shall be organized and carried out subject to terms and procedure defined by an ordinance of the Minister of Agriculture, Food and Forestry.

Article 133. (1) The protection of wooded areas against diseases, pests and other harmful impacts shall be organized and carried out by the owners, resp. the persons or entities assigned to manage the relevant territory, at their cost.

(2) In the event of mass spread of diseases or calamities in the wooded areas, such protection shall be organized and supervised by the forest protection stations and shall be funded from the state budget.

Article 134. Forest owners, whether municipalities, natural persons or legal entities, or associations thereof, may reassign the performance of forestry activities pertinent to the protection of wooded areas in their ownership to the state enterprises as per Article 163 or to forest protection stations.

Article 135. (1) (Amended, SG No. 61/2014) Forest protection shall be carried out by means and plant protection products that are licensed for use and registered under the Plant Protection Act.

(2) (Amended, SG No. 61/2014, SG No. 58/2017, effective 18.07.2017) Plant protection means and plant protection products shall be applied subject to conditions and in a manner defined by an ordinance of the Minister of Agriculture, Food and Forestry, endorsed by the Minister of the Environment and Waters and the Minister of Public Health.

Section III

Protection of Wooded Areas against Fire

Article 136. (1) Measures and activities for the protection of wooded areas against fires shall be planned for each territorial unit of wooded area irrespective of its ownership, and shall be binding and mandatory for execution.

(2) The planning of measures and activities for protection of wooded areas against fire shall be funded by the state budget.

(3) The execution and maintenance of measures and activities for the protection of wooded areas against fire shall be organized and implemented by the owners, resp. by the persons or entities assigned to manage the relevant territory, at their cost.

(4) The terms and procedure for planning measures and activities for protection of wooded areas against fire shall be defined by the ordinance as per Article 18 (1).

Article 137. (1) Every year, subject to a proposal by the Director of the Regional Forestry Directorate, the Regional Governor shall issue an order to declare the fire hazard season for the wooded areas in said region.

(2) The order as per (1) above shall be made public by being posted on the website of the relevant regional administration, of the Regional Forestry Directorate and of the Executive Forestry Agency.

(3) The making of open fire and the performance of any works or activities involving fire shall be forbidden during the fire hazard season within less than 100 meters from the boundaries of wooded areas.

Article 138. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The terms and procedure for protection of wooded areas against fire shall be defined by an ordinance of the Minister of Agriculture, Food and Forestry and the Minister of the Interior.

(2) The making of open fire and the performance of any works or activities involving fire shall be forbidden in wooded areas except in cases defined by the ordinance as per (1) above.

Article 139. (1) (Supplemented, SG No. 28/2014) The owners of linear facilities as well as of sites and facilities crossing or falling within wooded areas, in regard to which a building right or an easement was established, shall be under obligation, at their own cost:

1. to maintain such sites and facilities fire safe on a year-round basis by clearing them periodically of any trees, branches, shrubs, dry grasses and other combustible materials;
2. to prune tree branches in the immediate vicinity of the site or facility in question;
3. to designate and secure locations representing a particularly grave fire hazard.

(2) (New, SG No. 60/2012, repealed, SG No. 28/2014).

(3) (New, SG No. 60/2012, amended, SG No. 28/2014) The timber harvested in the performance of the activities under Paragraph (1) shall be the property of the person under Paragraph (1).

(4) (Renumbered from Paragraph 2, SG No. 60/2012) Natural persons crossing or staying in wooded areas shall be under obligation to observe the fire safety rules therein.

(5) (Renumbered from Paragraph 3, SG No. 60/2012) Hunters', anglers' and hikers' associations in Bulgaria shall, through their governing bodies, instruct their membership in the rules of fire safety in wooded areas prior to every outing.

(6) (Renumbered from Paragraph 4, SG No. 60/2012) The commanders of military garrisons and troops shall, prior to carrying out field exercises and maneuvers, ensure strict observance of the fire safety rules and undertake actions to avert the outbreak of fire or to cause such fire to be extinguished in due course.

Article 140. The fire safety and public protection authorities and the employees of the Executive Forestry Agency and its structures shall be empowered to cause the stoppage of any actions and the turning off machines and equipment that do not satisfy fire safety requirements or create a forest fire hazard.

Article 141. (1) The fire safety and public protection authorities, the Executive Forestry Agency and the regional forestry directorates shall, jointly or separately, control the implementation of the thus fire safety measures and activities provided for within their respective territories.

(2) Immediately responsible for organizing the fight against forest fires shall be the fire safety and public protection authorities, with the cooperation of state forest enterprises and state game reserves, municipalities, the owners and users of wooded areas, as well as of any persons performing any activities therein.

Article 142. (1) The mayors of municipalities, boroughs, mayoralities and mayoral delegates shall organize, at the cost of the municipal budget, voluntary fire brigades to put out forest fires in accordance with the Disaster Protection Act.

(5) The directors of state forest enterprises and of state game reserves shall organize specialized groups of their employees for action in the event of a forest fire.

(3) The procedure of mobilizing the voluntary fire brigades and the specialized groups as per paragraphs (1) and (2) above shall be defined by the ordinance as per Article 138 (1).

Article 143. Any person who has noticed a fire in a wooded area shall be under obligation to undertake immediate steps to alert the emergency call centers activated by the single European emergency number 112.

Chapter Seven

ACCESS TO FORESTS

Article 144. (1) Access to wooded areas is free, individuals may enter at their own risk, subject to compliance with the instructions of the forestry administration and the owner of the wooded area, except in cases provided hereunder.

(2) Access to and from wooded areas assigned to be managed by other government agencies in relation to national security and defense shall be determined by an act of the head of the relevant government agency.

(3) Access to wooded areas subsumed within protected areas shall take place subject to the terms, provisions and procedure as per this Act, except in cases where such access is prohibited or restricted under certain conditions by force of the relevant orders where such areas were declared or the management plans thereof.

(4) A permit issued in accordance herewith shall grant access to:

1. wooded areas where timber is being harvested, and a warning sign has been posted to that effect;
2. forest nurseries.

(5) The permit as per (4) above shall be issued in writing by the person or entity responsible for the stewardship of the relevant area.

Article 145. No fencing or other measures as may hinder or restrict the free movement of humans, wild animals or waters shall be allowed on landed properties within wooded areas, with the exception of properties where such hindrance or restriction is provided for by force of a statutory or an administrative act.

Article 146. (1) The Director of the Regional Forestry Directorate may, by issuing an order, restrict or suspend temporarily, for a period of up to three months, access to a certain wooded area:

1. for the purpose of game conservation and the protection of wooded areas;
2. for the purpose of ensuring the health and safety of members of the public.

(2) An order as per (1) above may also be issued subject to a proposal made by the director of the relevant state forest enterprise or state game reserve, or by the owner of the relevant wooded area. Said order shall be made public by being posted on the website of the Regional Forestry Directorate or on the notice board in the building of the relevant municipal administration.

(3) On the authority of the order as per (1) above, the person or entity at whose initiative access to the wooded area is restricted shall put up barriers and warning signs.

(4) The access of the owners of wooded areas to their landed properties may only be restricted in cases as per (1), item 2 above.

Article 147. Tenants and concessionaires of landed states within wooded areas in state or municipal ownership may request, through the good offices of the landlord or grantor of the concession, the imposition of temporary restrictions or prohibitions of public access to the areas used by them, where this is necessary for the performance of the contractual activity, in accordance with the procedure as per Article 146.

Article 148. (1) Freight transport vehicles and road transport vehicles pulled by draft animals may travel across wooded areas and on forest roads solely where this is pertinent to the performance of forestry, agricultural or game stewardship activities.

(2) The claim that a transport vehicle is to be used for performance of any of the activities as per (1) above shall be substantiated by:

1. a document issued free of charge by the director of the state forest enterprise or the state game reserve, in cases where such activity is performed, or commissioned, by the state forest enterprise or the state game reserve;
2. a hunting permit valid for the relevant date and hunting location;
3. (new, SG No. 28/2014) a document issued free of charge by the manager of the forestry association under Article 183 - where the activity is being performed by the association or has been assigned by it in regard to the territory, managed by the association;
4. (renumbered from Item 3, SG No. 28/2014) a document issued free of charge by the mayor of municipality, borough, mayoralty or by a mayoral delegate, in all other cases.

(3) The traveling of transport vehicles as per (1) above, where this is not pertinent to the performance of forestry, agricultural or game stewardship activities, shall only be allowed in cases where:

1. a permit has been issued to that effect by the director of the regional forestry directorate or by his/her designated representative, or
 2. on roads and tracks specifically designated and signposted for the purpose.
- (4) (Supplemented, SG No. 28/2014) The owners or users of landed properties the use of which necessitates that their territory is crossed by freight transport vehicles or road transport vehicles pulled by draft animals on forest roads shall be issued a permit for traveling on the relevant roads by the mayor of the municipality, borough, mayoralty or by a mayoral delegate within whose jurisdiction said property is located or by the manager of the forestry association under Article 183.
- (5) Access permits issued to vehicles as per (1) above shall:
1. have a term of validity until conclusion of the relevant forestry, agricultural or game stewardship activity;
 2. issued for an indefinite term, for owners or users of landed properties as per (4) above.
- (6) The issuers of access permits as per this Act shall keep a copy of each permit issued for a period of one year from the date of issue.
- (7) (Amended, SG No. 60/2012, SG No. 28/2014) The use of forest roads by road transport vehicles other than those referred to in Paragraph (1) above shall take place in accordance with the ordinance under Paragraph (11). Sports motorcycles and four-wheelers (ATVs) may be ridden in wooded areas only on tracks specifically designated for that purpose in accordance with the procedure laid down in the ordinance under Paragraph (11). Wooded areas shall be freely accessible for cycling and horse riding except where such access is restricted in accordance with a procedure provided for by law.
- (8) Upon request by mayors of municipalities, the director of the regional forestry directorate may, by issuing an order, designate forest roads on which road transport vehicles can travel freely.
- (9) The municipalities at whose request the order as per (8) above has been issued shall, at their own cost, signpost the relevant roads and ensure their ongoing maintenance and repairs.
- (10) The owners and users of landed property located in, or bordering on, wooded areas cannot restrict access to forest roads, including by fencing them off or by other means as would restrict their free use.
- (11) (Amended, SG No. 58/2017, effective 18.07.2017) The terms and procedure of traveling on forest roads, of putting up road signs; the specimens of those, as well as the specimens of documents granting access to wooded areas, shall be determined by an ordinance of the Minister of Agriculture, Food and Forestry and the Minister of the Interior.
- (12) (New, SG No. 60/2015, effective 1.01.2016) The freight transport vehicle transporting timber and non-timber forest products, as well as the mobile objects under Article 206 must be equipped with GPS-devices and movement-tracking devices that are free of defects and that function properly. The procedure for granting access to the information about the movement of the transport vehicles shall be specified by the ordinance under Paragraph 11.
- (13) (New, SG No. 60/2015, effective 1.01.2016) When the transport vehicles under Paragraph 1 pass across agricultural land, the person or entity, to whom/which a document under Paragraph 2, Items 1, 3 and 4 has been issued, shall send it to the mayor of the respective populated settlement prior to starting the activity.

Article 149. (1) The use of marked hiking trails for traveling by road vehicles or horse-riding shall be prohibited, except in cases where a tourist trail coincided with a forest road or is part of a designated route.

(2) New hiking trails and routes in wooded areas may be designated with the consent of the owner, resp. the persons assigned to manage the relevant wooded area.

Article 150. (1) Organized public or sports events in wooded areas, as well as in territories bordering on such, may be held subject to a permission issued by the director of the relevant regional forestry directorate.

(2) the request for such a permission to be issued shall be submitted no less than 14 days prior to the date for which the event is scheduled; it shall state the venue for the event and the expected number of participants; enclosed therewith shall be the

written consent of the owner or manager of the wooded area.

(3) Said permission shall be issued not later than 7 days prior to the date of the event; it may prescribe additional conditions for holding the event that shall become binding for the organizer.

(4) The organizer of the event as per (1) shall ensure:

1. the fire safety of the event;
2. the cleaning up of the area taken up by it and the removal of all removable objects placed therein.

Article 151. The restrictions and prohibitions as per this Chapter shall not apply in cases where the relevant activities are carried out as part of the official duties of government bodies as per this act, or by officials discharging their duties in accordance with special norms.

Chapter Eight

CONSTRUCTION WORK IN WOODED AREAS NOT INVOLVING A CHANGE OF THEIR PURPOSE

Article 152. (1) Construction work in wooded areas not involving a change of their intended purpose shall only be allowed for the construction of sites and facilities as per Article 54 (1).

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017) The construction of sites and facilities as per (1) above shall be allowed in accordance with the terms and procedure as per the Spatial Development Act, and subject to an ordinance issued by the Minister of Regional Development and Public Works and the Minister of Agriculture, Food and Forestry.

(3) The owners and users of landed properties within wooded areas or bordering on such shall have no right to hinder or prevent any repair or reconstruction works from being performed on forest roads.

(4) The statutory requirements regarding the design, construction and commissioning of forest roads, as well as their categorization, shall be determined by the ordinance as per (2) above.

Article 153. (1) The building of the following items shall not be considered construction work:

1. temporary forest roads, temporary cable cars and timber warehouses;
2. terrain reinforcements for prevention of soil erosion and flash floods;
3. temporary fire lookout towers;
4. game stewardship and fish farm facilities;
5. architectural elements in service of tourism and recreation;
6. facilities and installations necessary for the protection of cultural assets;
7. monitoring stations.

(2) The construction of buildings and facilities as per (1) above shall take place in accordance with the terms and procedure defined by the ordinance as per Article 152 (2).

Chapter Nine

ORGANIZATIONAL STRUCTURE OF THE EXECUTIVE FORESTRY AGENCY

Article 154. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The government policy in forestry is implemented by the Minister of Agriculture, Food and Forestry through the good offices of the Executive Forestry Agency.

(2) (Amended, SG No. 15/2013, effective 1.01.2014) The Executive Forestry Agency is a legal entity funded by the state budget.

(3) The Executive Forestry Agency is headed by an Executive Director.

(4) The functions and structure of the Executive Forestry Agency are determined by Rules of Organization adopted by the Council of Ministers.

Article 155. (1) (Amended, SG No. 58/2017, effective 18.07.2017) A National Forestry Board shall be established as an advisory body under the Minister of Agriculture, Food and Forestry to deal with key issues of forestry.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017) The National Forestry Board shall comprise representatives of the Ministry of Agriculture, Food and Forestry, the Ministry of the Environment and Waters, the Ministry of the Interior, the Ministry of Regional Development and Public Works, the Ministry of Finance, the Ministry of Justice, the Executive Forestry Agency, the state enterprises as per Article 163, the Bulgarian Academy of Sciences, the University of Forest Engineering, the municipalities and other forest owners and non-profit organizations operating in areas related to forest management and protection.

(3) (Amended, SG No. 58/2017, effective 18.07.2017) The composition of the National Forestry Board as well as its rules of procedure shall be determined by an order of the Minister of Agriculture, Food and Forestry.

(4) (Amended, SG No. 58/2017, effective 18.07.2017) The National Forestry Board shall assist the Minister of Agriculture, Food and Forestry in:

1. the implementation of the government policy in the sphere of forestry;
2. the preparation of drafts for statutory acts related to forestry;
3. dealing with issues of considerable public interest in the sphere of forestry.

(5) (New, SG No. 60/2012, repealed, SG No. 28/2014).

Article 156. (1) (Previous text of Article 156, SG No. 60/2012) The Executive Forestry Agency shall:

1. assist in the development and coordinate the implementation of the National Strategy for the Development of the Forestry Sector;
2. develop the Strategic Plan for the Development of the Forestry Sector;
3. organize the development and supervise the implementation of regional plans for the development of wooded areas;
4. organize inventory-taking in wooded areas;
5. supervise the development and implementation of forestry plans;
6. organize the development and supervise the implementation of management plans for the nature parks;
7. create and maintain an information system for wooded areas and the activities carried out therein;

8. (amended, SG No. 58/2017, effective 18.07.2017) implement the investment program of the Ministry of Agriculture, Food and Forestry for forestry activities;
9. implement national and international programs and projects in the sphere of forestry;
10. participate in the deliberations of the auxiliary bodies of the European Commission assisting the discharge of its functions in the sphere of forestry and maintain contacts with other international organizations.
11. supervise compliance with this Act, carry out general supervision and provide methodological guidance to the operation of any and all bodies and entities which have been reassigned functions in accordance herewith;
12. provide information, consultations and administrative services to members of the public and forest owners, to legal entities and government authorities on matters related to forestry;
13. assist forest owners in cases as provided by law;
14. coordinate and supervise forest conservation and protection, forestry seed control, scientific research, engineering and innovation activities;
15. interact with non-governmental organizations to facilitate their involvement in the formulation and implementation of government policy in the sphere of forestry;
16. perform other activities assigned to it by law or by a decision of the Council of Ministers.

(2) (New, SG No. 60/2012) In return for considering applications to change the purpose of landed properties in wooded areas, consolidate, dispose of and institute limited real rights on wooded areas in state ownership, the Executive Forestry Agency shall collect fees determined by a tariff of the Council of Ministers.

Article 157. (1) The Executive Director of the Executive Forestry Agency shall appoint councils of experts for the adoption of projects, plans and programs, the implementation of research and other undertakings and the submission of proposals for innovation in forestry and game management, and for the development of plans and reports for the operation of the specialized territorial units of the Executive Forestry Agency.

(2) The terms and procedure of conducting the meetings of such councils of experts shall be determined by rules of procedure to be endorsed by the Executive Director of the Executive Forestry Agency.

Article 158. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The Executive Director of the Executive Forestry Agency may, subject to the approval of the Minister of Agriculture, Food and Forestry, create or disband regional forestry directorates and determine their location and area of jurisdiction.

(2) The regional forestry directorates shall be legal entities funded by the state budget, territorial structures of the Executive Forestry Agency.

(3) The area of jurisdiction of each of the regional forestry directorates shall cover the entire territory of one or more regions in the sense as per the Administrative Territorial Division of the Republic of Bulgaria Act.

(4) (Supplemented, SG No. 60/2012) Said regional forestry directorates shall perform the functions of the Executive Forestry Agency within their designated areas of jurisdiction, with the exception of those defined as per Article 156(1), item 10.

Article 159. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The Executive Director of the Executive Forestry Agency may, subject to the approval of the Minister of Agriculture, Food and Forestry, create and disband specialized territorial units as follows: for forest conservation and protection; for forest seed control; for inventorying and zoning of the forest estate; for

scientific research, engineering and innovation activities; nature park directorates as the bodies responsible for implementing the orders whereby nature parks are declared and their management plans; and for other specialized activities, and shall determine their seats.

(2) Such specialized territorial units as per (1) above shall be legal entities funded by the state budget, structures of the Executive Forestry Agency.

Article 160. (1) Such structures of the Executive Forestry Agency shall be headed by directors with whom the Executive Director of the Executive Forestry Agency has concluded an employment contract following a competitive procedure.

(2) Eligible for the position of director of a regional forestry directorate shall be holders of a master's degree in forest engineering with no less than 7 years experience in that area of specialization, accumulated since graduation.

(3) (Supplemented, SG No. 60/2015, effective 7.08.2015) Eligible for the position of director of a specialised territorial unit shall be a person of higher education in a field corresponding to the subject of activity of said specialised territorial unit, holding a master's degree in an area of specialisation as per the constituent regulations of the unit, with no less than 7 years of experience in that area of specialisation, accumulated since graduation.

Article 161. The functions and objectives of said structures and specialized territorial units of the Executive Forestry Agency shall be determined by rules of organization. Said rules of organization shall be endorsed by the Executive Director of the Executive Forestry Agency and shall be promulgated in the State Gazette.

Article 162. (1) The directorates of nature parks shall develop annual plans for their activities pertinent to the protection and restoration of biological diversity, the maintenance and development of tourist infrastructure, educational programs etc., in compliance with the nature parks' management plans.

(2) Such annual plans as per (1) above shall be endorsed by the Executive Director of the Executive Forestry Agency.

Chapter Ten

STATE ENTERPRISES

Article 163. (1) State enterprises in accordance with Appendix 1 shall be established to manage wooded areas in state ownership that are not assigned to be managed by government agencies or legal entities.

(2) The enterprises as per (1) above shall be legal entities having the status of state enterprises as per Article 62 (3) of the Commerce Act,

(3) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall determine by an order the areas of operation of the state enterprises as per (1) above.

Article 164. (1) (Previous text of Article 164, SG No. 28/2014) The state enterprises as per Article 163 shall have a two-tier management structure:

1. central office;

2. territorial affiliates: state forest enterprises and state game reserves.

(2) (New, SG No. 28/2014, amended, SG No. 58/2017, effective 18.07.2017) The areas of activity of the state forest enterprises and state game reserves shall be determined by ordinance of the Minister of Agriculture, Food and Forestry.

Article 165. (1) The principal subject of activity of the state enterprises as per Article 163 shall be:

1. the implementation of forestry plans within the wooded areas in state ownership;
2. the implementation of game stewardship plans in state game reserves and in state forest enterprises;
3. performance of maintenance and/or regenerative activities within wooded areas in state ownership as provided for in the protected areas' management plans;
4. organization and implementation of measures for the protection of wooded areas in state ownership;
5. organization and implementation of anti-erosion measures;
6. maintenance of the diversity of ecosystems and protection of the biological diversity in them;
7. organization and commissioning of design and construction of facilities in forests lands within wooded areas in state ownership;
8. planting of new forests on agricultural lands;
9. protection of wooded areas in state ownership;
10. provision of public services.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) Said state enterprises may also perform other activities not explicitly forbidden by law, as well as functions assigned to them by the Minister of Agriculture, Food and Forestry or on the basis of a contract.

(3) Activities as per (1), item 1 through 8 above, the performance of which requires registration in accordance with this Act, including such as are not provided for in the relevant forestry plans or protected areas' management plans, shall be assigned to be performed by entities listed in the public registers as per Arts. 235 and 241.

(4) The activities as per (1), items 1 through 8 above, may be performed by the state game reserves themselves or reassigned in accordance with (3) above.

(5) (Amended, SG No. 60/2012) State forest enterprises may themselves perform:

1. the activities under Article 89 and fire protection actions for wooded areas;
2. growing young plantations and cultures without material yield or pruning;
3. marking plantations intended to be felled;
4. (amended, SG No. 58/2017, effective 18.07.2017) timber harvesting in amounts not exceeding 25 percent of the annual utilisation for the relevant territorial division: subject to conditions laid down in the ordinance under Article 95(1), and after co-ordination with the Minister of Agriculture, Food and Forestry or an official authorised by the Minister;
5. harvesting of timber damaged by abiotic or biotic factors or impacts, where a forest protection station has prescribed the utilisation of such timber under Article 131(2).

Article 166. (1) The State shall provide to the state enterprises state-owned assets to be managed and used in the performance of their functions.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) The property of said state enterprises shall comprise assets provided to them by the Council of Ministers, by the Minister of Agriculture, Food and Forestry, by international institutions, by local and foreign natural persons and legal entities, and by other organizations, as well as property acquired by such enterprises as a result of their operation.

- (3) Property acquired by the state enterprises as a result of their operation shall constitute private state property.
- (4) The state enterprises shall have no right to institute mortgages or special pledges in respect of the wooded areas assigned to be managed by them.
- (5) The property of state enterprises as well as the wooded areas assigned to be managed by them cannot be used as security for third-party debts.
- (6) The state enterprises shall have no right to participate in, or establish, commercial companies.
- (7) The state enterprises may apply for participation in operational programs as well as in international, national or regional tenders and programs, and may participate on an equal footing in competitive procedures in accordance with the Public Procurement Act, with the exception of those that have as their subject matter inventorying, development and implementation of forestry plans and programs.
- (8) No bankruptcy proceedings shall be initiated against the state enterprises.
- (9) The state enterprises shall be held liable for their debts to the extent of their assets as per (3) above.
- (10) The state enterprises shall not be privatized.
- (11) Neither the operation nor any assets of the state enterprises shall be made subject to a concession agreement in the sense as per the Concessions Act.

Article 167. The governing bodies of the state enterprises as per Article 163 shall be:

1. (amended, SG No. 58/2017, effective 18.07.2017) the Minister of Agriculture, Food and Forestry;
2. the Management board.

Article 168. (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall have the authority to:

1. exercise ownership rights on behalf of the State over the state enterprises;
2. determine the seats of the state enterprises;
3. appoint or dismiss members of the management boards;
4. endorse the rules of organization and operation of the state enterprises;
5. endorse the annual financial plans of the state enterprises;
6. adopt decisions regarding the distribution of profit and coverage of losses;
7. adopt decisions on expending the funds created and managed by the state enterprises;
8. review the annual financial statements and/or the annual activity reports of the state enterprises;
9. adopt decisions regarding the granting of real rights and mortgages and endorse requests for the lease of property other than wooded areas;
10. adopt decisions regarding the acquisition, disposal, decommissioning or liquidation of durable assets with a balance sheet value of BGN 30,000 or over;
11. review requests on the part of state enterprises to apply for loans;
12. subject to a proposal by the management board of a state enterprise, adopt decisions to create or disband territorial affiliates of state enterprises and to determine their area of operation and seat;

13. exercise the powers vested in him/her by law in relation to the operation of the state enterprises.

Article 169. (1) The management board of a state enterprise shall be comprised of three members, including the director of the enterprise.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall conclude a management contract with each of the board members for a term of 5 years. The contract with the director of the state enterprise shall be concluded on the basis of a competitive procedure.

(3) No person who has been convicted of a criminal offense of general nature, or is the spouse of another member of the management board, or is related, directly or laterally or through marriage up to a third degree with a member of the management board, shall be eligible for membership of said management board.

(4) The members of the management board shall elect among themselves a Chairman, who must not be the director of the enterprise.

(5) The Management Board shall meet at least once every month. The meetings of the management board shall be convened and presided over by the Chairman.

(6) A meeting of the management board shall be considered legitimate if attended by all of the board members.

(7) The management board shall adopt its decisions by an open vote and by a majority of all of its members. The board may also adopt decisions in absentia, provided that all of its members have stated in writing their consent to the proposed decision.

(8) Meetings of the management board shall be recorded in minutes which shall be signed by all of the attending board members.

(9) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall have the authority to dismiss a member of the management board ahead of the term of his/her contract in cases where:

1. such member does not meet the requirements as per (3) above;
2. such member has broken the terms of the management contract;
3. such member has submitted his/her resignation in writing;
4. there are other grounds for dismissal as provided under the management contract.

Article 170. (1) The Management Board shall have the authority to:

1. (amended, SG No. 58/2017, effective 18.07.2017) adopt a draft for the rules of organization and operation of the state enterprise and submit said draft to the Minister of Agriculture, Food and Forestry for approval;
2. (amended, SG No. 58/2017, effective 18.07.2017) adopt the annual financial plan of the state enterprise and submit said plan to the Minister of Agriculture, Food and Forestry for approval;
3. adopt the annual financial plans of the territorial affiliates of the state enterprise;
4. adopt the structure and payroll of the central office and the territorial affiliates of the state enterprise;
5. (amended, SG No. 95/2016) appoint a certified auditor to audit and certify the annual financial statement and shall confirm said appointment;
6. (amended, SG No. 58/2017, effective 18.07.2017) propose to the Minister of Agriculture, Food and Forestry to adopt a decision on the distribution of profit and coverage of losses;
7. (amended, SG No. 58/2017, effective 18.07.2017) propose to the Minister of Agriculture, Food and Forestry to adopt a decision on expending the funds created and managed by the enterprise;

8. (amended, SG No. 58/2017, effective 18.07.2017) propose to the Minister of Agriculture, Food and Forestry to adopt a decision to create or disband territorial affiliates of the state enterprise and to determine their seat and area of operation;

9. (amended, SG No. 58/2017, effective 18.07.2017) adopt decisions regarding the acquisition, disposal, decommissioning or liquidation of durable assets with a balance sheet value of up to BGN 30,000 and propose to the Minister of Agriculture, Food and Forestry to adopt such decisions in respect of durable assets with a balance sheet value of BGN 30,000 or over;

10. (amended, SG No. 58/2017, effective 18.07.2017) adopt an annual report on the operation of the state enterprise and an annual financial statement and submit those to the Minister of Agriculture, Food and Forestry for approval;

11. (amended, SG No. 58/2017, effective 18.07.2017) perform other functions pertinent to the management of the state enterprise in compliance with the applicable statutory acts or assigned to it by the Minister of Agriculture, Food and Forestry.

(2) The management board shall be assisted in its work by an economic council which shall be comprised of the directors of the territorial affiliates of the relevant state enterprise.

(3) Said economic council shall have the authority to:

1. discuss the draft financial plan of the state enterprise and the draft financial plans of its territorial affiliates;
2. submit proposals to the management board on expending the funds created and managed by the enterprise;
3. discuss the draft decision on the distribution of profits and on coverage of the losses of the state enterprise;
4. discuss the annual report and the annual financial statement of the state enterprise.

(4) The operation of said economic council shall be governed by the rules of organization and operation of the relevant state enterprise.

Article 171. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall, following a competitive procedure, conclude a management contract with the directors of the state enterprises for a term of 5 years.

(2) Eligible to be appointed director of a state enterprise shall be persons who:

1. hold a master's degree in forest engineering;
2. have no less than 7 years' experience in the relevant area of specialization accumulated following graduation with the degree as per item 1 above;
3. have not been convicted and sentenced to imprisonment for a criminal offense of general nature.

Article 172. (1) The Director of a state enterprise shall have the authority to:

1. represent said state enterprise before government authorities, the courts and before any third parties in Bulgaria and overseas;
2. manage and supervise the entire operation of the state enterprise;
3. enter into:
 - a) contracts whereby the development of forestry plans for wooded area in state ownership is assigned;
 - b) contracts in respect of activities performed by the central office of a state enterprise;
 - c) long-term contracts in accordance with the Forestry Act and the Hunting and Game Protection Act;
4. conclude and terminate employment contracts with the staff of the central office of the state enterprise, as well as

management contracts with the directors of the territorial affiliates;

5. propose to the management board the drafts for the annual financial plan and the annual financial statement of the state enterprise;

6. endorse the financial plans of the territorial affiliates of the state enterprise;

7. endorse the payroll of the central office of the state enterprise;

8. report to the management board;

9. exercise the powers vested in him/her by law in pertinence to the operation of the state enterprises;

10. (supplemented, SG No. 60/2015, effective 7.08.2015) bear responsibility and oversee compliance with the relevant statutory framework, financial discipline and the proper protection of the assets of the state enterprise and the territorial affiliates thereof;

11. (amended, SG No. 58/2017, effective 18.07.2017) subject to approval by the Minister of Agriculture, Food and Forestry, adopt decisions on the leasing of real property other than wooded areas that has been assigned to be managed by the state enterprise;

12. adopt decisions on the rental of goods and chattel managed by the state enterprise;

13. (amended, SG No. 95/2016) draw up and submit to the management board the annual financial statement of the state enterprise, certified by a statutory auditor;

14. empower the directors of territorial affiliates to enter into contracts and to issue administrative acts pertinent to the operation of such affiliates;

15. (amended, SG No. 58/2017, effective 18.07.2017) perform other functions pertinent to the management of the state enterprise in accordance with the applicable statutory framework or assigned to him/her by the Minister of Agriculture, Food and Forestry or by the management board.

(2) The director of the state enterprise may delegate some of his/her powers as per (1) above to members of the staff of the state enterprise.

(3) In discharging his/her powers, the director of the state enterprise may issue individual administrative acts.

Article 173. (1) The state forest enterprises and the state game reserves are territorial affiliates of the state enterprises as per Article 163 which perform the functions of a state enterprise within their designated area of operation.

(2) The territorial affiliates of the state enterprises shall be managed and represented by directors.

(2) The director of a state enterprise shall conclude management contracts with the directors of the territorial affiliates for a term of 5 years.

(4) Eligible for appointment as director of a territorial affiliate shall be holders of a master's degree in forest engineering with no less than three years experience in the relevant area of specialization, accumulated since graduation.

Article 174. (1) The territorial affiliates of state enterprises shall have the authority to:

1. conclude on their behalf, at their cost and liability, commercial and other contracts within the powers vested in them by law or assigned by the director of the state enterprise;

2. keep the account books of the relevant affiliate and submit to the central office annual financial statements in accordance with the Accounting Act;

3. have their own bank accounts;

4. have their own seal;

5. litigate in court and be party to arbitration cases on their own behalf and at their cost;
6. be employers in the sense as per § 1, item 1 of the Supplementary Provisions of the Labor Code;
7. pay their own local taxes and other levies into the relevant municipal budgets.

(2) In discharging their powers, the directors of territorial affiliates shall have the authority to issue individual administrative acts.

(3) (Amended and supplemented, SG No. 60/2012, amended, SG No. 13/2016, effective 15.04.2016) The territorial affiliates of a state enterprise may apply for participation in operational programmes as well as in international, national or regional tenders and programmes, and may on an equal footing act as tenderers authorities in competitive procedures in accordance with the Public Procurement Act, with the exception of those having as their subject matter inventorying and development of forestry plans and programmes.

Article 175. (1) (Amended, SG No. 58/2017, effective 18.07.2017) Allocations for employment compensation for the staff of state enterprises as per Article 163 and their territorial affiliates shall be determined subject to the terms and procedure as determined by an ordinance of the Minister of Agriculture, Food and Forestry, with the approval of the Minister of Labor and Social Policy.

(2) Allocations for employment compensation for the staff of the central office of a state enterprise shall be determined in accordance with the financial results of the performance of the entire enterprise.

(3) Allocations for employment compensation for the territorial affiliates of a state enterprise shall be determined in accordance with the financial results of the performance of the state enterprise and of the performance of the relevant affiliate.

Article 176. (1) Financial allocations for the operation of the central offices of state enterprises and of their territorial affiliates shall be generated from the following sources of revenue:

1. (supplemented, SG No. 60/2012) proceeds from the sale of timber, forest reproductive materials and non-timber forest products, the price paid for pasturing in wooded areas in state ownership;
2. proceeds from provision of services and from contracts in place;
3. proceeds from sale or rental of real property, goods and chattel, whether owned by the enterprise or assigned to be managed by it;
4. donations, bequests, sponsorship and others to the benefit of the state enterprise;
5. proceeds from management contracts in respect of forests in the ownership of natural persons, legal entities and municipalities;
6. proceeds from concession or lease agreements in respect of wooded areas in state ownership;
7. (supplemented, SG No. 60/2012, amended, SG No. 28/2014) funds for compensatory afforestation and the value of the timber under Article 57(3) and Article 63(10);
8. proceeds from sale of forfeited timber, forest reproductive materials or non-timber forest products harvested from wooded areas in state ownership;
9. bank loans made available to a state enterprise for the performance of its functions;
10. proceeds from portfolio investments in short-term government securities and bonds;
11. insurance compensations cashed in from insured assets of the state enterprise;
12. compensations for public ecosystemic benefits;
13. grants from European or other international programs;

14. revenue from other activities not explicitly forbidden by law.

(2) The central offices of the state enterprises shall administer the following:

1. proceeds raised in the Forest Investments and Reserve funds;
2. the positive balance between revenue and expenditure as envisioned by the financial plans of individual territorial affiliates;
3. after-tax profit;
4. proceeds from contracts on game stewardship and use in game breeding areas in accordance with the Hunting and Game Protection Act;
5. proceeds as per (1) above remitted to the enterprise as a result of the operation of the central office.

(3) Each territorial affiliate shall administer the revenue as per (1) above independently while remitting to the central office of the relevant state enterprise the positive balance between revenue and expenditure as envisioned by its financial plan as well as the proceeds necessary for generating the Forest Investments and Reserve funds;

(4) The terms and procedure of remittance of funds from the territorial affiliates to the central office of the state enterprise shall be determined by the rules of organization and operation of the relevant state enterprise.

Article 177. The revenues of the state enterprise shall be expended on the performance of its duties and activities assigned to it by law and provided for in the endorsed financial plan of the enterprise.

Article 178. To ensure its financial stability and generate funds for the targeted investments necessary for performance of the activities assigned to it by law, the enterprise shall form a Forest Investments Fund and a Reserve Fund.

Article 179. (1) The Forest Investments Fund shall be accrued from part of the sale price of timber and non-timber forest products harvested from wooded areas in state ownership, as set by a decree of the Council of Ministers.

(2) (Supplemented, SG No. 60/2012, amended, SG No. 28/2014) The funds from the Forest Investments Fund shall be expended on afforestation, purchasing of wooded areas, design and construction of forest roads and technical transport infrastructure, design and construction of terrain reinforcements, as well as for implementation of projects, co-financed by European programmes.

(3) (Amended, SG No. 58/2017, effective 18.07.2017) Monies from the Forest Investments Fund may only be expended at the discretion of the Minister of Agriculture, Food and Forestry.

(4) Any expenses involving monies from the Forest Investments Fund shall be tax deductible.

Article 180. (1) The Reserve Fund shall be accrued from:

1. one-tenth of the after-tax profit, which shall be set aside until the fund equals in value one-tenth of the assets of the enterprise in accordance with its balance sheet;
2. (amended, SG No. 58/2017, effective 18.07.2017) part of the after-tax profit that has been redistributed by decision of the Minister of Agriculture, Food and Forestry.

(2) Monies from the reserve Fund can only be expended on:

1. covering the annual loss;
2. covering of losses from the preceding fiscal year.

(3) (Amended, SG No. 58/2017, effective 18.07.2017) Monies from the Reserve Fund may only be expended at the discretion of the Minister of Agriculture, Food and Forestry.

Chapter Eleven

MANAGEMENT OF WOODED AREAS IN MUNICIPAL OWNERSHIP

Article 181. (1) Wooded areas in municipal ownership shall be managed by:

1. a municipal forestry authority organized in one of the following forms:

- a) a structural unit within the municipal administration;
- b) a commercial company the capital of which is wholly owned by the municipality;
- c) a municipal enterprise in the sense as per the Municipal Property Act.

2. state forest enterprises or state game reserves, on a contractual basis;

3. natural persons or merchant entities listed in the public registers as per Article 235 or Article 241, on a contractual basis.

(2) The form of management as per (1) as well as the entities as per (1), item 3 above shall be determined by a decision of the municipal council.

(3) Where wooded areas in municipal ownership have a total area of over 1,500 hectares, they shall be managed in accordance with (1), either item 1 or item 2 above.

(4) Within one month for the selection of the form of management as per (1) above, the mayor of the municipality shall notify in writing thereof the regional forestry directorate.

(5) Eligible for appointment as the head of a municipal forestry authority shall be persons who satisfy the requirements for director of a state forest enterprise and are listed in the public register as qualified for forester practice.

(6) The municipal council shall determine by an ordinance the terms and procedure for management of wooded areas in municipal ownership.

(7) (New, SG No. 28/2014) Changes in the form of management as per (1) above may be introduced by decision of the municipal council.

Article 182. The head of the municipal forestry authority, as well as all personnel of such authority employed in positions for which a degree in forest engineering is required, shall wear uniforms while discharging their duties of office and shall have all rights and obligations as per Article 190 (2) within wooded areas in municipal ownership where they discharge such duties of office; the cost of such uniforms shall be covered by their employer.

Chapter Twelve

MANAGEMENT OF WOODED AREAS IN THE OWNERSHIP OF NATURAL PERSONS OR LEGAL ENTITIES OR ASSOCIATIONS THEREOF

Article 183. (1) Forestry associations are amalgamations of natural persons and/or legal entities that are owners of landed properties in wooded areas, established in accordance with the applicable legislation for the purpose of joint stewardship and management of their properties.

(2) The Executive Forestry Agency shall assist the setting up and operation of forestry associations which satisfy the following requirements:

1. they perform any of the following activities:
 - a) implementation of forestry plans;
 - b) implementation of forestry measures and activities;
 - c) purchase, sale or processing of timber and non-timber forest products;
 - d) protection and conservation of wooded areas;
 - e) construction and maintenance of forest roads and the relevant forestry activities and infrastructure;
 - f) purchase of machines and equipment for the performance of forestry activities, as well as for processing of timber and non-timber forest products;
2. merge together neighboring landed properties of owners whose combined area, following the merger, is no less than 100 hectares;
3. (effective 1.01.2016 - SG No. 19/2011) their forests are certified.

(3) A forestry association upon which a sanction has been imposed for violation of this Act or of the secondary legislation pertinent to its interpretation shall have no right to be assisted for a term of one year from the entry into force of the writ of penalty.

Article 184. Assistance as per Article 183 may be provided by way of:

1. provision of information necessary for the development of forestry plans and programs;
2. assistance in consolidation of individual landed properties into a common tract of forest, including appraisal, free of charge, of properties involved in land swaps or consolidation;
3. consulting services, training and management of such association in the implementation of good forestry practices;
4. consulting services in the construction of forest roads;
5. consulting services in organizing and implementing forest protection measures.

Article 185. (1) Members of forest associations who own ideal shares of a consolidated property shall be represented by the chairpersons, resp. managers, of such associations subject to a decision of the management body of the association.

(2) Members of forestry associations shall be represented in accordance with (1) above for the purposes of their participation in international projects and programs.

Article 186. (1) Natural persons and legal entities that are owners of landed property in wooded areas shall cause activities to be performed within the relevant territory:

1. by performing such activities independently, provided that they are listed in the public register as per Article 235 or Article 241;
2. by reassigning such activities to:
 - a) state forest enterprises and state game reserves;
 - b) municipal authorities as per Article 181 (1), item 1 above;
 - c) natural persons or merchant entities listed in the registers as per Article 235 and Article 241.

(2) Owners of landed properties within wooded areas that have reassigned the performance of forestry activities in accordance with (1), item 2 above, shall, within 14 days of concluding the reassignment contract, notify in writing the relevant regional forestry directorate of the date of said contract's execution and in cases as per (1), item 2, indent 'c' above, also of the number of the certificate of registration of the entity with which the contract is concluded.

Chapter Thirteen

PROTECTION OF WOODED AREAS

Section I

General Provisions

Article 187. (1) The protection of wooded areas shall comprise any and all actions pertinent to the prevention and detection of violations of the provisions of this Act.

(2) Any actions pertinent to the prevention and detection of violations shall be organized by the owners of the relevant wooded areas at their cost.

(3) (New, SG No. 60/2012) In wooded areas owned by individuals, legal entities or associations of those, with a total area of up to 2 hectares inclusive, the actions under Paragraph (2) shall be arranged and funded by the state enterprises under Article 163.

Article 188. (1) (Amended, SG No. 60/2012) The prevention and ascertainment of violations in wooded areas shall be performed by employees of:

1. (supplemented, SG No. 60/2015, effective 7.08.2015) state forest enterprises and state game reserves: in the case of wooded areas in state ownership the management whereof has been vested in the relevant state enterprises under Article 163, and in the case of territories under Article 187, paragraph 3;

2. training and experimental forest enterprises: in the case of wooded areas the management whereof has been vested in them;

3. the municipalities being owners of forests: in the case of wooded areas which are the property of such municipalities.

(2) The protection of wooded areas in the ownership of natural persons, legal entities or associations thereof, other than those identified as per (1) above, may be carried out by entities hired by the owner or on a contractual basis.

(3) The mayors of municipalities shall have the authority to hire officers responsible for the prevention and detection of violations in wooded areas falling within the land-use area of the relevant municipality.

Article 189. Officers of the Ministry of the Interior shall, with the cooperation of officers and persons as per Article 188, undertake actions for the prevention and detection of criminal offenses related to forestry activities.

Article 190. (1) Functions pertinent to the protection of wooded areas irrespective of their ownership status shall be assigned to holders of forest engineering degrees.

(2) the persons as per (1) above shall:

1. protect the wooded areas assigned to them against illicit use and damage;

2. enforce the rules of logging and other forest uses, the protection of facilities, buildings, boundary markers and other signs and

sites;

3. check all licenses for logging, pasturing, hunting and other forest uses;

4. enforce the fire safety rules, and in case of fire, undertake actions for its control and extinction;

5. monitor the appearance of diseases, pests and other damages;

6. protect the wildlife species subject to special protection and enforce the regimes in protected areas and special areas of conservation;

7. alert, without delay, the authorities of the Ministry of the Interior in the event of detection of evidence of criminal offenses related to forestry activities, and assist in such criminal offenses being solved;

8. prescribe the actions to be taken in case where omissions or violations have been detected;

9. issue instructions for activities to be terminated or suspended in case where violations have been detected in wooded areas;

10. seize the goods and chattel subject to such violations, as well as the tools used for their commission;

11. notify without delay the authorities defined as per the Spatial Development Act of any illegal construction being carried out in wooded areas;

12. (new, SG No. 60/2012) pull over vehicles carrying timber or non-timber forest products to check the origin thereof.

(3) In discharging their duties the persons as per (1) shall identify themselves:

1. by their service ID cards, for officers appointed to guard wooded areas in state or municipal ownership;

2. by certificates, for officers appointed to guard wooded areas other than those as per item 1.

(4) The service ID cards and certificates as per (3) above shall be issued by the relevant regional forestry directorate in accordance with a standard form endorsed by the Executive Director of the Executive Forestry Agency.

(5) Persons engaged in the protection of wooded areas shall have the right to carry and use, for purposes of discharging their duties of office, a service long gun and a service hand gun, and a personal rifled handgun.

(6) In discharging their duties of office, officers appointed to protect wooded areas, whether in state or municipal ownership, shall wear a uniform and insignia, which shall be non-transferable.

Article 191. (1) Persons as per Article 190 (1) shall have the right to exercise the powers vested in them as per Article 190 (2) within the areas of their jurisdiction.

(2) (Supplemented, SG No. 60/2012, amended, SG No. 60/2015, effective 7.08.2015) Officers appointed to protect wooded areas in state ownership shall have the powers as per Article 190, paragraph 2 Items 1 through 8 and 12, also outside the wooded areas of their jurisdiction, within the area of operation of the relevant state forest enterprise, including also outside of their established working hours.

(3) (Supplemented, SG No. 60/2012, SG No. 60/2015, effective 7.08.2015) Officers appointed to protect wooded areas in municipal ownership shall have the powers as per Article 190 (2), items 1 through 8 and 12, also outside the areas of their jurisdiction, within the territory of the relevant municipality or municipalities wherein the said territories belong.

Article 192. (1) Employers shall be under obligation to insure all persons in their employment engaged in the protection of wooded areas, under a Life and Accident insurance policy.

(2) Employees as per (1) above who have suffered non-pecuniary damages in the course, or for the purpose, of discharging their duties of office, shall be paid a one-time cash compensation in the amount of 10 gross monthly salaries, in case of a grave bodily injury, or 6 gross monthly salaries, in case of a medium bodily injury.

(3) In the event of death of an employee as per (1) above in the course, or for the purpose, of discharging their duties of office, the spouse, children and parents of the deceased shall each be paid a one-time monthly compensation in the amount of 12 gross monthly salaries per entitled person.

Article 193. (1) The workers and employees of the Executive Forestry Agency and its structures, of state forest enterprises, state game reserves, experimental forest farms, as well as of municipalities that own forests, who are required by their duties of office to live in the forests, shall be entitled to living quarters provided by their employers.

(2) To use such living quarters, the persons as per (1) above shall file an application based upon which the relevant employer shall issue a housing allocation order and shall conclude the relevant contract.

(3) (Supplemented, SG No. 60/2012) The workers and employees of the Executive Forestry Agency and its structures, of central offices of the state enterprises under Article 163, of state forest enterprises, state game reserves, experimental forest farms, as well as of municipalities that own forests, may use on an annual basis up to 10 cubic meters of firewood for heating, harvested from wooded areas in state or municipal ownership, against payment of the harvesting costs.

(4) The rights as per (3) above shall extend, upon retirement, to persons with over 20 years length of service employed by administrations, structures or merchant entities in positions pertinent to the management, stewardship and use of wooded areas in state or municipal ownership, as well as to the spouse of such an employee when deceased, provided that he/she is of retirement age.

(5) The workers and employees of the Executive Forestry Agency and its structures, of state forest enterprises, state game reserves, experimental forest farms, as well as of municipalities that own forests, shall have the right to receive, for each 10 years length of service, 5 cubic meters of timber for construction purposes harvested from the wooded areas in state or municipal property, against payment of the harvesting costs.

(6) (Amended, SG No. 58/2017, effective 18.07.2017) The terms and procedure for use of timber as per paragraphs (3) - (5) above shall be determined by an order of the Minister of Agriculture, Food and Forestry.

Article 194. (1) State forest enterprises, state game reserves, experimental forest farms, natural persons, legal entities and municipalities that own forests shall have the right to concluded contracts with the Ministry of the Interior for the protection of the wooded areas in their ownership or assigned to be managed by them.

(2) Municipalities that own forests shall have the right to assign the protection of their wooded areas to the Municipal Police units.

(3) Entities as per (1) and (2) above shall notify in writing the regional forestry directorate of any such contracts to which they are a party.

Article 195. (1) (Amended, SG No. 43/2011) Forest owners shall have the right to conclude contracts with entities pursuing private security operations under the terms and conditions and in accordance with the procedure provided for by the Private Security Operations Act for the protection of wooded areas in their ownership, and shall notify the regional forestry directorate thereof in writing.

(2) (Amended, SG No. 43/2011) For the purposes of the immediate protection of wooded areas, the entities pursuing private security operations under the terms and conditions and in accordance with the procedure provided for by the Private Security Operations Act shall employ persons with a degree in forest engineering.

(3) The protection of wooded areas in accordance with paragraphs (1) and (2) above shall take place in accordance with the provisions of this Act.

Section II

Control

Article 196. (1) The Executive Forestry Agency and its structures shall control the implementation of this Act with respect to any and all activities in wooded areas, as well as the storage, transportation and processing of timber and non-timber forest products.

(2) (New, SG No. 28/2014) The Executive Forestry Agency and its structures shall exercise control over the utilization of biomass, obtained from timber, which is used for generation of electricity, produced from renewable energy sources within the meaning of the Energy from Renewable Sources Act.

(3) (Renumbered from Paragraph 2, SG No. 28/2014) For purposes of performing its control functions as per (1) above, the Executive Forestry Agency and the Ministry of the Interior may enter into a cooperation agreement.

(4) (Renumbered from Paragraph 3, SG No. 28/2014) The terms and procedure of performing functions pertinent to control and protection of wooded areas shall be determined by the ordinance as per Article 148 (11).

Article 197. Employees of the Executive Forestry Agency and its structures employed in positions for which a degree in forest engineering is required, as well as those identified by an order of the Executive Director of the Executive Forestry Agency, shall:

1. have access to the relevant documentation and to the sites and facilities subject to control as per this Act;
2. have the authority to demand documents and receive information as may be necessary for the discharge of their control functions;
3. have the authority to pull over transport vehicles carrying timber and non-timber forest products in order to check the origin of these;
4. have the authority to seize goods and chattel that are subject to a violation, as well as the tools of its commission;
5. advise and prescribe actions in the event that omissions or violations have been detected;
6. issue instructions for suspension or termination of activities in the event that a violation of this Act, the Hunting and Game Protection Act, the Protected Areas Act, the Fisheries and Aquaculture Act, the Medicinal Plants Act, the Biological Diversity Act, the Protection of Agricultural Property Act and the secondary legislation regarding the implementation of these, has been established;
7. alert without delay the authorities of the Ministry of the Interior in cases where evidence of criminal offenses being committed in relation to forestry activities has been established, and cooperate for solving such criminal offenses;
8. oversee compliance with the rules regarding logging and other forest uses, the protection of facilities, buildings, boundary markers and other signs and sites;
9. oversee compliance with fire protection rules;
10. oversee compliance with the regimes established in protected areas and special areas of conservation;
11. perform expert evaluations, analyses and assessments of forestry activities performed in wooded areas;
12. have the rights as per Article 67 (3) of the Hunting and Game Protection Act;
13. issue writs of penalty for detected violations, as well as for failure by officials to perform their duties of office as per this Act ;
14. notify without delay the authorities as per the Spatial Development Act of any instances of illegal

construction being carried out in wooded areas;

15. (new, SG No. 60/2012) have the rights under Article 200(1), Items 5 and 6.

Article 198. (1) Immediate control of activities in wooded areas shall be exercised by forest inspectors in the employment of the Executive Forestry Agency and its structures.

(2) Eligible for employment as a forest inspectors shall be persons who:

1. have been awarded:

a) a degree in forest engineering;

b) (amended, SG No. 60/2012) a secondary education diploma as a forest technician;

2. have not been convicted of an intentional criminal offense of a general nature or in respect of whom criminal prosecution for an intentional criminal offense of a general nature has been replaced by an administrative penalty as per Article 78a of the Penal Code;

3. satisfy the requirements for a license to carry and store a weapon, as well as the standards of physical and mental fitness and professional qualification to occupy the position.

(3) The terms and procedure of employment of forest inspectors and the specific standards of physical and mental fitness and professional qualification as per (2) above shall be determined by the ordinance as per Article 148 (11).

Article 199. (1) Forest inspectors holding a degree in forest engineering shall have the powers as per Article 197.

(2) Forest inspectors holding a forest technician's diploma shall have the powers as per Article 197, except the power as per item 11 thereof.

Article 200. (1) In discharging their duties of office, the forest inspectors shall have the right to:

1. forcibly take offenders whose identity has not been established to the nearest district precinct of the Ministry of the Interior;

2. use physical force and crowd-control equipment if they are prevented from otherwise discharging their duties of office, in case of:

a) resistance or refusal by any person to obey a legitimate order;

b) arrest of an offender;

c) attack on an officer or member of the public;

d) group breach of public order;

3. arrest any person who:

a) refuses to obey a legitimate order;

b) offers resistance while obeying a legitimate order;

4. use, for the purpose of establishing offenses as per this Act and the secondary legislation pertinent to its implementation, technical devices and systems to photograph and record:

a) the act, date and exact time of the offense committed;

b) the offender, witnesses, as well as the tools used to perpetrate the offense;

5. use motor vehicles with siren and warning lights;

6. (amended, SG No. 53/2014) carry and use, for purposes of discharging their duties of office, a service long gun and hand gun for protection.

(2) Upon arrest of an offender as per (2), item 3 above, the competent police authorities shall be notified without delay.

(3) Upon delivery of the arrested offender to the relevant police authorities, a protocol shall be drawn up and a copy thereof shall be handed to said police authorities. Said protocol shall contain:

1. the given name, patronymic and family name of the issuer of said protocol and his/her position;
2. the date of issue of said protocol;
3. the date and location of the arrest;
4. description of the circumstances in which the arrest was made;
5. the given name, patronymic and family name of the arrested person, his/her unified identity number, permanent or present address;
6. any explanations given or objections made by the arrested person;
7. the given name(s), patronymic and family name(s) of the witnesses (if any), their unified identity number(s), permanent or present address and their written statements;
8. a signature of the forest inspector.

(4) Prior to the handover of the arrested person and the drawing up of the protocol as per (3) above, the arrested person shall be given a medical check-up.

(5) Forest inspectors shall use physical force and crowd control equipment as per (1), item 2 above, following a due warning, with the exception of cases of a sudden attack. The use of physical force and crowd control equipment shall be done in due consideration of the actual circumstances, the nature of the offense and the identity of the offender; forest inspectors shall be obligated to:

1. where possible, protect the health, and undertake all possible measures to safeguard the life of the persons concerned;
2. discontinue the use of physical force and crowd control equipment immediately after the measure applied has served its purpose.

(6) No physical force and crowd control equipment shall be used against visibly underage children and pregnant women.

(7) Following the use of physical force and crowd control equipment, the forest inspectors shall submit a report to their supervisor.

(8) Such crowd control equipment shall include: handcuffs; rubber and plastic batons, riot sticks, teasers; chemical agents approved by the Minister of Public Health; service dogs and horses; blank ammunition, rubber, plastic and stun bullets; spike strips.

(9) The weapons as per (1), item 6 and Article 190 (5) may be used solely for self-defense in clear and present danger, where its use is absolutely necessary. Every incident involving weapon use shall be reported in writing; a copy of the report shall be forwarded without delay to the relevant police authorities.

(10) The terms and procedure for use by the forest inspectors of crowd control equipment and motor vehicles with sirens and warning lights, as well as the procedure of forcible handover of unidentified offenders to the nearest district precinct of the Ministry of the Interior shall be determined by the ordinance as per Article 148 (11).

Article 201. (1) The personnel of the Executive Forestry Agency and its structures, as well as the forest inspectors, may exercise their powers on the territory of the entire country, as well as outside their normal working hours.

(2) In discharging their duties of office, officers as per (1) above shall identify themselves by their service ID cards. Such service ID cards shall be issued by the Executive Forestry Agency in accordance with a standard form endorsed by its Executive Director.

(3) In discharging their duties of office, officers as per (1) above shall wear a uniform and insignia, which shall be non-transferable.

(4) (Amended, SG No. 60/2012) Employers shall be under the obligation to obtain life and accident insurance for their officers under Article 197 and for forest inspectors.

(5) Officers as per (1) above who have suffered non-pecuniary damages in the course, or for the purpose, of discharging their duties of office, shall be paid a one-time cash compensation in the amount of 10 gross monthly salaries, in case of a grave bodily injury, or 6 gross monthly salaries, in case of a medium bodily injury.

(6) In the event of death of an officer as per (1) above in the course, or for the purpose, of discharging their duties of office, the spouse, children and parents of the deceased shall each be paid a one-time monthly compensation in the amount of 12 gross monthly salaries per entitled person.

(7) State and local authorities, organizations and members of the public shall be under obligation to provide assistance to officers as per (1) above in the discharge of their powers.

(8) Owners and users of facilities for storage, processing of and/or trade in timber or non-timber forest products shall be under obligation to allow officers as per (1) above on their premises for the performance of inspections.

Article 202. (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall issue an ordinance to determine the type, insignia, terms and procedure of issue and the life cycle of ceremonial full dress and field uniforms of the officers of the Executive Forest Agency, its structures and the state enterprises as per Article 163.

Article 203. (1) Forest checkpoints may be set up for purposes of performance of control functions; such checkpoints may inspect the legality of origin of the timber being carried through them, of game and other non-timber forest products.

(2) The drivers of transport vehicles carrying timber, game or other non-timber forest products shall be under obligation to stop their vehicles for inspection when signaled to do so by forest inspectors, as well as at the forest checkpoints.

(3) The terms and procedure of opening and closure of forest checkpoints shall be determined by the ordinance as per Article 148 (11).

Article 204. Trees marked for felling, where this is required by the ordinance as per Article 101 (3), as well as their timber prior to being transported from a temporary storage facility, shall be marked with a forest control stamp in accordance with the terms and procedure determined by the ordinance as per Article 148 (11).

Article 205. Practicing foresters listed in the register as per Article 235 shall have the authority to use such forest control stamps.

Article 206. (Amended, SG No. 60/2015, effective 7.08.2015) (1) The owners and users of sites, in which timber is received and processed or from which it is shipped, shall be obligated:

1. to keep a journal of the received, processed and shipped timber;
2. to own a trade mark and to affix this trade mark to the timber shipped from the site;
3. (effective 1.01.2016 - SG No. 60/2015) to build and maintain a continuous video surveillance system for the site, as well as provide access to information.

(2) The terms and procedure for fulfilment of the obligations under Paragraph 1 shall be stipulated by the ordinance under Article 148, Paragraph 11.

Article 207. Timber harvested outside of wooded areas shall, prior to shipment, be marked with a stamp owned by the municipality within whose jurisdiction it was harvested, by an official designated by the mayor of said municipality.

Article 208. Specimens of such stamps, the terms and procedure of issuance and use thereof, shall be determined by the ordinance as per Article 148 (11).

Article 209. Forest control stamps and production control stamps shall be non-transferable.

Article 210. (1) The Executive Forestry Agency shall keep a single register of the forest control stamps, while regional forestry directorates shall keep their own registers of production control stamps.

(2) In case of theft or loss of a forest control stamp or a production control stamp, its user shall notify, within 24 hours, the relevant authority as per (1) above.

Article 211. (1) Timber shall be shipped from a temporary storage facility accompanied by a bill of lading.

(2) Bills of lading shall be issued by:

1. officers of the state forest enterprises, state game reserves or experimental forest farms duly authorized to that end by the relevant director, for timber harvested from forest areas within their jurisdiction;

2. by practicing foresters, for timber harvested from their own forests, as well as from wooded areas in respect of which they have been authorized by the owner.

(3) The owners and users of facilities where timber is delivered, processed or wherefrom it is shipped, or persons authorized by those, shall issue bills of lading for the timber shipped from the relevant facility.

(4) (Amended, SG No. 60/2012) Timber harvested outside of wooded areas shall be shipped accompanied by a bill of lading issued by an official designated by the mayor of the relevant municipality.

(5) (New, SG No. 60/2015, effective 7.08.2015) The term of effectiveness of the bills of lading under Paragraph 1 shall be stipulated by the ordinance under Article 148 (11).

Article 211a. (New, SG No. 60/2012) (1) Non-timber forest products being the subject of business activities and Christmas trees shall be transported accompanied by a standard-form bill of lading for non-timber forest products.

(2) The bills of lading under Paragraph (1) shall be issued by:

1. employees of state forest enterprises, state game reserves and training and experimental forest enterprises authorised by the relevant director for that purpose: in the case of non-timber forest products harvested from the wooded areas wherein they fulfil their official duties;

2. practicing foresters: in the case of non-timber forest products harvested from their own forests and from wooded areas in respect whereof they have been authorised by the owner thereof;

3. an official designated by the municipal mayor: in the case of non-timber forest products harvested outside wooded areas.

Article 212. (Amended and supplemented, SG No. 60/2012) The origin of timber and non-timber forest products from import or from an intra-community acquisition shall be evidenced by the import or intra-community acquisition papers.

Article 213. (1) (Previous text of Article 213, SG No. 60/2012) No purchase, sale or other transactions, or transportation, unloading, acquisition, storage or processing shall be allowed involving:

1. timber that is not marked with a forest control stamp, resp. production control stamp;
2. timber unaccompanied by a bill of lading;
3. imported timber unaccompanied by papers in evidence of its legal origin;
4. (new, SG No. 60/2012) non-timber forest products being the subject of business activities and Christmas trees not accompanied by a bill of lading for non-timber forest products.

(2) (New, SG No. 60/2012) The use of unprocessed timber of the large construction timber and medium construction timber categories, 3rd log scaling class, for generation of biomass energy shall be prohibited.

Article 213a. (New, SG No. 60/2015, effective 7.08.2015) The Executive Director of the Executive Forestry Agency shall specify by an order the amount of information regarding the harvesting and transportation of the timber and non-timber forest products which is public in nature. The Executive Forestry Agency shall ensure free access to the information.

Chapter Fourteen

INDUSTRY ASSOCIATIONS

Article 214. (1) Natural persons and legal entities operating in the forestry sector may establish industry associations in the following production principles:

1. Forestry: comprising activities as per Article 233 and Article 241;
2. Wood Processing and Furniture Manufacturing: comprising primary and secondary timber processing.

(2) Such industry associations in the forestry sector shall have the status of non-profit legal entities that are to be incorporated, registered, managed, transformed and wound up in accordance with the Non-profit Entities Act, and shall operate for public or private benefit.

(3) Such industry associations shall operate in compliance with the law, their articles of association and the decisions of their governing bodies.

(4) An industry association as per (1) above shall have no right to infringe the independence of its members or of another industry association.

(5) The name of an industry association shall contain a clear indication that it constitutes an association of entities from the same industry; it shall not be misleading or offensive.

Article 215. (1) An industry association in the Forestry industry sector can be freely and voluntarily established by natural persons and merchant entities listed in the public registers as per Article 235 and Article 241.

(2) An industry association in the Wood Processing and Furniture Manufacturing industry sector can be freely and voluntarily established by natural persons and merchant entities listed in the registers of manufacturing brands.

Article 216. (1) Members of an industry association in the Forestry industry can be entities listed in the public registers as per Article 235 and Article 241.

(2) Members of an industry association in the Wood Processing and Furniture Manufacturing industry can be merchant entities listed in the registers of manufacturing brands.

Article 217. (1) Industry associations shall be amalgamated into a national industry association for each of the industries as per Article 214.

(2) Each newly registered industry association shall by right be a member of the national industry association and must apply for membership within one month from the date of its registration.

(3) Only industry associations shall have the right to be members of a national industry association as per (1) above.

Article 218. The national industry associations as per Article 217 (1) shall be non-profit legal entities registered in accordance with the Non-profit Legal Entities Act, for public benefit.

Article 219. (1) In cases where a single industry association exists in one of the industries as per Article 214 (1), it shall be recognized as the national industry association.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) In cases where two industry associations are registered in one of the industries as per Article 214 that cannot form a non-profit legal entity in accordance with the Non-profit Legal Entities Act, such two industry associations and the Minister of Agriculture, Food and Forestry shall sign a trilateral agreement to define their rights and obligations with respect to their national representation. Said trilateral agreement shall be renewable on an annual basis.

(3) The trilateral agreement as per (3) above shall be terminated in the event of registration of a national industry association in the relevant industry.

Article 220. The national industry associations in the forestry sector shall:

1. assist, promote, represent and protect the interests of their members vis-a-vis the state or municipal administration or other organizations;

2. (amended, SG No. 58/2017, effective 18.07.2017) participate in the working groups under the Ministry of Agriculture, Food and Forestry and the Executive Forestry Agency in developing statutory acts in the sphere of agriculture, wood processing and the furniture industry;

3. (amended, SG No. 58/2017, effective 18.07.2017) represent their members before the Ministry of Agriculture, Food and Forestry and the Executive Forestry Agency with the authority to enter on their behalf into agreements the provisions of which shall be binding for their membership;

4. maintain a database of the members of the organization and qualified experts in the relevant industry;

5. support their members in the development of their business operation through the provision of services, assistance in the establishment of business contacts, by publicizing their capabilities, products, services etc.;

6. gather and provide information to their members in support of their business activity;

7. assist in the implementation of good business practices and the rules of fair trade in the relevant industries;

8. organize and deliver vocational training, qualification and refresher courses to their members;

9. provide assistance for raising the professional level of industry employees, for provision of health and safety at work and environmentally sound working conditions;

10. provide assistance for the amicable settlement of disputes between their members;

11. cooperate with similar organizations in Bulgaria and overseas and take part in activities of European and other international bodies and organizations;

12. take part in regional, national or international projects and programs;
13. perform other activities in accordance with their statutes that are not illegal or offensive.

Article 221. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The national industry associations in the forestry sector shall supply to the Minister of Agriculture, Food and Forestry and the Executive Director of the Executive Forestry Agency information pertinent to the business activity of the relevant industry.

(2) The national industry associations in the forestry sector shall assist the government institutions and the local authorities in the implementation of policies and practices pertinent to the development of the forestry sector and rural areas.

(3) The government institutions and the local authorities shall assist and provide information to the national industry associations necessary for the performance of their functions as per this Act.

Article 222. (1) Subject to a proposal by the national industry associations as per Article 217, the State and the municipalities, by force of a decision of the Council of Ministers or the Municipal Council respectively, may delegate to them the performance of administrative and technical services.

(2) The rights, obligations and any other conditions concerning the delegation of services as per (1) shall be prescribed in detail in the relevant decision of the Council of Ministers. resp. Municipal Council.

(3) The State and the municipalities shall exercise control over the relevant national industry associations as per (1) above, and may strip them of the rights vested in them as per (2) in the event of violation.

Article 223. (1) (Amended, SG No. 58/2017, effective 18.07.2017) Solely representatives of the relevant national industry associations shall be authorized to represent the entities operating in the forestry sector before the State, resp. the Ministry of Agriculture, Food and Forestry and the Executive Forestry Agency.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) Each national industry association shall appoint one permanent representative who shall, where necessary, interact with the Minister of Agriculture, Food and Forestry. Where issues of special competence have emerged, the representative of the relevant industry association shall seek the opinions of other members of said association or of external experts.

Article 224. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall keep a register of industry associations and the national industry associations in the forestry sector.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) Each industry association as per (1) shall, within one month from its registration, submit an application to the Ministry of Agriculture, Food and Forestry seeking entry into said register.

(3) (Amended, SG No. 109/2013, SG No. 17/2018, effective 23.02.2018) The unified identification code of the applicant under the Commercial Register and Register of Non-Profit Legal Persons Act shall be specified in the application referred to in paragraph 2, and a list of the members of the industry association shall be enclosed with the application.

(4) In addition to the documents as per (3) above, the following shall also be enclosed in support of the application for entry into the register of national industry associations:

1. a copy of the certificate of entry into the central register with the Ministry of Justice;
2. the rules and procedure for performing a public service.

(5) (Amended, SG No. 58/2017, effective 18.07.2017) Within 14 business days from the submission of said application the Minister of Agriculture, Food and Forestry or his/her designate shall issue to the relevant industry

association a certificate of entry into the register.

Chapter Fifteen

VOCATIONAL TRAINING, QUALIFICATION AND REFRESHER COURSES

Article 225. (1) Only persons with the appropriate educational status and qualification shall be allowed to perform forestry activities in wooded areas.

(2) The owners of wooded areas and the persons assigned to manage such areas shall allow only persons with the appropriate educational status and qualification for the performance of forestry activities to perform such activities in the relevant area.

Article 226. (1) The Executive Forestry Agency shall have the authority to encourage, coordinate and oversee the delivery of vocational training in forestry.

(2) In performing its functions as per (1) above, the Executive Forestry Agency shall have the authority to:

1. approve annual training curricula for the workers and employees of the Agency and its structures, and shall oversee their implementation;

2. endorse annual training curricula in forestry for workers and employees of the state enterprises as per Article 163.

(3) The regional forestry directorates shall have the authority to endorse annual training curricula for municipality employees and for owners of wooded areas other than those as per (2), items 1 and 2 above.

(4) The Executive Forestry Agency shall make efforts to publicize forestry innovations among forestry employees, forest owners and members of the public.

Article 227. Employers shall be under obligation to promote, as well as to provide funding and opportunities for, the vocational training and qualification of their workers and employees.

Article 228. The Executive Forestry Agency shall support such vocational training, qualification and refresher courses by means of:

1. development of training curricula;

2. publication of training aids;

3. hiring of qualified experts;

4. gathering, storage, processing, analysis and distribution of information relevant to the decision making process.

Article 229. To ensure the performance of certain activities in wooded areas, the Executive Forestry Agency may require the delivery of a specialized training course in accordance with a curriculum endorsed by said Agency.

Chapter Sixteen

REGISTRATION FOR PERFORMANCE OF FORESTRY ACTIVITIES IN WOODED AREAS

Section I

General Provisions

Article 230. (1) Forestry activities in wooded areas shall be organized and/or carried out by natural persons or merchant entities listed in public registers with the Executive Forestry Agency and holding a certificate of registration, with the exception of those cases where no registration is required by law.

(2) Registration certificates as per (1) above shall be issued by the Executive Director of the Executive Forestry Agency or by his/her designated representative.

(3) Forestry activities in wooded areas performed using mechanized tools shall only be performed by persons holding a license to use such, issued by the relevant competent authority.

Article 231. (1) (Supplemented, SG No. 17/2018, effective 23.02.2018) For purposes of registration as per Article 230, the interested parties shall file an application in standard form to the Executive Forestry Agency; enclosed in support of said application shall be copies of the documents attesting to their eligibility for registration, and proof of payment of the fee for consideration of their application, where the payment has not been executed by electronic means.

(2) Applications as per (1) above shall be considered by a permanent commission appointed by an order of the executive director of the Executive Forestry Agency, which shall comprise a representative of each of the industry associations of the Forestry industry. Said order shall also define the commission's rules of procedure.

(3) Within one month from the date of receipt of the written application, the commission as per (2) above shall submit a well-grounded proposal to the Executive Director of the Executive Forestry Agency for entry of the applicant into the register, or for withholding of registration.

(4) The Executive Director of the Executive Forestry Agency shall rule on the proposal of the commission within 7 days from its submission. The applicant shall be notified of said ruling in accordance with the procedure as per the Civil Procedure Code.

(5) Withholding of registration shall be subject to appeal in accordance with the Administrative Procedure Code.

(6) An entry into the register shall be made within three days from the ruling of the authority as per (3) above, and the applicant shall be issued a registration certificate subject to payment of an issuance fee by the applicant.

(7) Said registration certificate shall be personal and non-transferable.

(8) For consideration of the registration applications and for issuance of a registration certificate, the applicants shall pay fees determined according to a tariff of the Council of Ministers, and proceeds therefrom shall be remitted to the Executive Forestry Agency.

Article 232. In performing forestry activities in wooded areas, the persons thus registered shall be under obligation to comply with:

1. the applicable employment legislation, the requirements of health and safety at work and environmental protection, as well as any other special provisions determined by a statutory or administrative act of general nature;

2. The Registration and Control of Agricultural and Forestry Equipment Act and the bylaws pertinent to its implementation.

Section II

Forester Practice

Article 233. (1) Forester practice shall be defined as:

1. planning and organization of afforestation activities;
 2. marking of forest plantations envisioned to be felled;
 3. the development of:
 - a) terms of reference for forestry plans and programs and for inventorying wooded areas;
 - b) forestry plans and programs and inventories of wooded areas;
 - c) terms of reference, projects, plans and programs for erosion and flash-flood protection and biological recultivation of disturbed terrains;
 4. planning and organization of timber harvesting;
 5. planning and organization of the harvesting of non-timber forest products;
 6. (amended, SG No. 60/2012) design and technical blueprints of temporary forest roads and facilities thereto.
- (2) Forester practice as per (1) shall also include the issuance of documents pertinent to individual activities.

Article 234. (1) Holders of degrees in forest engineering or secondary education diplomas as forest technicians may engage in forester practice on their own or on a contractual basis, subject to being listed in the public register as per Article 235.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) Persons as per (1) who are officers of the Ministry of Agriculture, Food and Forestry or the Executive Forestry Agency and its structures shall have no right to engage in forester practice, except in discharging their duties of office.

(3) Persons as per (1) above who are officers of the structures of the Executive Forestry Agency shall have no right to engage in forester practice in wooded areas within the jurisdiction of the relevant structure where they discharge their duties of office.

(4) (New, SG No. 60/2012) The persons under Paragraph (1) who are directors and employees of central offices and territorial divisions of state enterprises under Article 163 may not act as practicing foresters in wooded areas which are the property of municipalities, individuals, legal entities or associations of those within the territory of the relevant state enterprise, except in discharging their duties of office.

(5) (New, SG No. 60/2012) The persons under Article 182 may not act as practicing foresters in wooded areas within the territory of the relevant municipality, except in discharging their duties of office.

(6) (Renumbered from Paragraph 4, amended, SG No. 60/2012) The persons referred to in Paragraphs (2), (3), (4) and (5) above may act as practicing foresters in their own forests or in forests owned by their direct relatives without limitation, or by relatives of lateral branches of the family up to a third degree inclusive, or by persons related to them by marriage, up to a third degree inclusive.

Article 235. The activities as per Article 233 (1) may be performed by natural persons listed in a public register with the Executive Forestry Agency and holding a certificate of registration.

- Article 236.** (1) For the performance of activities as per Article 233 (1), item 1, eligible for being listed in the public register shall be natural persons who:
1. hold a bachelor's or a master's degree in any of the following specialized subjects: Forestry, Landscaping, Landscape Architecture, or Ecology and Environmental Protection, or a Ph.D. or a D.Sc. in those, or
 2. (amended, SG No. 60/2012) hold secondary education diplomas in the subjects of Forestry and Game Stewardship or Forestry and Logging with the qualification of forestry technician, or secondary education diplomas and vocational qualification certificates evidencing a third-degree vocational qualification in the forestry technician profession;
 3. have not been convicted and effectively sentenced for a criminal offense committed while discharging any of the functions as per Article 233 (1);
 4. have not been found, by force of a valid act issued by a competent authority, in breach of a statutory or administrative act of general nature while discharging any of the functions as per Article 233 (1), for the past 12 months preceding the date of application for registration.
- (2) For the performance of activities as per Article 233 (1), items 2 & 5, eligible for being listed in the public register shall be natural persons who:
1. hold a bachelor's or a master's degree in the specialized subjects of Forestry or Ecology and Environmental Protection, or a Ph.D. or a D.Sc. in those, or
 2. (amended, SG No. 60/2012) hold secondary education diplomas in the subjects of Forestry and Logging or Forestry and Game Stewardship with the qualification of forestry technician, or secondary education diplomas and vocational qualification certificates evidencing a third-degree vocational qualification in the forestry technician profession;
 3. have not been convicted and effectively sentenced for a criminal offense committed while discharging any of the functions as per Article 233 (1);
 4. have not been found, by force of a valid act issued by a competent authority, in breach of a statutory or administrative act of general nature while discharging any of the functions as per Article 233 (1), for the past 12 months preceding the date of application for registration.
- (3) For the performance of activities as per Article 233 (1), items 3 & 6, eligible for being listed in the public register shall be natural persons who:
1. hold a bachelor's or a master's degree in the specialized subject of Forestry, or a Ph.D. or a D.Sc. in same;
 2. have at least two years length of service in the relevant area of specialization accumulated since graduation;
 3. have not been convicted and effectively sentenced for a criminal offense committed while discharging any of the functions as per Article 233 (1);
 4. have not been found, by force of a valid act issued by a competent authority, in breach of a statutory or administrative act of general nature while discharging any of the functions as per Article 233 (1), for the past 12 months preceding the date of application for registration.
- (4) For the performance of activities as per Article 233 (1), item 4, eligible for being listed in the public register shall be natural persons who:
1. hold a bachelor's or a master's degree in any of the following specialized subjects: Forestry, Forestry mechanization or Forest Engineering, or a Ph.D. or a D.Sc. in those, or
 2. (amended, SG No. 60/2012) hold secondary education diplomas in the subjects of Forestry and Logging, or Forestry and Game Stewardship, or Mechanisation of Forestry and Logging, or Logging and Transportation, or Timber Industry, with the qualification of forestry technician, technician

and technologist, or mechanisation technician, or secondary education diplomas and vocational qualification certificates evidencing a third-degree vocational qualification in the subjects of Forestry Mechanisation, Forestry and Logging, or Forestry and Game Stewardship;

3. have not been convicted and effectively sentenced for a criminal offense committed while discharging any of the functions as per Article 233 (1);

4. have not been found, by force of a valid act issued by a competent authority, in breach of this act or a bylaw while discharging any of the functions as per Article 233 (1), for the past 12 months preceding the date of application for registration.

(5) (New, SG No. 60/2012, amended, SG No. 79/2015, effective 1.08.2016) In respect of the relevant activities under Paragraphs 1, 2 and 4, individuals holding documents evidencing an educational degree and a qualification obtained equivalent to the required documents for the relevant occupations in accordance with the requirements of the Pre-school and School Education Act and the Vocational Education and Training Act.

(6) (New, SG No. 103/2017, effective 1.01.2018) The circumstances under Paragraph 1, item 3, Paragraph 2, item 3, Paragraph 3, item 3 and Paragraph 4, item 3 for Bulgarian citizens shall be established ex officio by the Executive Forestry Agency.

Article 236a. (New, SG No. 60/2015, effective 8.11.2015) (1) The persons who have completed their secondary school education and who submit an application for registration into the public register under Article 235, as well as the persons who have been delisted from the register on the grounds of Article 239, Paragraph 1, Items 4 – 9, shall, prior to submitting the application, sit for an exam before a commission appointed by an order of the executive director of the Executive Forestry Agency.

(2) The terms, conditions and procedure for conducting the exam and for issuing a document for successfully passing the exam shall be stipulated by the order under Paragraph 1.

Article 237. (1) The application for entry of a natural person into the public register as per Article 235 shall be supported by:

1. a copy of the relevant diploma in accordance with the provisions of Article 236;
2. a certificate of length of service in the relevant specialization area, in cases as per Article 233 (1), items 3 and 6;
3. (amended, SG No. 103/2017, effective 1.01.2018) a conviction status certificate or similar document - for foreign citizens;
4. a declaration to the effect that the applicant has not been found, by force of a valid act issued by a competent authority, in breach of a bylaw or an administrative act of general nature while discharging any of the functions in respect of which registration is sought, for the past 12 months preceding the date of application;
5. (new, SG No. 60/2015, effective 7.08.2015, repealed, SG No. 17/2018, effective 23.02.2018);
6. (renumbered from Item 5, SG No. 60/2015, effective 7.08.2015, supplemented, SG No. 17/2018, effective 23.02.2018) a document certifying payment of the fee due for consideration of the application, where the payment has not been executed by electronic means.

(2) In cases where the applicant has completed his/her education abroad, he/she shall submit a certificate of recognized secondary education and qualification, or a certificate of recognized university degree, awarded by a foreign school of higher learning, issued by the Ministry of Education and Science.

Article 238. The Executive Forestry Agency shall issue a well-grounded refusal to register a natural person in cases where:

1. one or more of the documents required as per Article 237 has not been submitted;

2. the applicant does not satisfy the eligibility criteria for registration;
3. it has been established, by a valid act issued by a competent authority, that one or more of the documents submitted by the applicant is forged or contains false information;
4. (supplemented, SG No. 60/2015, effective 7.08.2015) in case where the applicant has been struck off the register on grounds as per Article 239, Paragraph 1, Item 4 - 8, and the term of the court sentence or administrative coercive measure imposed upon said person or the term under Article 239 (2) has not expired between the date of his/her de-listing and the date of submission of the application.

Article 239. (1) (Previous text of Article 239, SG No. 60/2015, effective 7.08.2015) A natural person listed in the forester practice register may be de-listed in any of the following cases: A natural person listed in the forester practice register may be de-listed in any of the following cases:

1. by said person's request;
2. upon said person's death;
3. upon said person being placed in distraint;
4. where the person in question is effectively sentenced for a criminal offense committed in the course of performance of the same activity for which said person is listed;
5. (amended, SG No. 60/2015, effective 7.08.2015) in case where, during the 12 months preceding the decision to de-list the person in question, he/she has been found, by force of three or more administrative acts issued by a competent authority, in breach of this Act or the secondary legislation regarding its implementation, committed while performing the activity for which said person was listed;
6. (supplemented, SG No. 60/2015, effective 7.08.2015) in case where said person has issued a permit for operation in wooded areas in breach of this Act or the secondary legislation regarding its implementation, as established by an act that has entered into force and that has been issued by a competent authority;
7. (amended, SG No. 60/2012) in case where a listed person engaging in forester practice is an officer of the Executive Forestry Agency or its structures, in breach of Article 234 (2), (3) and (4);
8. in case where, following entry into the register, one or more of the documents submitted in support of the application are found to be forged or to contain false information;
9. (new, SG No. 60/2015, effective 7.08.2015) in case any of the following violations of this act or of the secondary legislation acts regarding its implementation, committed in the course of performance of the activity for which the said person has been registered, are found by virtue of an act that has entered into force and that has been issued by a competent authority:
 - a) an inventory book of tickets is drafted but the plantation is not marked for the specific type of felling;
 - b) marking is made outside of the boundaries of the property earmarked for felling, as denoted on the terrain;
 - c) a false protocol of certification of the logging grounds is drafted;
 - d) after the inventory book of tickets is drawn up and registered into the information system of the Executive Forestry Agency, additional marking of trees for felling has been performed without legal grounds thereof;
 - e) a bill of lading is issued by a temporary warehouse, which is not listed in the registered technological plan for harvesting of timber.

(2) (New, SG No. 60/2015, effective 7.08.2015) In the cases of delisting from the register because of circumstances arising under Paragraph 1, Item 5 - 9, the applications received from the delisted persons shall not be considered for a time period of 1 (one) year after the entry into force of the delisting order. In the case of a second or a higher order delisting from the register,

the applications for entry shall not be considered for a time period of 2 (two) years after the entry into force of the delisting order.

Article 240. (1) (Previous text of Article 240, SG No. 60/2012) The decision to turn down an application for entry into the forester practice register or to withhold a certificate of registration, as well as to de-list a person from the register, must be well grounded and shall be subject to appeal in accordance with the Administrative Procedure Code.

(2) (New, SG No. 60/2012, amended and supplemented, SG No. 60/2015, effective 7.08.2015) In the cases referred to in Article 239, Paragraph 1, Items 5 - 9, the deregistration order by the Executive Director of the Executive Forestry Agency shall be subject to immediate enforcement.

Section III

Registration of Merchant Entities for Business Operation in Wooded Areas

Article 241. (Supplemented, SG No. 28/2014) (1) (Previous text of Article 241, SG No. 60/2015, effective 7.08.2015) Business activities pertinent to the stewardship of wooded areas, timber harvesting, inventorying of wooded areas, the development of plans and programs for management and spatial development of wooded areas, as well as the issuance of the relevant documents, shall be carried out by merchant entities listed in a public register with the Executive Forestry Agency and holding a certificate of registration. Also listed in the register shall be state forest enterprises and game reserves, training and experimental forest farms and specialized territorial units of the Executive Forestry Agency, when they are operating independently in cases as per Article 165 (4) and (5).

(2) (New, SG No. 60/2015, effective 7.08.2015) The registration into the register under Paragraph 1 shall not be obligatory for merchant entities performing activities for development of regional plans for spatial development of the wooded areas.

Article 242. (1) (Supplemented, SG No. 60/2015, effective 7.08.2015) Eligible for being listed in the public register as per Article 241, Paragraph 1 shall be a merchant entity that:

1. is party to an employment contract with at least one person registered for forester practice in pertinence to the business activity that said merchant entity proposes to perform;
2. is not being wound up;
3. has not been declared bankrupt and is not subject to ongoing bankruptcy proceedings;
4. has not been stripped of its license to perform business activity;
5. has no debts to the State established by force of a valid administrative act issued by a competent authority, or debts to social security funds.

(2) A merchant entity shall not be eligible for entry into the public register:

1. that has been found, by force of an act issued by a competent authority, in breach of a bylaw or administrative act of general nature while performing the business activity for which such entity is seeking registration, during the 12-month period preceding the date of submission of the registration application;
2. (supplemented, SG No. 60/2015, effective 7.08.2015) whose manager, or a member of whose management body, has been de-listed from the register on the grounds of Article 239, Paragraph 1, items 4 through 8, during the 24-month period preceding the date of submission of the registration application;
3. (supplemented, SG No. 60/2015, effective 7.08.2015) whose manager, or a member of whose management body, has been manager or member of a management body of a merchant entity de-listed from the register on the grounds of Article 245,

Paragraph 1, item 5, during the 24-month period preceding the date of submission of the registration application.

Article 243. (1) (Supplemented, SG No. 60/2015, effective 7.08.2015) The application for entry into the public register as per Article 241, Paragraph 1 shall be supported by the following documents to be submitted by the applicant merchant entity:

1. a declaration to the effect that the applicant merchant entity is not being wound up, declared bankrupt or subject to ongoing bankruptcy proceedings;
2. a declaration to the effect that its is not stripped of its license to perform business activity;
3. a declaration to the effect that it has no debts to the State established by force of a valid administrative act issued by a competent authority, or debts to social security funds.
4. a declaration to the effect that the applicant merchant entity has not been found, by force of a valid act issued by a competent authority, to be in breach of a bylaw or an administrative act of general nature in the course of performing the business activity for which it is seeking registration, during a 12-month period preceding submission of the registration application;
5. a declaration regarding the circumstances as per Article 242 (2), items 2 and 3;
6. a copy of the employment contract, registered with the National Revenue Agency, with the person listed as a practicing forester in pertinence to the business activity that the applicant merchant entity is proposing to perform;
7. a notarized declaration submitted by the person as per item 6 above, giving said person's consent to its registration certificate being used by the merchant entity for purposes of registration;
8. (supplemented, SG No. 17/2018, effective 23.02.2018) a document certifying payment of the fee due for consideration of the application, where the payment has not been executed by electronic means.

(2) Where a merchant entity seeks registration for purposes of development of plans and programs for management and development of wooded areas, the application shall be supported by no less than three employment contracts with natural persons listed in the public register as practicing foresters, developers of terms of reference for forestry plans and programs or officers performing inventory of wooded areas.

(3) The requirements as per (1), items 5 and 7, shall not apply to merchant entities whose management bodies comprise members listed in the register as practicing foresters.

(4) (Supplemented, SG No. 60/2015, effective 7.08.2015) In cases where state forest enterprises or state game reserves are to be entered into the public register as per Article 241, Paragraph 1 the registration application shall be supported by the documents under paragraph 1, items 2 through 8 above.

Article 244. The Executive Forestry Agency shall issue a well-grounded refusal to register a merchant entity in cases where:

1. one or more of the documents required as per Article 243 paragraphs (1), (2) or (4) has not been submitted;
2. the applicant does not satisfy the eligibility criteria for registration;
3. it has been established, by a valid act issued by a competent authority, that one or more of the documents submitted by the applicant is forged or contains false information;
4. (supplemented, SG No. 60/2015, effective 7.08.2015) the merchant entity has been struck off the register on grounds as per Article 245, Paragraph 1, item 5, and the term of the administrative coercive measure imposed upon said merchant entity has not expired between the date of its de-listing and the date of submission of the application.

Article 245. (1) (Previous text of Article 245, supplemented, SG No. 60/2015, effective 7.08.2015) An entity listed in the register as per Article 241, Paragraph 1 may be de-listed in any of the following cases:

1. at its own request;
2. in the event of death of the relevant natural person or of his/her being placed in distraint;
3. in the event of the legal entity, the state forest enterprise or the state game reserve being wound up;
4. in case where, as a result of a change in circumstances, it no longer satisfies the eligibility criteria as per Article 242;
5. (amended, SG No. 60/2015, effective 7.08.2015) if by force of 3 or more administrative acts issued by a competent authority within the 12-month period preceding the decision to de-list said entity, said entity has been found in breach of a bylaw or an administrative act of a general nature committed in the course of performing the activity for which it is registered;
6. in cases where, by force of a court order or an administrative procedure, said entity has been banned from performing business activity in accordance with its registration certificate, for the duration of such ban;
7. (new, SG No. 28/2014) in case of de-registration of the single trader;
8. (new, SG No. 60/2015, effective 7.08.2015) if any of the following violations of this act or of the secondary legislation acts on its implementation, committed in the course of performing the activities under Article 241 (1), is established by an act that has entered into force and that has been issued by a competent authority:
 - a) felling of trees outside of the boundaries of the property, for which the felling permits has been issued;
 - b) off-hauling of timber from the logging grounds in violation of the requirements of the registered technological plan for harvesting of timber.

(2) (New, SG No. 60/2015, effective 7.08.2015) For a period of one year after the entry into force of the delisting order, applications for registration into the register of persons delisted because of circumstances arising under Paragraph 1, Items 5 and 8 shall not be considered. In the case of a second or a higher order delisting from the register, the applications for entry shall not be considered for a time period of 2 (two) years after the entry into force of the delisting order.

Article 246. (1) (Previous text of Article 246, SG No. 60/2012, supplemented, SG No. 60/2015, effective 7.08.2015) The decision to turn down an application for entry into the register as per Article 241, Paragraph 1 or to withhold a certificate of registration, as well as to de-list an entity from the register, must be well grounded and shall be subject to appeal in accordance with the Administrative Procedure Code.

(2) (New, SG No. 60/2012, amended, SG No. 60/2015, effective 7.08.2015) In the cases referred to in Article 245, Paragraph 1, Items 5, 6 and 8, the deregistration order by the Executive Director of the Executive Forestry Agency shall be subject to immediate enforcement.

Article 247. (Supplemented, SG No. 60/2015, effective 7.08.2015) Merchant entities listed in the register as per Article 241, Paragraph 1 shall notify the Executive Forestry Agency of any changes in the circumstances entered in accordance with Article 242 within 14 days from the emergence of such changes. Failure to comply with the above obligation shall result in the merchant entity being de-listed.

Chapter Seventeen

PUBLIC ECOSYSTEMIC BENEFITS DERIVED FROM WOODED AREAS

Article 248. (1) The public ecosystemic benefits of wooded areas shall be defined as the results of specialized activities pertinent to their management.

(2) The public ecosystemic benefits of wooded areas shall be the following:

1. protection against soil erosion as a result of avalanches and flash floods;
2. ensuring the proper quantity and quality of water;
3. maintenance of biological diversity;
4. screening and absorption of noise and pollutants and maintenance of a microclimate;
5. providing conditions for recreation and tourism;
6. maintenance of a traditional landscape;
7. protection of the cultural and natural heritage;
8. protection of infrastructural sites and facilities;
9. slowing down and mitigation of the impact of climate change.

Article 249. (1) Public ecosystemic benefits as per Article 248 (2), where conducive to economic activity, shall be paid for.

(2) The regional plans for development of wooded areas shall determine:

1. specific wooded areas and the zones adjacent thereto where the use of public ecosystems shall be against payment.
2. the types of economic activity for which a fee shall be due for public ecosystemic benefits.

(3) Entities performing economic activities as per (1) in wooded areas and zones defined as per the relevant regional plan for development of wooded areas shall pay the municipality within whose jurisdiction such activity takes place compensation for the corresponding public ecosystemic benefits.

(4) On an annual basis, not later than April 30th, the municipality shall distribute the proceeds from such compensations among the owners of wooded areas, the relevant state forest enterprises and state game reserves.

(5) Eligible for distribution of proceeds as per (4) above shall be owners of wooded areas, as well as state forest enterprises and state game reserves:

1. whose wooded areas lie within the jurisdiction of the relevant municipality and which have duly endorsed forestry plans and programs;
2. whose wooded areas are included in the territories and zones as per (2), item 1 above;
3. (repealed, SG No. 60/2015, effective 7.08.2015).

(6) The funds raised by the municipality in accordance with (3) above may only be expended on compensations for forest owners, state forest enterprises and state game reserves in accordance with this Chapter.

(7) In cases where funds as per (3) above remain undistributed, such funds shall be expended by decision of the municipal council on the implementation projects relevant to forests and/or environmental protection.

(8) The method of determining the compensation as per (3) above, the terms and procedure for making it payable and for distribution of funds raised by the municipality shall be determined by an ordinance of the Council of Ministers.

Article 250. Entities to whose wooded areas have been assigned to be managed by them, whether on lease or concession, shall pay no compensation for public ecosystemic benefits for the relevant territory.

Article 251. Every year, not later than May 31st, the municipalities shall report to the relevant regional forestry directorate about the funds raised and spent from compensations for public ecosystemic benefits.

Chapter Eighteen

ADMINISTRATIVE PENALTY PROCEDURES

Section I

Coercive Administrative Measures

Article 252. For purposes of prevention and elimination of administrative infringements as per this Act and of the detrimental impact thereof, the competent authorities or their designated officers shall, by issuing an order, apply coercive administrative measures in accordance with the terms and procedure as per Article 254.

Article 253. (1) (Amended, SG No. 58/2017, effective 18.07.2017, supplemented, SG No. 77/2018, effective 1.01.2019) The Minister of Agriculture, Food and Forestry or an official from the Ministry empowered thereby shall stop:

1. orders or instructions issued by central authorities or regional governors in breach of this Act;
2. the implementation of plans adopted in breach of this Act.

(2) The Executive Director of the Executive Forestry Agency shall have the authority to overrule/suspend:

1. orders or instructions issued by regional forestry directorates or the state enterprises as per Article 163, in breach of this Act;
2. the implementation of programs adopted in breach of this Act.

(3) The directors of regional forestry directorates shall have the authority to:

1. suspend activities in wooded areas for which there is no provision in the relevant forestry plans or programs or undertaken in the absence of such plans or programs;

2. suspend construction in wooded areas:

a) where carried out without a development plan adopted in accordance with the relevant procedure or in breach of such development plan;

b) of sites and facilities designed to combat erosion and flash floods carried out in the absence of technical blueprints for combating erosion or flash floods, or where construction is taking place in breach of forestry activities provided for by such technical blueprints;

c) where the purpose of the area has not been changed in cases defined by, and in accordance with a procedure as per, this act ;

3. suspend activities in wooded areas performed in breach of this Act, the Hunting and Game Protection Act, the Protected Areas Act, the Fisheries and Aquaculture Act, the Medicinal Plants Act, the Biological Diversity Act, the Agricultural Property Protection Act and the relevant bylaws governing the implementation of these;

4. suspend activities or close down sites and facilities that damage or pollute wooded areas;

5. suspend the operation of sites and facilities that take delivery of, process or ship logs, processed timber or processed firewood, where these have been found in breach of this Act or of the bylaws governing its implementation.

(4) The directors of state forest enterprises and state game reserves, as well as mayors of municipalities that own forests, shall suspend activities and construction in wooded areas in their ownership or in such as have been assigned to be managed by

them, where these have been found in breach of this Act or of the bylaws governing its implementation.

(5) The orders whereby coercive administrative measures as per paragraphs 1 through 4 above are imposed shall also prescribe action for prevention and elimination of the harmful impact of the breaches committed.

Article 254. (1) Such coercive administrative measures shall apply for the duration until the breach is rectified, and in cases as per Article 253 (3), item 5, for a term of up to 6 months.

(2) The orders whereby coercive administrative measures are imposed shall be put into effect immediately.

(3) Any and all coercive administrative measures imposed shall be subject to appeal in accordance with the Administrative Procedure Code.

Section II

Administrative Infringements and Sanctions

Article 255. Any person or entity shall be under obligation to cure the damages caused through action or omission to other entities as a result of breach of this Act or the bylaws governing its implementation.

Article 256. (1) Unless the punishable act constitutes a criminal offense, a natural person who has prevented officers as per this Act or the bylaws governing its implementation from discharging their duties of office shall be penalized with a fine of BGN 50 to 300;

(2) The penalty as per (1) above shall also be imposed upon owners and users of wooded areas who have prevented the implementation of the necessary actions pertinent to taking an inventory of wooded areas, or fail to supply the necessary data for such inventory to be taken.

(3) In cases where a breach as per (1) and (2) above has been committed by a legal entity or a single trader, a pecuniary sanction with a value of BGN 100 to 500 shall be imposed.

Article 257. (1) Unless a heavier penalty is provided for, a fine of BGN 300 to 5,000 shall be imposed upon an officer or person engaged in forester practice, who:

1. has failed to discharge, or has not discharged in due course, his/her duties or the control powers vested in him/her under this Act, the bylaws governing its implementation, or any decisions or instructions based thereupon;

2. has endorsed, approved or issued a document in breach of this Act, the bylaws governing its implementation, or of approved forestry plans or programs;

3. has failed to undertake in due course measures to prevent or suspend illegal activities in wooded areas or to eliminate the impact of infringements;

4. has posed conditions or required supporting documents not provided for under this Act or the bylaws governing its implementation, or by another statutory act, for endorsement, approval or issuance of a document;

5. has failed to rule, within the statutory time limit, on an application for endorsement, approval or issue of documents, or to conduct an inspection or to provide a requested service;

6. has ordered, endorsed or allowed construction in wooded areas in breach of this Act or of the bylaws governing its implementation, incl. the statutory requirements set forth by the ordinance as per Article 152(2);

7. has endorsed or allowed persons or entities not properly licensed for the purpose to perform business activities in wooded areas.

(2) Unless a heavier penalty is provided for, a fine of BGN 1,000 to 5,000 shall be imposed upon any person engaged in forester practice who has issued a permit for the performance of business activity in wooded areas breach of this Act, the bylaws governing its implementation. Said fine shall be imposed independently of said person's being de-listed from the register as per Article 235.

Article 258. Unless a heavier penalty is provided for, a fine of BGN 100 to 300 shall be imposed upon any person who performs business activities in wooded areas without being properly licensed to do so.

Article 259. Unless a heavier penalty is provided for, a fine of BGN 500 to 5,000 shall be imposed upon any person who has performed an appraisal of wooded areas in breach of the provisions of the ordinance as per Article 86 (2).

Article 260. Unless a heavier penalty is provided for, a fine of BGN 300 to 1,000 shall be imposed upon any person who is a practicing forester without being listed in the register as per Article 235, as well as to any person who is listed in said register but performs business activities not specified in his/her registration certificate.

Article 261. (1) Unless a heavier penalty is provided for, a fine of BGN 50 to 500 shall be imposed upon any natural person who:

1. has failed to obey an order issued by a competent authority within its powers given by law;
2. has failed to grant access, or to present the requisite documents or data to the competent authorities.

(2) Unless a heavier penalty is provided for, a fine of BGN 200 to 1,000 shall be imposed upon any natural person who has failed to carry out restorative works and cure, at his/her own cost, any damages caused to another entity's landed property within a wooded area.

Article 262. (1) (Supplemented, SG No. 60/2015, effective 7.08.2015) Unless a heavier penalty is provided for, a fine of BGN 200 to 2,000 shall be imposed upon any legal entity, single trader or merchant entity listed in the register as per Article 241, Paragraph 1, which:

1. (supplemented, SG No. 60/2015, effective 7.08.2015) performs an activity in wooded areas without being listed in the register as per Article 241, Paragraph 1; or
2. (supplemented, SG No. 60/2015, effective 7.08.2015) is listed in the register as per Article 241, Paragraph 1, but performs an activity that is not specified in its registration certificate; or
3. has failed to obey an order issued by a control authority within its competences under this Act;
4. has failed to grant access, or to present the requisite documents or data to the competent authorities;
5. has allowed the performance by unlicensed third parties, on its behalf, of activities in wooded areas.

(2) (Supplemented, SG No. 60/2015, effective 7.08.2015) Unless a heavier penalty is provided for, a fine of BGN 500 to 5000 shall be imposed upon any legal entity, single trader or merchant entity listed in the register as per Article 241, Paragraph 1 who has failed to carry out restorative works and cure, at its own cost, any damages caused to another entity's landed property within a wooded area.

Article 263. (1) Unless the punishable act constitutes a criminal offence, a fine of BGN 200 to 2,000 shall be imposed upon natural persons who have performed, or caused to be performed, any of the following actions:

1. damages to, or destruction of, forest roads, road facilities and accessories;
2. use of forest roads in breach of the ordinance as per Article 148 (11);
3. disposal of construction debris and building materials causing pollution of wooded areas;
4. removal of the humus layer and/or dead matter from the forest floor.

(2) In addition to the fine imposed, for an offense as per (1) above the offender shall have his/her permit or certificate of access to the relevant wooded area revoked, and shall be given a time limit to eliminate any effects of his/her offense.

(3) Failure to fulfill the obligation as per (2) above shall result in the effects of the offense being eliminated by the road owner at the offender's cost. To secure its receivables from the offender the owner may request the issuance of an immediate enforcement order in accordance with the procedure as per Article 417 of the Civil Procedure Code, based upon an abstract from its account books.

(4) a new permit or certificate of access to said wooded area may only be issued subject to fulfillment of the obligations as per (2) and (3) above.

Article 264. (1) Natural persons who own or use landed properties bordering on wooded areas who hinder or prevent repair or reconstruction works on forest roads or restrict access to such roads shall be liable to a fine of BGN 100 to 1,000.

(2) Where the offender as per (1) above is a legal entity or a single trader, a pecuniary sanction with a value of BGN 200 to 2,000 shall be imposed.

(3) Also liable to penalties as per (1) and (2) above shall be persons or entities that, in breach of this Act and of the bylaws governing its implementation, have hindered or restricted access to wooded areas and the free movement of people, wild animals and waters. In cases where access to wooded areas is restricted by means of erected fences, barriers or other installations, these shall be removed at the cost of the person that erected them.

Article 265. (1) A natural person who has changed, in breach of the established procedure, the purpose of wooded areas or their de facto usage shall be liable to a fine of BGN 1,000 to 5,000.

(2) Where the offender as per (1) above is a legal entity or a single trader, a pecuniary sanction with a value of BGN 3,000 to 15,000 shall be imposed.

(3) Also liable to penalties as per (1) and (2) above shall be persons or entities building sites and facilities as per Article 54 (1) or performing activities as per Article 73 (1) in wooded areas, without a building permit, resp. without a change of purpose of the area in accordance with the established procedure.

Article 266. (1) Unless a heavier penalty is provided for, a fine of BGN 50 to 3,000 shall be imposed upon any natural person who, in breach of this Act and the bylaws governing its implementation, cuts, removes from the logging ground, loads, transports, unloads, acquires, processed or otherwise disposes of timber or non-timber forest products.

(2) Where the offender as per (1) above is a legal entity or a single trader, a pecuniary sanction with a value of BGN 100 to 5,000 shall be imposed.

Article 267. (1) A person or entity who fails to notify in due course the competent authority as per this Act of theft or loss of a control forest stamp or a control production stamp shall be liable to a fine of BGN 50 to 500.

(2) Where the offender as per (1) above is a legal entity or a single trader, a pecuniary sanction with a value of BGN 200 to 1,000 shall be imposed.

Article 268. (1) Unless the punishable act constitutes a criminal offense, liable to a fine of BGN 1,000 to 10,000 shall be any natural person who, in breach of this Act and the bylaws governing its implementation:

1. has surrendered to another party his/her forest control stamp, production control stamp, uniform or insignia;
2. uses another party's, or a false or forged forest control stamp, production control stamp, uniform, insignia or registration certificate;
3. has issued a permit for operation in wooded areas without having the necessary authority to do so.

(2) Where the offender as per (1) above is a legal entity or a single trader, a pecuniary sanction with a value of BGN 1,000 to 10,000 shall be imposed.

Article 269. A fine of BGN 50 to 500 shall be imposed on managers or assignors who have ordered or allowed an administrative violation under this Act and the bylaws governing its implementation in the operation of enterprises, government agencies or organizations.

Article 270. Any other violations of this Act and the bylaws governing its implementation shall be punishable by a fine of BGN 50 to 500, resp. by a pecuniary sanction with a value of BGN 100 to 1,000, unless a heavier penalty is provided for.

Article 271. (1) (Previous text of Article 271, SG No. 60/2012) A violation of Regulation 2173/2005 (EC) shall be punishable by a fine of BGN 500 to 5,000, resp. by a pecuniary sanction with a value of BGN 1,000 to 10,000, unless a heavier penalty is provided for.

(2) (New, SG No. 60/2012) A violation of Regulation (EU) No 995/2010 shall be punishable by a fine of BGN 50 to 3,000, or a pecuniary sanction amounting to BGN 100 to 5,000, unless a severer penalty is provided for.

Article 272. An offense as per Arts. 256 - 271 by a person or entity committed within one year from the entry into force of a writ of penalty for another similar offense by the same person or entity shall be punishable by a fine or pecuniary sanction that is three times the original one.

Article 272a. (New, SG No. 60/2015, effective 7.08.2015) If the person or entity pays the fine or pecuniary sanction imposed within a 30-day time limit from the issuing of the writ of penalty, the person or entity shall owe 70 percent of the amount of the fine or of the pecuniary sanction respectively.

Article 273. (1) The tools used for commission of an offense as well as the goods and chattel that are subject to such offense shall be forfeited irrespective of whose property they are, unless it is established that such tools, goods and chattel have been used against the will of their rightful owner.

(2) (New, SG No. 60/2012) The Executive Director of the Executive Forestry Agency shall, by an order, provide the timber and non-timber forest products harvested from wooded areas in state ownership which have been the object of a violation and seized, to:

1. the relevant state enterprise under Article 163: in the case of the timber and non-timber forest products from wooded areas in state ownership the management whereof has been vested in it;
2. the relevant training and experimental forest enterprise: in the case of the timber and non-timber forest products from wooded areas in state ownership the management whereof has been vested in it.

(3) (Renumbered from Paragraph 2, supplemented, SG No. 60/2012) Seized goods and chattels, except for those under Paragraph (2), shall be put up for sale by the Executive Director of the Executive Forestry Agency or by his/her designated representative in accordance with the State Property Act. Disposal of such goods and chattels shall not be subject to the provisions of the Tax and Insurance

Procedure Code or the National Revenue Agency Act.

(4) (Renumbered from Paragraph 3, amended, SG No. 60/2012) The timber and non-timber forest products that are subject to the offence, as well as the animals used in committing the offence, seized and detained by virtue of the relevant writ of penalty or by a written statement of findings, may be sold in accordance with the procedure provided for by Paragraph (3) above prior to the conclusion of the relevant administrative proceedings.

(5) (Renumbered from Paragraph 4, supplemented, SG No. 60/2012) Seized goods and chattels, except for those under Paragraph (2), can be provided free of charge by the Executive Director of the Executive Forestry Agency to its structures, to state forest enterprises, state game reserves and educational and experimental forest farms, and when these have been seized by virtue of a writ of penalty issued by the mayor of a municipality, they may be provided free of charge to the relevant municipality.

(6) (Renumbered from Paragraph 5 - SG No. 60/2012) Forfeited goods and chattels that are unfit for use shall be destroyed by the regional forestry directorates.

(7) (Renumbered from Paragraph 6, amended, SG No. 60/2012) Proceeds from the sale of goods and chattels under Paragraph (4) above shall, subject to deduction of any and all costs pertinent to their seizure and sale, be remitted to the bank account of the relevant regional forestry directorate:

1. until closure of the administrative case file by a valid act issued by a competent authority;
2. upon expiry of one year from the date of establishment of the administrative offense, in cases where the offender has not been identified by then.

(8) (Renumbered from Paragraph 7, amended, SG No. 60/2012) No interest shall be due for the period in which the proceeds under Paragraph (7) are deposited in the bank account of the relevant regional forestry directorate.

(9) (New, SG No. 60/2012) Proceeds from the sale of goods and chattels under Paragraph (2) above shall, subject to deduction of any and all costs pertaining to their seizure and sale, be remitted to the bank account of:

1. the relevant state enterprise under Article 163: in the case of timber and non-timber forest products from wooded areas in state ownership the management whereof has been vested in it;
2. the relevant training and experimental forest enterprise: in the case of timber and non-timber forest products from wooded areas in state ownership the management whereof has been vested in it.

(10) (Renumbered from Paragraph 8 - SG No. 60/2012) Forfeited and seized weapons, ammunition and explosives shall be handed over within 24 hours from seizure thereof to the relevant police precincts.

(11) (New, SG No. 28/2014) Timber and timber products, confiscated in favour of the state for breach of Regulation (EU) No 995/2010, shall be made available to the Executive Forestry Agency for use for purposes of public interest within the meaning of § 1, item 22 of the supplementary provisions of the Activities Related to Provision of Services Act.

Article 274. (1) A breach of this Act or the bylaws governing its implementation shall be established by an act of:

1. officers of the Executive Forestry Agency or its structures occupying positions for which a degree in forest engineering or a forest technician's diploma is required, as well as those designated by an order of the Executive Director of the Executive Forestry Agency;
2. (amended, SG No. 60/2012, supplemented, SG No. 60/2015, effective 7.08.2015) officers of the state forest enterprise under Article 163, state forest enterprises, state game reserves or educational and experimental forest farms occupying positions for which a degree is required;
3. (supplemented, SG No. 60/2015, effective 7.08.2015) mayors of mayoralities, mayoral delegates and persons occupying positions in the municipal administrations or municipal forest structures for which a degree in forest engineering or a forest technician's diploma is required, for the wooded areas within the jurisdiction of the relevant municipality;

4. persons listed in the forester practice register as per Article 235, for wooded areas in respect of which they are parties to a contract for forestry activities and satisfy the conditions as per Article 37 of the Administrative Violations and Penalties Act;

5. (amended, SG No. 58/2017, effective 18.07.2017) civil servants of the Ministry of Agriculture, Food and Forestry duly authorized by the Minister;

6. civil servants of the Ministry of the Interior duly authorized by the Minister.

(2) (New, SG No. 60/2012) The persons under Paragraph (1), Item 2 shall have the right to:

1. pull over, using a traffic paddle signal, and inspect road vehicles transporting timber and non-timber forest products within the territory of the relevant state enterprise, and inspect all documents related to the road vehicle and the transportation being performed;

2. (amended, SG No. 58/2017, effective 18.07.2017) use motor vehicles with a special status of movement determined by the Minister of Agriculture, Food and Forestry upon a proposal by the director of the relevant state enterprise.

(3) (Renumbered from Paragraph 2, SG No. 60/2012) The persons as per (1), items 3 and 4, shall have the authority to check any permits for logging, pasturing and other forest uses.

Article 275. (1) Writs of penalty in accordance with this Act and the bylaws governing its implementation may be issued by:

1. mayors of municipalities, for violations established by persons as per Article 274 (1), item 3;

2. (amended, SG No. 58/2017, effective 18.07.2017) officers of the regional forestry directorates authorized by the Minister of Agriculture, Food and Forestry, in all other cases;

3. officers of the regional forestry directorates authorized by the Minister of the Interior, for violations established by persons as per Article 274 (1), item 6.

(2) (Amended, SG No. 60/2012) All fines, pecuniary sanctions and proceeds from the sale of seized goods and chattels, or the cash equivalent of missing goods and chattels which are the subject and/or tool of the offence, except for the amounts whereto Article 273(9) applies, shall be remitted into the budget of the Executive Forestry Agency, and where the relevant writ of penalty was issued by a mayor of a municipality, into the budget of the relevant municipality.

(3) (Repealed, SG No. 38/2012, effective 1.07.2012).

(4) The amount of compensation for harm/damage caused to wooded areas, for facilities built within such wooded areas and to forest roads built within them shall be determined by an ordinance of the Council of Ministers.

(5) (Repealed, SG No. 60/2012).

Article 276. A violation of Regulation 2173/2005 (EC) must be established by an act of an officer of the Customs Agency.

Article 277. The writing up of the above acts, and the issuance, appeal and execution of writs of penalty shall take place in accordance with the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISION

§ 1. For the purposes of this Act:

1. "Abiotic" shall denote any impacts, factors and damages caused by inanimate natural elements: wind, snow, temperature extremes, fires etc.
2. "Architectural elements in service of tourism and recreation" shall denote the non-commercial publicly accessible infrastructure in service of tourism and recreation, such as: rest stops, gazebos, shelters, benches, tables, information boards, drinking fountains, picket fences, barbecue grills, wooden bridges, eco-trails, which do not constitute construction projects in the sense as per the Spatial Development Act.
3. "Biomass" shall denote any biologically degradable products or parts thereof, waste and residue of biological origin from wooded areas and related industries.
4. "Biotic" shall denote factors and impacts caused by the elements of living nature: flora, fauna and micota;
5. "Degree in forest engineering" shall denote an academic degree in higher education with an area of specialization in the professional domain of "forestry", leading to the professional qualification of "forestry engineer" or "master of forest engineering" or "master in engineering" with a major in "forestry", "forest engineering", "forest use", "forest zoning", "hunting", "selection, seed production and forest cultures", "forest protection", "forest stewardship", "hunting and fisheries", "forest use and forestry economics", in accordance with the provisions of the Higher Education Act.
6. "Temporary storage facility" shall denote a plot of land identified by the logging and log removal plan as suitable for storage of the timber harvested from a logging site prior to transportation.
7. "Regenerative felling" shall denote felling where the renewal of forest plantations is ensured following the felling of trees.
8. "Geographic culture of forest tree and shrub species" shall denote an artificially created plantation following a certain planting scheme using saplings of different geographic origin of the same tree species.
9. "Clear felling" shall denote felling where all trees of a mature plantation within a certain area are felled within a period of time not longer than one year.
10. "Glade" shall denote a tract of bare land within a forest marked for afforestation.
11. "Forest ecosystem" shall denote the entire range of organisms of the forest flora, fauna and micota, together with the related inanimate matter, which interact among themselves within certain spatial boundaries;
12. "Forest seed-production base" shall denote all approved and registered sources for production of forest reproductive materials.
13. "Forest roads navigable by motor vehicle" shall denote permanent forest roads with an asphalt or concrete surface, another type of treated or gravel surface.
14. "Forest cultures" shall denote artificially created forests.
15. "Forest roads" shall denote any temporary or permanent facilities necessary for stewardship, protection and conservation of wooded areas, for harvesting of timber and non-timber forest products, for game stewardship and use.
16. "Nursery" shall denote a tract of land where saplings of forest tree and shrub species are produced.
17. "Forest reproductive materials" shall denote reproduction units, parts of plants and planting material, from forest species intended for reproduction or afforestation.
18. "Wooded areas of high conservation significance" shall denote wooded areas of critical importance for the conservation and maintenance of biological diversity, the ecological and social functions of forests.
19. "Forestry activities" shall denote activities pertinent to the stewardship, protection and conservation of wooded areas and the harvesting of timber, as well as to the development of forestry plans and programs.
20. "Arboreum" shall denote a collection of live trees and shrubs on a defined territory, organized by systemic, geographic or

other principle.

21. "Timber harvesting" shall denote the felling and removal of felled timber to a temporary storage facility.

22. "Eroded wooded areas" shall denote tracts of forest land in the surface of which processes of disruption, carrying over and depositing of earth matter by water streams and wind are observed.

23. "Shelter" shall denote any temporary structure in a wooded area that has no designated rooms for permanent or temporary accommodation.

24. "Protective forest belts" shall denote linear forest cultures created for the protection of soils, engineering facilities and urban areas and for improving the microclimate.

25. "Zone protected from urbanization" shall denote a part of a wooded area where any construction is forbidden with the exception of elements of technical infrastructure and hydro-technical facilities, as well as facilities pertinent to the management of wooded areas.

26. "Inventorying of wooded areas" shall denote actions aimed at establishing the surface area, the quantitative and qualitative characteristics of wooded areas in accordance with specific forestry indicators, by way of visual inspection and measurement.

27. "Export" shall denote the movement of goods from a European Union member state to a third country.

28. "Calamities" shall denote mass invasions of pests causing major damage to forest plantations.

29. "Clone" shall denote a group of individual organisms (copies) originally made from a single individual organism (mother) by way of vegetative reproduction.

30. "Clone collection" shall denote a forest culture created from individual clones in a certain proportion.

31. "Forest-to-land ratio" shall denote the percentage ratio between the wooded area of any given territory to its total surface area.

32. "Forestry education" leading to a master's academic degree shall denote higher education leading to the professional qualification of "master of forest engineering" in the specialization areas of "forestry" "forest engineering", "forest use", "forest zoning", "hunting", "selection, seed production and forest cultures", "forest protection", "forest stewardship", "hunting and fisheries", "forest use and forestry economics", or a professional qualification of "forest engineer" awarded in accordance with the Higher Education Act.

33. (Amended, SG No. 79/2015, effective 1.08.2016) "Forestry education" shall denote secondary or higher education in an area of specialization in the professional domain of "forestry" leading to the qualification of "forestry technician" or "technician-technologist", or the profession of "forestry technician" or "mechanization technician", or professional qualification of "forestry engineer" or "master of forest engineering" or "master of engineering" the specialization areas of "forestry" "forest engineering", "forest use", "forest zoning", "hunting", "selection, seed production and forest cultures", "forest protection", "forest stewardship", "hunting and fisheries", "forest use and forestry economics" awarded in accordance with the Pre-school and School Education Act, the Vocational Education and Training Act and the Higher Education Act.

34. "Logistics" shall denote the provision of assistance in the decision making process, based on objective, accurate, truthful and timely information, by means of gathering, storage, processing, analysis and dissemination of such information.

35. "Micota" shall denote multi-cellular organisms of the kingdom of fungi.

36. "Dead matter from the forest floor" is the supra-soil organic layer made up of tree debris and other plant waste.

37. "Non-timber lands" shall denote the following: forest clearings, meadows, cornfields, eroded soils, forest roads, rides, rocks, moraines, rock debris, screes, sands, quarries and pit dumps, built-up plots in wooded areas, yards, tree nurseries, etc.

38. "Unprocessed timber" shall denote felled and trimmed trees with the apex cut off, with or without bark,
39. "Newly created forest cultures" shall denote forest cultures aged 1-3 years, or 1-5 years, when created in the high-mountain zone at an altitude of 1,600 meters and above.
40. "Nighttime grazing" shall denote grazing between 11:00 p.m. and 04:00 a.m.
41. "Experimental culture of forest tree and shrub species" shall denote an artificial plantation created to test species, branches, origins, varieties, forms, etc., for the purpose of examining and establishing certain forestry indicators.
42. "Fire hazard season" shall denote such a period of time when forest plantations are characterized by a high fire hazard depending on weather conditions and the risk of a fire occurring.
43. "Flash-flood wooded areas" shall denote woodlands located within the zone of flash-flood water streams and catchment areas.
44. "Road vehicle" shall denote any device designed to move on wheels or otherwise, used for conveyance of passengers and/or freight, including any and all such devices using for propulsion internal combustion engines, electric motors or draft animals.
45. "Reproductive materials" shall denote seeds, parts of plants (grafts, pipings, tissues, offsprings, etc.), pollen, saplings of forest tree and shrub species.
46. "Seed-producing garden" shall denote a forest culture created from selected branches or seed-giving saplings from offspring of families that is isolated or maintained in such a way as to avoid or reduce pollination by undesirable specimens, or to attain multiple, rich, and easy-to-gather seed harvests.
47. "Seed-producing plantation" shall denote an approved natural plantation or forest culture intended for the production of forest reproductive materials, selected by phenotypic features at the level of population, which is located within a certain area of origin.
48. "Felling with no material yield" shall denote the removal of left-over, damaged, bothersome or otherwise unwanted trees and shrubs for the purpose of improving the state and condition of young plantations up to an age from which they cannot be used for feasible timber harvesting.
49. (Amended, SG No. 60/2012, SG No. 79/2015, effective 1.08.2016) "Secondary forester education course" shall mean a course in secondary education in the vocational area of Forestry leading to the qualification level of "forestry technician" or "technician and technologist", or to the profession of "forestry technician" or "mechanisation technician", or an equivalent educational and qualification level in accordance with the requirements of the Pre-school and School Education Act, the Vocational Education and Training Act.
50. (New, SG No. 60/2012) "Plantation" shall mean an artificial plantation created to produce timber and forest products.
51. (New, SG No. 60/2012) "Special timber" shall mean unprocessed logs used to produce specific product ranges of a specific quality and/or size.
52. (New, SG No. 60/2012) "Household" shall mean two or more persons living together in a detached housing unit or a part thereof, which is registered as their permanent or current address, and having a common budget, regardless of their kinship. "Household" shall also mean a single person living in a detached home, or in a room or part of a room in a home, who has an independent budget spent on food and on meeting other needs.
53. (New, SG No. 60/2012) "Draft plan" shall mean a plan produced in accordance with the procedure provided for by the ordinances issued pursuant to Article 31 and § 4 (1), Item 3 of the Cadastre and Property Register Act, in relation to the commissioning of zoning plans in accordance with the procedure provided for by the Spatial Development Act, and to the issuance of administrative acts under this Act.
54. (New, SG No. 60/2015, effective 7.08.2015) "Coppices" shall mean the acacia, yoke elm, mann-ash and flowering ash forests for offshoot regeneration.
55. (New, SG No. 60/2015, effective 7.08.2015) "Nighttime part of the day" shall mean:

- a) from 18:30 p.m. to 06:30 a.m. – for the months of November, December and January;
- b) from 20:30 p.m. to 06:00 a.m. – for the months of February, March and April;
- c) from 22:00 p.m. to 05:00 a.m. – for the months of May, June and July;
- d) from 21:00 p.m. to 06:00 a.m. – for the months of August, September and October.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. This Act repeals the Forestry Act (promulgated, SG No. 125/1997; Amended No.No. 79 and 133/1998, No. 26/1999, No.No. 29 and 78/2000, No.No. 77, 79 and 99/2002, No.No. 16 and 107/2003, No.No. 72 and 105/2005, No.No. 29, 30, 34, 36, 80, 82 and 102/2006, No.No. 13, 24, 53 and 64/2007, No.No. 43, 54, 63, 69, 70 and 91/2008, No.No. 6, 12, 19, 32, 74, 80, 94 and 103/2009 and No.No. 73, 87 and 88/2010).

§ 3. (Effective as of 08.03.2011 - SG No. 19/2011) (1) Landed properties within wooded areas acquired from the State by natural persons, legal entities or municipalities as a result of land swaps effected prior to the date of promulgation of this Act in State Gazette shall not be subject to change of purpose in accordance with the provisions hereof, and no construction work can be carried out on them.

(2) The restriction as per (1) above shall also apply in the event of change of ownership of such landed properties, where said wooded area is acquired by the State.

(3) The restriction as per (1) above shall not apply in case where the change of purpose is made for building a site or facility of national significance or a municipal site or facility of prime significance in the sense as per the State Property Act and the Spatial Development Act, which shall be in public state or municipal ownership.

(4) (Amended, SG No. 58/2017, effective 18.07.2017) Within one month from the date of promulgation of this Act, the Ministry of Agriculture, Food and Forestry shall cause a list of the properties as per (1) above to be promulgated in State Gazette.

(5) Within 14 days from the promulgation of the list as per (4) above, the Geodesy, Cartography and Cadastre Agency, the municipal agriculture services and the Registration Agency shall cause the restrictions as per (1) to be reflected in the cadastral maps, resp., the restituted property map, and in the property register.

§ 4. (1) (Amended, SG No. 58/2017, effective 18.07.2017) Within one month from the entry into force of this Act, the Minister of Agriculture, Food and Forestry shall issue an order to appoint the regional commissions to prepare lists of landed properties within wooded areas having the characteristic features of forest, in the sense as per Article 2 (1), item 1, which towards the date of entry into force of this Act had not been entered as such in the cadastral map or the restituted property map.

(2) The commissions as per (1) above shall be comprised of a representative of the Regional Agriculture Directorate (Chair of the Commission) and the following members: a representative of the relevant municipality appointed by the mayor thereof, a representative of the relevant municipal agriculture service, a representative of the relevant geodesy, cartography and cadastre service, and a representative of the relevant regional forestry directorate.

(3) The regional commission shall verify in situ, by way of a desk review, or on the basis of the digital ortho-photographic map, the existence of landed properties as per (1) within the territorial area of operation of the relevant state forest enterprise, and shall draw up a protocol of its findings, with a list of such properties attached therewith. Said protocol shall describe the size of the properties in question, the type and origin of the forest and shall be supported by a plan of each property and a taxonomic description.

(4) (Amended, SG No. 58/2017, effective 18.07.2017) The protocol as per (3) above shall be submitted within 6 months from the date of entry into force of this Act to be endorsed by the Minister of Agriculture, Food and Forestry.

(5) (Amended, SG No. 58/2017, effective 18.07.2017) Within 14 days from the date of endorsement of the protocol as per (1) above, the Minister of Agriculture, Food and Forestry shall issue an order whereby said landed properties shall be designated as wooded areas. Said order shall be forwarded to the municipal agriculture service or the relevant geodesy, cartography and cadastre service.

(6) The order as per (5) above shall be handed to the owners of properties as per (1) above, and shall be subject to appeal in accordance with the Administrative Procedure Code.

(7) Following the entry into force of the order as per (5) above, a copy thereof shall be forwarded to the regional forestry directorate and the relevant geodesy, cartography and cadastre service in cases where a cadastral map has been approved for the relevant territory, or to the municipal agriculture service for entry of the landed properties concerned as wooded areas into the relevant cadastral map or restituted property map.

§ 5. (1) Applications for exclusion of territories from the forest estate, for granting user rights or right of way in respect of forests and lands within the state forest estate, as well as applications as per § 123 of the Transitional and Final Provisions of the Law on the Amendment and Supplement of the now repealed Forestry Act (promulgated in State Gazette, No. 16/2003; amended, SG No. No. 29 and 34/2006), submitted prior to the entry into force of this Act, shall be considered in accordance with the currently applicable procedure, whereas the value of properties shall be determined in accordance with the ordinance as per Article 86 (2) hereof, in cases of expiry of the term of validity of a certificate of value issued in accordance with the Ordinance on Determining the Basic Prices, Prices of Excluded Lands, User Rights and Right of Way in Forests and Lands within the Forest Estate (promulgated, SG No. 101/2003; amended, No. 39/2004, No. 6/2005, No. 1/2007, No. 38/2010).

(2) Procedures as per Article 15b of the now repealed Forestry Act launched prior to the entry into force of this act, shall be terminated.

(3) Procedures as per Article 14d (2) of the now repealed Forestry Act shall be completed in accordance with the current procedure in cases where the entity that requested such exclusion:

1. has submitted, or submits within three months from the entry into force of this Act, an application supported with all requisite documents, and

2. said entity has paid the amount due for such transaction within 6 months from the entry into force of the order of sale, property swap or granting a limited real right.

(4) Failure to satisfy the requirements as per (3) above shall result in the extinction of the rights of entities to whom a change of purpose was granted.

(5) (Amended, SG No. 58/2017, effective 18.07.2017) In cases as per (4) above, the Minister of Agriculture, Food and Forestry shall issue an order for the properties in question to be registered as wooded areas; a copy of said order shall be forwarded to the regional forestry directorate and the relevant geodesy, cartography and cadastre service, or to the municipal agriculture service, for entry of said changes into the cadastral map or restituted property map. The Minister shall also file a request in accordance with the procedure as per the Spatial Development Act, for a change to be made in the relevant zoning plan.

(1) Where a detailed zoning plan is developed in respect of landed properties within wooded areas that are subject to sale in accordance with § 123 of the Transitional and Final Provisions of the Law on the Amendment and Supplement of the now repealed Forestry Act (promulgated in State Gazette, No. 16/2003; amended, SG No. No. 29 and 34/2006), the statutory adjacent area subject to such sale shall be determined on the basis of the maximum allowed statutory rates of development density and intensity for individual types of territory and zone.

(7) The provisions of Article 73 (5) and Article 78 (4), item 2, and (7) shall also apply to proceedings conducted in accordance with the now repealed Forestry Act, seeking exclusion or change of purpose in respect of lands and forests within the forest estate, for purposes of construction of sites and facilities of national significance or municipal sites and facilities of prime significance, which have not been completed by the date of entry into force of this Act.

(8) The provision of Article 78 (3), item 2, shall not apply to completed procedures as per the now repealed Forestry Act.

(9) In cases where, towards the date of entry into force of this Act, an application for advance clearance has been granted, or is submitted and pending, for exclusion of areas from the forest estate, the procedure of changing the purpose of such properties shall be completed in accordance with the currently applicable procedure.

§ 6. (1) (Amended, SG No. 28/2014) Wooded areas subsumed within the boundaries of urban areas, whether nuclear or dispersed, defined by an outlying land strip in accordance with § 13 (3) of the Rules on Implementation of the Planned Development of Populated Areas Act (published, Izvestia, No. 76 of 1960, as amended by No 96 of 1960, No 92 of 1962, as amended in State Gazette No 47/1964, No 55 of 1964, No 64 of 1965 and repealed in No 62 of 1973), reflected in large-scale topographic maps or in graphic materials prepared for the creation of the respective cadastral plan prior to June 1st, 1973, or determined by a development or a zoning plan, approved prior to June 1st, 1973, shall be considered to be of changed purpose and not be subject to purpose changing procedures as per this Act.

(2) (New, SG No. 28/2014) The graphic materials under (1) shall be reviewed by a municipal expert board on spatial development and their applicability as certification documents shall be established by decision of the municipal council. Any change of ownership of land properties shall take place under the procedure of the State Ownership Act.

(3) (Renumbered from Paragraph 2, SG No. 28/2014) In respect of wooded areas subsumed within the boundaries of urban areas, whether nuclear or dispersed, whether defined by a detailed zoning plan, a development and a zoning plan, or by an outlying land strip, approved after June 1st, 1973, in respect of which no procedures have been initiated to change their purpose in accordance with the now repealed Forestry Act, a procedure for change of their purpose in accordance with this Act shall be instituted, at the initiative of their owners.

(4) (Renumbered from Paragraph 3, amended, SG No. 28/2014) In cases as per (3) above, where such territories are developed, the price of changing their purpose shall be determined on the basis of data from the latest forest design plan preceding their development.

§ 7. (1) From the date of entry into force of this Act, state forest nurseries created within agricultural lands or urban areas shall become wooded areas.

(2) Within one year from the entry into force of this Act, the director of the regional forestry directorate shall file a request with the relevant municipal agriculture service, as well as with the geodesy, cartography and cadastre service, to have the properties as per (1) above entered as wooded areas into the restituted property map, resp. the cadastral map.

§ 8. Schools of higher learning, research institutes and research stations primarily engaged in forest research and training of forestry personnel shall retain the rights vested in them by law or by an administrative act of the Council of Ministers in respect of wooded areas designated for research or experimental and educational purposes.

§ 9. (1) (Amended, SG No. 58/2017, effective 18.07.2017) Within 7 days from the entry into force of this Act, the Minister of Agriculture, Food and Forestry shall issue orders determining the area of operation of the state enterprises as per Appendix 1 as well as the seats and registered addresses of those.

(2) From the date of entry into the commercial register of the state enterprises as per Appendix 1, they shall be the legal

successor to the state game reserves as per Annex 2, items 1 through 25, of the Hunting and Game Protection Act, with all their assets and liabilities and with their archive, as well as to the state forest enterprises in existence towards the date of entry into force of this Act.

(3) From the date of entry into the commercial register of the state enterprises as per Appendix 1, the state forest enterprises and the state game reserves in existence towards the date of entry into force of this Act shall become territorial affiliates of the relevant state enterprise within whose area of operation they are located.

(4) Where, towards the date of entry into the commercial register as per (3) above, the area of operation of a state forest enterprise or a state game reserve falls within the areas of operation of two or more state enterprises as per Appendix 1, the relevant enterprise or reserve shall become a territorial affiliate of the state enterprise within whose area of operation its seat and registered address is located.

(5) The areas of operation of the territorial affiliates as per (3) and (4) above shall encompass the areas of operation, resp. the territorial scope of operation, of the state forest enterprises and the state game reserves in existence towards the date of entry into force of this Act.

(6) From the date of entry into the commercial register of the state enterprises as per appendix 1, the registration of the relevant state forest enterprises or state game reserves shall be deleted.

(7) (Amended, SG No. 58/2017, effective 18.07.2017) The boundaries of areas of operation of game reserves, where approved by an order of the Minister of Agriculture, Food and Forestry prior to the entry into force of this Act, shall be preserved.

(8) Contracts as per Article 9 (12) and Article 36m of the Hunting and Game Protection Act, as well as contracts whereby the stewardship of game is delegated to state game reserves, concluded by the state forest enterprises and state game reserves as per (2) and (3) above prior to the entry into force of this Act, shall remain in full force and validity.

(9) (Effective 8.03.2011 - SG No. 19/2011) The state game reserves Beglika, Midjour, Seslav, Razlog, Tervel, Rhodopi, Preslav, Toundja, Kotel, Bolyarka and Alabak, in existence towards the date of promulgation of this Act, shall become state forest enterprises.

(10) (Effective 8.03.2011 - SG No. 19/2011) Management contracts concluded with the directors of state game reserves as per (9) above shall remain in full force and validity, whereas the employment arrangements with their workers and employees shall be determined as per Article 123 of the Labor Code.

(11) (Effective 8.03.2011 - SG No. 19/2011) Contracts as per Article 9 (12) of the Hunting and Game Protection Act concluded by the state game reserves as per (9) above, as well as contracts whereby the stewardship of game is delegated to state game reserves, shall remain in full force and validity.

§ 10. Until the state enterprises as per Appendix 1 are entered into the commercial register, the current bank accounts of state forest enterprises and state game reserves shall be used for remittance of proceeds and the making of payments.

§ 11. (Amended, SG No. 58/2017, effective 18.07.2017) During the year 2011, the State Enterprises as per Appendix 1 shall remit to the budget of the Ministry of Agriculture, Food and Forestry 50 percent, and during 2012, 25 percent of proceeds as per Article 179 (1) above.

§ 12. The directors of state forest enterprises and state game reserves in existence towards the date of entry into force of this Act shall be reappointed as directors of the relevant territorial affiliates of the state enterprises as per Appendix 1, and shall conclude a management contract with the director of the relevant enterprise.

§ 13. Employment relations with the workers and employees of state forest enterprises and state game reserves in existence towards the date of entry into force of this Act shall be regulated in accordance with Article 123 of the

Labor Code; these shall be reappointed with the relevant territorial affiliates of the state enterprises as per Appendix 1.

§ 14. In their designated area of operation, experimental/educational forest farms shall operate and shall perform the functions of state forest enterprises and state game reserves assigned to them by force of this Act, the Hunting and Game Protection Act and the relevant secondary legislation governing the implementation of those, unless otherwise provided by another law.

§ 15. Within 6 months from the adoption of the ordinance as per Article 175, the directors of state enterprises and the directors of territorial affiliates shall approve the lists of positions for the central offices, resp. the territorial affiliates of these enterprises, and shall bring the payrolls of their workers and employees in line with the new remuneration system.

§ 15a. (New, SG No. 28/2014) Not later than 31 December 2014 the municipal councils shall adopt decisions as per Article 181(2) for establishing the form of management of wooded areas in municipal ownership.

§ 16. The following amendments and supplements shall be made to the Hunting and Game Protection Act (promulgated, SG No. 78/2000; amended, No. 26/2001, No. No. 77 and 79/2002, No. 88/2005, No. No 82 and 108/2006, No. 64/2007, No. 43, 67, 69 and 91/2008, No. No. 6, 80 and 92/2009, No. 73 and 89/2010 and No. 8/2011):

1. In Article 9:

a) pars (1) shall be amended as follows:

"(1) The state game reserves as per Appendix 2 shall be:

"those as per items 1 through 25: territorial affiliates of the relevant state enterprises as per Appendix 1 to the Forestry Act;

"2. those as per items 26 and 27: independent legal entities having the status of state enterprises as per Article 62 (3) of the Commerce Act.";

b) in paragraph (2):

aa) in the text preceding item 1, the word "enterprises" shall be followed by "as per paragraph (1), item 2";

bb) in item 7, the words "of the forests of the state forest estate" shall be replaced with "of the wooded areas in state ownership", followed by a comma;

c) paragraph (3) shall be amended to read as follows:

"(3) The areas of operation of the state game reserves as per (1) above shall be defined by an order of the Minister of Agriculture and Food.";

d) paragraphs (4), (5) and (6) shall be repealed;

e) paragraph (7) shall be amended to read as follows:

"(7) Within their designated area of operation, the state forest enterprises as per (1), item 2, shall operate and perform the functions assigned to state forest enterprises by the Forestry Act and the secondary legislation governing its implementation.";

f) paragraph (9) shall be amended as follows:

"(9) Within their designated area of operation, the state game reserves as per (1), item 1, shall operate and perform the functions assigned to state forest enterprises by force of the Forestry Act and the secondary legislation governing its implementation, as well as activities pertinent to:

"1. the conservation and enrichment of the diversity of game species;

"2. the construction of game stewardship facilities and the implementation of biotechnical measures;

"3. the reproduction, resettlement, protection and physical security of game;

"4. acclimatization and re-acclimatization of game;

"5. improvement of the external appearance and trophy value of game;

"6. utilization of game and related products and making provisions for hunting tourism;

"7. the use of wooded areas in state ownership for purposes of conservation of the qualities of biotypes and improvement of habitats.";

g) paragraphs (10) and (11) shall be repealed;

h) paragraph (12) shall be amended as follows:

"(12) State enterprises as per the Forestry Act may, subject to a competitive procedure, conclude collaboration contracts with legal entities as per paragraph (9), items 1 through 6, within the territory of state game reserves. Such contracts shall be concluded for a period of up to 15 years.";

i) paragraph (13) shall be amended to read as follows:

"(13) To launch a competitive procedure as per (12) above, the director of the relevant state enterprise shall make a well-grounded proposal to the Minister of Agriculture and Food.";

j) in paragraph (14), item 3, the words "game reserve" shall be replaced with "enterprise";

k) in paragraph (15):

aa) in the text preceding item 1, the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food";

bb) in item 4, the words "game reserve" shall be replaced with "enterprise";

cc) item 8 shall be repealed;

l) paragraph (17) shall be repealed;

m) in paragraph (18) the words "Executive Forestry Agency" shall be replaced with "Ministry of Agriculture and Food and of the relevant state enterprise";

n) in paragraph (22), second sentence, the words "Executive Forestry Agency" shall be replaced with "the relevant state enterprise";

o) in paragraph (23), the first sentence shall be amended to read as follows: "The bids shall be reviewed by a commission appointed by an order of the Minister of Agriculture and Food or an official designated by the latter.";

p) in paragraph (27), the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the authority as per paragraph (23)";

q) in paragraph (31), the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food";

r) paragraph (33) shall be amended to read as follows:

"(33) The collaboration contract shall be signed between the director of the relevant state enterprise and the winner of the competitive procedure within 14 days from the entry into force of the order as per paragraph (33).";

s) in paragraph (34), the words "game reserve" shall be replaced with "enterprise";

t) paragraph (35) shall be amended to read as follows:

"(35) The contracts as per (33) above shall enter into force following submission of a performance bond.";

u) in paragraph (36):

aa) in the second sentence, the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food";

bb) in the third sentence, the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food".

2. In Article 9f, after the words "items 1 through 5", a comma shall be placed and the words "and paragraph (3) and in respect of activities as per Article 9e (2)" shall be replaced with "in respect of activities as per Article 9e (2), as well as for purposes of management, reproduction, use, conservation and protection of wooded areas in state ownership, for development and construction in wooded areas".

3. In Article 10, in the text preceding item 1, the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food or an official designated by the latter".

4. In Article 11, the words "forests and lands of the forest estate" shall be replaced with "wooded areas".

5. Article 13 shall be amended to read as follows:

"Article 13. (1) Game stewardship plans shall be drawn up for game stewardship areas in accordance with the ordinance as per Article 18 (1) of the Forestry Act.

"(2) The ranking by quality of game habitats and the taxonomic survey of game shall be carried out in conformity with the ordinance as per (1) above.

"(3) Such game stewardship plans shall be approved by the Executive Director of the Executive Forestry Agency in consultations with the relevant ministries and government agencies."

6. In Article 14:

a) in the text preceding item 1, the words "shall manage and" shall be deleted;

b) in item 6, the words "game zoning plans" shall be replaced with "game stewardship plans";

c) item 7 shall be amended to read as follows:

"7. fulfillment of game stewardship objectives included in the financial plans of state enterprises."

7. In Article 16:

a) paragraph (1) shall be amended to read as follows:

"(1) Regional forestry directorates shall oversee the activities as per Article 14, items 2 through 7, within their designated areas of operation.";

b) in paragraph (2) the words "authorities" shall be replaced with "directorates".

8. Article 17 shall be repealed.

9. Article 20 shall be repealed.

10. In Article 22 (10), first sentence, the words "The hunting and forest rangers, the hunting wardens, as well as other officials" shall be replaced with "The officials".

11. In Article 28, a paragraph (5) shall be inserted to read as follows:

"(5) A fee shall be due for the administrative service of issue and authentication of a hunting license; the amount of said fee shall be determined by a tariff of the Council of Ministers and shall be remitted to the relevant state game reserve or state forest

enterprise."

12. In Article 36b:

- a) in paragraph (1), in the text preceding item 1, the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food".
- b) in paragraph (3), the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food".

13. In Article 36c:

- a) paragraph (1) shall be amended to read as follows:

"(1) The order as per Article 36b (1) defines the requisite documentation for carrying out the competitive procedure, which must contain the relevant data, instructions, and requirements as to the preparation of the bid.";

- b) in paragraph (2), first sentence, the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food", whereas the second sentence shall be deleted.

- c) In paragraph (3), item 5 shall be amended to read as follows:

"5. a transcript of the game stewardship plan for the relevant game breeding sector, and in the absence of a valid plan, the relevant game stewardship requirements;"

14. In Article 36d:

- a) in paragraph (4), item 7, the words "hunting zoning plan" shall be replaced with "game stewardship plan";
- b) in paragraph (5), the words "the Executive Forestry Agency" shall be replaced with "the relevant state enterprise".

15. In Article 36e, paragraph (1) shall be amended to read as follows:

"(1) Said competitive procedure shall be conducted by a commission appointed by an order of the Minister of Agriculture and Food, or by an official designated by the latter."

16. In Article 36i, paragraph (1) shall be amended to read as follows:

"(1) Said commission's deliberations shall be recorded in a protocol to be signed by all of its members and submitted to the Minister of Agriculture and Food, supported by all the relevant documentation gathered in the course of conducting the competitive procedure."

17. In Article 36k:

- a) in paragraph (1), the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food", and the number "7", by "14";
- b) in paragraph (3), the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food or an official designated by the latter".

18. In Article 36l, paragraph (3), the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food, the Executive Director of the Executive Forestry Agency, as well as the director of the relevant state enterprise".

19. In Article 36m, paragraph (2), the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the relevant state enterprise".

20. In Article 36n:

- a) in paragraph (1), the words "its structures and the state forest enterprises and the state game reserves" shall be replaced with

"the regional forestry directorates and the state enterprises";

b) in paragraph (2), first sentence, the words "forest enterprises and the state game reserves" shall be replaced with "enterprises";

c) in paragraph (3), the words "the Executive Forestry Agency" shall be replaced with the words "the Ministry of Agriculture and Food, the Executive Forestry Agency and at the relevant state enterprise";

d) at the end of paragraph (4), a comma shall be placed and the following words shall be added: "to the Minister of Agriculture and Foods";

e) in paragraph (5), the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the Minister of Agriculture and Food".

21. In Article 37b, paragraph (2) shall be amended to read as follows:

"(2) Proceeds as per (1) above shall be remitted as revenue to the relevant state enterprise and shall be expended on the physical protection of game within said enterprises area of operation, as well as on funding its management, the management and stewardship of game within the territory of the game breeding areas where:

"1. game stewardship and game use have not been assigned by competitive procedure in accordance with the law;

"2. the stewardship and use contract has been terminated, until a new one is concluded."

22. In Article 38, the words "game zoning plans" shall be replaced with "game stewardship plans".

23. In Article 39 paragraph (2), the words "the state agricultural and forest estate" shall be replaced with "agricultural lands and wooded areas ins state ownership".

24. In Article 41 paragraph (2), second sentence, the words "forest enterprises and the state game reserves" shall be replaced with "enterprises".

25. In Article 43 paragraph (5), item 2 shall be repealed.

26. In Article 46:

a) in paragraph (2), following the word "areas", a comma shall be placed and the following words added: "as well as the utilization plan in respect of the resettled game";

b) paragraph (3) shall be repealed.

27. Article 67 shall be amended to read as follows:

"Article 67. (1) The conservation and physical protection of game in game stewardship areas as per Article 5 (5) shall be the responsibility of the game stewards.

"(2) Functions pertinent to the conservation and physical protection of game shall be assigned to persons with a degree in forest engineering.

"(3) Within the areas of protection assigned to them, the persons as per (2) above shall:

"1. guard the game and fish;

"2. enforce the game stewardship and use regime;

"3. monitor the state and condition of game and the fulfillment of game stewardship objectives within the areas assigned to them;

"4. check any and all hunting and fishing licenses;

"5 check the personal belongings of hunters during a hunt;

"6. draw up protocols to establish violations of the provisions of this act;

"7. seize the goods and chattel subject to a violation as well as the tools used in its commission;

"8. enforce the fire safety rules;

"9. guard the specialized animal feed storage and dispensing sites, the existing game stewardship facilities, the buildings and other facilities within the protection areas assigned to them;

"10. guard and protect mating and breeding grounds;

"11. monitor any damages inflicted to, or by, game;

"12. control the numbers of predators, stray cats and dogs and ones that have gone wild;

"13. guard and ensure the physical protection of protected animal species.

"(4) The powers as per (3) above shall also be vested in the staff responsible for the physical protection of protected areas in exclusive state ownership."

28. Article 68 shall be amended to read as follows:

"Article 68. (1) The persons as per Article 34 (1), items 3, 4 and 5, responsible for game stewardship may conclude contracts with legal entities registered under the Private Protection Activities Act, for the immediate physical protection of game. The regional forestry directorate shall be notified in writing of any such contracts being concluded.

"(2) For the immediate physical protection of game, the legal entities registered under the Private Protection Activities Act shall appoint persons with a degree in forest engineering.

(3) The physical protection of game as per (1) and (2) above shall be carried out in accordance with the relevant provisions of this Act."

29. Article 69a shall be amended to read as follows:

"Article 69a. (1) For the protection of biotechnical facilities, or for the benefit of public health and safety, the Director of the Regional Forestry Directorate may, by force of an order, temporarily restrict or suspend access to any given area. Such order shall be issued upon a proposal by the game steward with the agreement of the person/entity commissioned to manage it.

"(2) The order as per (1) above shall be made public through the mass media, by having it posted on the website of the Executive Forestry Agency, the Regional Forestry Directorate or by other suitable means. The order as per (1) above shall be put into effect immediately.

"(3) The order as per (1) above shall be subject to appeal in accordance with the Administrative Procedure Code.

"(4) In fulfillment of the order as per (1) above, the game steward shall post signs containing all the information defined by force of the rules and regulations on the implementation of this Act."

30. In Article 70:

a) in paragraph (4), after the word "exception", the words "by the authority as per paragraph (5)" shall be added;

b) paragraph (5) shall be amended to read as follows:

"(5) The Director of the relevant Regional Forestry Directorate shall, by an order issued annually, define the territorial scope and period of validity of the restriction as per paragraph (3) imposed subject to a proposal by the game steward with the agreement of the person/entity commissioned to manage it. The order as per (1) above shall be put into effect immediately.";

c) paragraph (6) shall be amended to read as follows:

"(6) The order as per paragraph (5) shall be subject to appeal in accordance with the Administrative Procedure Code."

d) a new paragraph (7) shall be inserted as follows:

"(7) In fulfillment of the order as per (1) above, the game steward shall post signs containing all the information defined by force of the rules and regulations on the implementation of this Act."

31. In Article 77 (1) and (2), the words "the Executive Director of the Executive Forestry Agency" shall be replaced with "the directors of state enterprises".

32. In Article 78 (1), the words "hunting zoning plan" shall be replaced with "game stewardship plan".

33. In Article 82, the words "the state forest enterprise or the state game reserve" shall be replaced with "the relevant regional forestry directorate".

34. In Article 83l (1), the words "passage and stay in areas where biotechnical facilities as per Article 69a are located" shall be replaced with "as per Article 69a and Article 70".

35. In Article 91, the words "paragraph (4), items 4 through 12" shall be replaced with "paragraph (3)";

36. Article 94a shall be repealed.

37. In Article 96, a new paragraph (5) shall be inserted to read as follows:

"(5) Thirty percent of proceeds as per (4) from effective writs of penalty shall be remitted to their issuers. The terms, conditions and procedure for remission of such monies shall be determined by the Minister of Agriculture and Food or by officials designated by the latter."

38. In § 1, item 11 of the Supplementary Provisions, the words "agricultural and forest estate" shall be replaced with "agricultural lands and wooded areas".

39. Paragraph 6 of the Transitional and Final Provisions shall be repealed.

40. Paragraph 63 of the Transitional and Final Provisions of the Law on Amending and Supplementing the Hunting and Game Protection Act (SG No. 91/2008; amended, SG No. 92/2009) shall be repealed.

41. (Effective 8.03.2011 - SG No. 19/2011) Appendix 2 to Article 9 (1) shall be amended to read as follows:

"Appendix 2 to Article 9 (1)

List of State Game Reserves

1. RUSALKA

2. ROSSITZA

3. CHEPINO

4. CHEKERITZA

5. CHERNI LOM

6. ARAMLIETZ

7. BOROVO

8. IZVORA

9. ZHENDA

10. SHERBA

11. ROPOTAMO

12. VITOSHKO-STUDENA

13. KORMISOSH

14. PALAMARA

15. OSSOGOVO

16. MAZALAT

17. DIKCHAN

18. VITINYA

19. DUNAV

20. BALCHIK

21. SHIROKA POLYANA

22. NESSEBAR

23. TOPOLOVGRAD

24. GRAMATIKOVO

25. KARAKOUZ

26. VODEN - IRI HISSAR

27. ISKAR".

42. Appendix 3 to Article 9 (12) shall be repealed.

§ 17. The following amendments and supplements shall be made to the Protected Areas Act (promulgated, SG No. 133/1998; amended, No. No. 28, 48 and 78/2000, No. No. 23, 77 and 91/2002, No. No. 28 and 94/2005, No. No. 30 and 65/2006, No. No. 24 and 62/2007, No. No. 36 and 43/2008 and No. No. 19, 80 and 103/2009):

1. In Article 14 (1), at the end of the sentence, a comma shall be placed and the following words shall be added; "unless otherwise provided by a special law".

2. Article 31 item 1 shall be amended as follows:

"1. clear felling in all forests, with the exception of poplar forests, and in coppices; the merging together of barren, unregenerated logging grounds into an area larger than 2 hectares, and of coppices, with the exception of acacia forests;"

3. A second sentence shall be inserted in Article 36 (2) to read as follows: "Where such a proposal concerns wooded areas, the relevance thereof shall be pronounced following consultations with the Ministry of Agriculture and Food and with the Executive Forestry Agency."

4. In Article 54:

a) the word "stewardship" in paragraph (1) shall be followed by a comma and then the word "protection" shall be inserted.

b) in paragraph (3), the words "Rules which shall be endorsed by the Minister of Agriculture and Food" shall be replaced with "rules of organization endorsed by the Executive Director of the Executive Forestry Agency."

5. In Article 67 (1), second sentence, the words "subject to physical security" shall be replaced with the word "protected".

6. In § 1 of the Final Provisions, items 2 and 3 shall be amended as follows:

"2. "Forests" shall be any wooded areas as per Article 2 (3) of the Forestry Act."

"3. "Aquatic areas" shall be any areas of the landed estate, the forest estate and the continental shelf, submerged under water."

§ 18. The following amendments and supplements shall be made to the Agricultural Property Protection Act (promulgated in State Gazette, No. 54/1974; amended, SG No. 22/1976, No. No. 35 and 36/1979 No. 28/1982, No. 45/1984, No. 65/1995, No. No. 44 and 86/1996, No. 11/1998, NoNo. 30 and 33/2006, No. 36/2008, No. 80/2009 and No. 88/2010):

1. In Article 2:

a) in paragraph (1), item 4, the words "within the forest estate" shall be replaced with "outside wooded areas";

b) in paragraph (3), the words "the boundaries of the wooded estate" shall be replaced with "wooded areas in the sense as per the Forestry Act".

2. Article 3 shall be amended to read as follows:

"Article 3. By provision of this Act, protection shall also be extended to single trees located outside wooded areas as well as to wild animals, birds and fishes bred in enclosures, that are not subject to protection by a special procedure provided for in another law."

3. In Article 6 (2), first sentence, the words "the State forest estate" shall be replaced with "wooded areas" and the word "guard" shall be replaced with "protect", while in the second sentence, the words "the bodies of" shall be deleted and after the word "forests" shall be added "and its structures".

4. In Article 22 (1), item 4 shall be repealed.

5. Paragraph 1a of the Supplementary Provisions shall be repealed.

§ 19. The following amendments shall be made in the Agricultural Lands Protection Act (promulgated in State Gazette, No. 35/1996; amended No. No. 14 and 26/2000, No. 28/2001, No. 112/2003, No. No. 18, 29 and 30/2006, No. No. 13 and 64/2007, No. No. 36 and 43/2008, No. No. 10 and 103/2009 and No. 87/2010):

1. In Article 2 (4), following the word "places", a comma shall be placed and the following words added: "as well as for wooded areas".

2. In Article 11 (3), the words "the needs of the forest estate" shall be replaced with "recultivation of disturbed terrains within wooded areas".

3. In Article 30 (2), the words "in cases as per Article 13 of the Forestry Act" shall be deleted.

§ 19. The following supplements shall be made to the Spatial Development Act (promulgated in State Gazette, No. 1/2001; amended, No. No. 41 and 111/2001, No. 43/2002, No. No. 20, 65 and 107/2003, No. No. 36 and 65/2004, No. No. 28, 76, 77, 88, 94, 95, 103 and 105/2005, No. No. 29, 30, 34, 37, 65, 76, 79, 80, 82, 106 and 108/2006, No. No. 41, 53 and 61/2007, No. No. 33, 43, 54, 69, 98 and 102/2008, No. No. 6, 17, 19, 80, 92 and 93/2009 and No. No. 15, 41, 50, 54 and 87/2010)

1. In Article 119, a new paragraph (5) shall be inserted to read as follows:

"(5) In cases where wooded areas are affected, the terms of reference as per (1) above shall be approved subject to its endorsement by the Executive Director of the Executive Forestry Agency, who shall submit a written opinion within one month from the date of receipt of the draft thereof."

2. In Article 124 (6), following the words "master plans", the words "detailed zoning plans" shall be added, and at the end of the sentence, the words "or an official designated by the latter".

§ 20. In the Spatial Development Act (promulgated, in SG No. 1/2001, as amended, SG No. 41 and 111 of 2001, issue. 43 2002, issue. 20, 65 and 107 of 2003, SG No. 36 and 65 of the 2004 pc. 28, 76, 77, 88, 94, 95, 103 and 105 of 2005, issue. 29, 30, 34, 37, 65, 76, 79, 80, 82, 106 and 108 of 2006, issue. 41, 53 and 61 of 2007 pcs. 33, 43, 54, 69, 98 and 102 of 2008 pcs. 6, 17, 19, 80, 92 and 93 of 2009, pcs. 15, 41, 50, 54 and 87 of 2010) is amended as follows:

1. In Article 119 is a new paragraph 5:

"(5) Assignment of paragraph 1 where prejudice forest areas shall be approved in consultation with the Executive Director of the Forestry Agency, which submitted written observations within one month from the date of receipt."

2. In Article 124, paragraph 6, after the word "generic" insert" and detailed "and then add" or an authorized officer."

§ 21. The following amendments and supplements shall be made to the Fisheries and Aquaculture Act (promulgated in State Gazette, No. 41/2001; amended, No. No. 88, 94 and 105/2005, No. No. 30, 65, 82, 96 and 108/2006, No. No. 36, 43 and 71/2008, No. No. 12, 32, 42, 80 and 82/2009, No. No. 61 and 73/2010 and No. 8/2011):

1. Article 7 shall be amended to read as follows:

"Article 7. The Executive Forestry Agency and its structures shall control the conservation of fish stocks in water sites used for angling within the jurisdiction of its structures, and compliance with the rules for angling in accordance with this Act and the Forestry Act."

2. In Article 22a, following the words "state forest enterprises", a comma shall be placed and then the words "state game reserves" added.

3. In Article 90 (6), the comma following the word "Agency" shall be deleted and the words "its structures and specialized territorial units, the state forest enterprises and state game reserves" shall be replaced with "and its structures".

4. In Article 91 (2), the words "employees in charge of forestry matters with the Executive Forestry Agency" shall be replaced with "employees of the Executive Forestry Agency and the regional forestry directorates".

§ 22. The following amendments shall be made to the Waters Act (promulgated in State Gazette, No. 67/1999; amended No. 81/2000, No. No. 34, 41 and 108/2001, No. No. 47, 74 and 91/2002, No. No. 42, 69, 84 and 107/2003 No.No. 6 and 70/2004, No. No. 18, 77 and 94/2005, No. No. 29, 30, 36, 65, 66, 105 and 108/2006, No.No. 22 and 59/2007, No. No. 36, 52 and 70/2008, No. No. 12, 32, 35, 47, 82, 93, 95 and 103/2009 and No. No. 61 and 98/2010):

1. In Article 10, paragraph (1), item 2 shall be amended to read as follows:

"2. the Minister of Agriculture and Food:

"a) in respect of hydromeliorative works and of protection of waters outside the boundaries of populated areas from their harmful impact on waters;

"b) through the good offices of the Executive Forestry Agency, in respect of plantations within the area of works as per indent (a);".

2. In Article 60 (3), item 5, the words "forests and lands in the forest estate" shall be replaced with "wooded areas".

§ 23. The following amendments and supplements shall be made to the Biological Diversity Act (promulgated in State Gazette, No. 77/2002; amended, No. No. 88 and 105/2005, No. No. 29, 30, 34 and 80/2006, No. No. 52, 53, 64 and 94/2007, No. 43/2008, No. No. 19, 80 and 103/2009, No.

No. 62 and 89/2010):

1. In Article 13, the word "forests" shall be replaced with "wooded areas".
2. In Article 30 (1), the words "spatial-development plans for forests" shall be replaced with "regional plans for the development of wooded areas, forestry plans and programs".
3. In Article 39, the word "authority" shall be replaced with "structure".
4. A new paragraph (3) shall be inserted in Article 113, to read as follows:
"(3) The registers as per (1) shall be public."
5. In Article 115 (1), item 7, the word "forests" shall be replaced with "wooded areas".
6. In Article 117, item 1, the word "forests" shall be replaced with "wooded areas".
7. 6. In Article 118, item 8, the word "forests" shall be replaced with "wooded areas".
8. 6. In Article 119 (1), items 1 and 2, the word "forests" shall be replaced with "wooded areas".
9. In Article 122:
 - a) In paragraph (2), item 1, the conjunction "and" following the word "spatial-development" shall be replaced by a comma and after the words "schematic plans", the words "and forestry programs" shall be added;
 - b) in paragraph (3), the word "Heads" shall be replaced by "Directors".
10. In § 1 of the supplementary provision:
 - a) in item 8, the words "areas of the forest stock" shall be replaced with "wooded areas";
 - b) item 12 shall be amended to read as follows:
"12. "Forests" shall be wooded areas in the sense as per the Forestry Act.";
 - c) In item 31b, the words "forest infrastructure projects" shall be replaced with "regional plans for the development of wooded areas, forestry plans and programs".

§ 24. New items 14 - 19 shall be inserted into Section III: "Ministry of Agriculture and Food" of Appendix 1 to Article 3 (1) of the Privatization and Post-Privatization Control Act (promulgated in State Gazette, No. 28/2002; amended, No. 78/2002, No. No. 20, 31, 39, 46 and 84/2003, No. No. 55 and 115/2004, No. No. 28, 39, 88, 94, 103 and 105/2005, No. No. 36, 53, 72 and 105/2006, No. 59/2007, No. No. 36, 65, 94, 98 and 110/2008, No. No. 24, 42, 82 and 99/2009 and No. No. 18, 50, 89 and 97/2010), to read as follows:

"14. The North-Western State Enterprise

15. The North-Central State Enterprise.

16. The North-Eastern State Enterprise.

17. The South-Eastern State Enterprise.

18. The South-Western State Enterprise.

19. The South-Central State Enterprise."

§ 25. In § 12a of the Transitional and Final Provisions of the Road Traffic Act (promulgated in State Gazette, No. 20/1999; amended, SG No. 1/2000, No. No. 43 and 76/2002, No. No. 16 and 22/2003, No. No. 6, 70, 85 and 115/2004, No. No. 79, 92, 99, 102, 103 and 105/2005, No. No. 30, 34, 61, 64, 80, 82, 85 and 102/2006, No. No. 22, 51, 53, 97 and 109/2007, No. No. 36, 43,

69, 88 and 102/2008, No. No. 74, 75, 82 and 93/2009, No. No. 54, 98 and 100/2010 and No. 10/2011), the words "forestry employees" shall be replaced with "forest inspectors".

§ 26. A new Item 12 shall be inserted in Article 12 (1) of the Public Procurement Act (promulg., SG No. 28/2004; amended, SG No. 53/2004, SG No. No 31, 34 and 105/2005, SG No. No 18, 33, 37 and 79/2006, SG No. 59 of 2007, SG No. No. 94, 98 and 102/2008, SG No. No. 24 and 82/2009 and SG No. No. 52, 54, 97, 98 and 99/2010), to read as follows:

"12. contracts whereby activities are assigned pertinent to afforestation, logging and timber harvesting and the utilization of non-timber forest resources in the sense as per the Forestry Act."

§ 27. The following amendments shall be made to the Cadastre and Property Register Act (promulgated in State Gazette, No. 34/2000; amended, SG No. No. 45 and 99/2002, No. 36/2004, No. No. 39 and 105/2005, No. No. 29 and 30/2006, No. No. 57 and 59/2007, No. No. 36 and 91/2008 and No. 80/2009):

1. In Article 52, paragraph (3) shall be amended to read as follows:

"(3) In the event of change of the purpose of wooded areas, the Geodesy, Cartography and Cadastre service shall be notified in accordance with the provisions of Article 78 (5) and (6) of the Forestry Act."

2. In § 1, item 10 of the Supplementary Provisions, the comma after the words "agricultural lands" shall be deleted and the words "forests and lands of the forest domain" shall be replaced with "and wooded areas".

§ 28. The following amendments and supplements shall be made to Article 8 of the Independent Valuers Act (promulgated in State Gazette, No. 98/2000, amended, SG No.No. 49 and 61/2010):

1. in paragraph (1):

a) a new Item 2 shall be inserted, to read as follows:

"2. possess a bachelor's or master's degree in forest engineering issued by an accredited school of higher learning, for performing appraisals of wooded areas;"

b) the current Items 2 and 3 shall be renumbered 3 and 4 respectively;

2. in para (2), item 1, the words "with bachelor's or master's degree, issued by an accredited higher education establishment" shall be deleted.

§ 29. The following amendments shall be made to the Apiculture Act (promulgated in State Gazette, No. 57/2003; amended, No. 87/2005, No. 30/2006, No. 51/2007, No.No. 36 and 43/2008, No. 26/2010 and No. 8/2011):

1. In Article 11:

a) in para (1), the words "lands and forests of the forest estate" shall be replaced with "wooded areas";

b) in paragraph (4), the words "lands and forests of the forest estate" shall be replaced with "wooded areas".

2. In Article 12, the words "lands and forests of the state forest estate" shall be replaced with "wooded areas in state ownership".

3. In Article 14, the words "lands of the state forest estate, in accordance with the procedure as per Article 86 (9) of" shall be replaced with "landed properties in wooded areas accordance with the procedure as per".

§ 30. The following amendments shall be made to the State Property Act (promulgated in State Gazette, No. 44/1996; amended, No. 104/1996, No.No. 55, 61 and 117/1997, No.No. 93 and 124/1998,

No. 67/1999, No. No. 9, 12, 26 and 57/2000, No. 1/2001, Decision No. 7/2001 of the Constitutional Court, No. 38/2001; amended, No. 45/2002, No. 63/2003, No. No. 24 and 93/2004, No. 32/2005, No.No. 17, 30, 36, 64 and 105/2006, No. No. 41, 59, 92 and 113/2007, No. No. 52 and 54/2008, No.No. 10, 17, 19, 33 and 41/2009 and No. No. 18 and 87/2010):

1. In Article 32 (3), item 3 shall be amended to read as follows:

"3. The ordinance as per Article 86 (2), in respect of wooded areas."

2. In Article 41a (4), the words "forest or land of the forest estate" shall be replaced with "wooded area".

3. In Article 41b (2), the words "lands or forests of the forest estate" shall be replaced with "wooded areas".

4. In Chapter Three, the title of Section III shall be amended to read as follows: "Compensation in the Event of Expropriation of Agricultural Lands or Wooded Areas".

5. In Article 42a (1), the words "forests and lands of the forest estate" shall be replaced with "wooded areas", and the words "the State forest estate" shall be replaced with "wooded areas in state ownership".

6. In Article 42b (2), the words "forests and lands of the state forest estate" shall be replaced with "wooded areas in state ownership".

7. In Article 72b:

a) in paragraph (1), the words "forests and lands of the forest estate" shall be replaced with "wooded areas", while the words "forests and lands of the state forest estate" shall be replaced with "wooded areas in state ownership";

b) In paragraph (2), item 2, the words "Article 19 (1) of the Forestry Act, in respect of lands and forests of the forest estate" shall be replaced with "Article 86 (2) of the Forestry Act, in respect of wooded areas";

c) in paragraph (4), the words "Article 19 (1) of the Forestry Act, in respect of lands and forests of the forest estate" shall be replaced with "Article 86 (2) of the Forestry Act, in respect of wooded areas";

8. In Article 42d:

a) in paragraph (1), the words "forests and lands of the forest estate" shall be replaced with "wooded areas".

b) in paragraph (2), item 4, the words "Article 19 (1)" shall be replaced with "Article 86 (2)".

9. In Article 42e, the words "Article 19 (1) of the Forestry Act, in respect of lands and forests included in the forest estate" shall be replaced with "Article 86 (2) of the Forestry Act, in respect of wooded areas";

10. In § 1a of the Supplementary Provisions:

a) in item 1a, the words "forest and land of the state forest estate identical in origin and functions to the expropriated" shall be replaced with "wooded area where the forests are of identical origin and functions to those being expropriated", and the words "Article 19 (1)", with "Article 86 (2)";

b) In item 4, indent (c), the words "forests and lands of the forest estate" shall be replaced with "wooded areas".

§ 31. The following amendments shall be made in the Municipal Property Act (promulgated in State Gazette, No. 44/1996; amended, No. 104/1996, No. 55/1997, No. No. 22 and 93/1998, No. No. 23, 56, 64, 67, 69 and 96/1999, No. 26/2000, No. 34/2001, No. 120/2002, No. 101/2004 No. No. 29, 30 and 36/2006, No. No. 59, 63 and 92/2007, No. No. 54, 70 and 100/2008, No. No. 10, 17, 19 and 41/2009, No. 87/2010 and No. 15/2011):

1. In Article 7 (1), the words "the forests and lands of the municipal forest estate" shall be replaced with "the wooded areas in municipal ownership".

2. In Article 22, (12), item 3 shall be amended to read as follows:

"3. the ordinance as per Article 86 (2) of the Forestry Act, in respect of wooded areas."

3. In the Supplementary Provisions, in § 1, item 3, indent "b", the words "the forests and lands of the forest estate" shall be replaced with "the wooded areas".

§ 32. The following amendments shall be made to the Roads Act (promulgated in State Gazette, No. 26/2000; amended, No. 88/2000, No. 111/2001, No. No. 47 and 118/2002, No. 9 and 112/2003, No. No. 6 and 14/2004, No. No. 88 and 104/2005, No. No. 30, 36, 64, 102, 105 and 108/2006, No. 59/2007, No. No. 43 and 69/2008, No. No. 12, 32, 41, 42, 75, 82 and 93/2009 and No. 87/2010):

1. In Article 26 (1), item 2, indent (c), the words "forests and lands of the forest estate" shall be replaced with "wooded areas".

2. In Article 37 (2), the words "the forests and lands of the forest estate" shall be replaced with "the wooded areas".

3. In Article 38 (3), the words "areas of the forest estate" shall be replaced with "wooded areas".

4. In Article 40 (3), the words "forests and lands of the State forest estate" shall be replaced with "wooded areas in state ownership".

§ 33. (1) Within one year from the entry into force of this Act, persons possessing a certificate of a completed training course in appraisal of forests and lands within the forest estate issued by the University of Forest Engineering, the Forestry Institute of the Bulgarian Academy of Sciences, the National Forestry Board, the State Forestry Agency or the Executive Forestry Agency shall be entered by right into the register as per Article 15 of the Independent Valuers Act.

(2) Registration as per (1) above shall be made on the basis of an application supported by a copy of the certificate of a completed training course in appraisal of forests and lands within the forest estate.

(3) Following expiry of the time period as per (1) above, wooded areas shall only be appraised by valuers entered into the register as per (1) above.

§ 34. Any and all industry guilds and associations registered prior to the date of entry into force of this Act shall be re-registered within one year in accordance with the requirements herein.

§ 35. (1) Within one year from the entry into force of this Act, the Executive Forestry Agency shall re-register any and all persons entered into the public registers as per Article 39 (2) and Article 57a (1) of the now repealed Forestry Act.

(2) Persons entered into the public registers as per Article 39 (2) of the now repealed Forestry Act shall be entered into the register as per Article 235 herein, and shall be issued a certificate of registration, as follows:

1. a certificate for "planning and implementation of afforestation activities" shall be issued to persons possessing a certificate for "collection and harvesting of seeds, production of saplings and other reproductive materials for forest tree and bush species, establishment of forest cultures and drawing up of reporting documents, accompanying the activity" as per the now repealed Forestry Act;

2. a certificate for "marking of trees scheduled to be felled" shall be issued to persons possessing a certificate for "marking of trees, subject to felling, raising young plantations without production of material, trimming of trees and drawing up of reporting documents, accompanying the activity" as per the now repealed Forestry Act;

3. a certificate for "development of terms of reference and forestry plans and programs" shall be issued to persons possessing a certificate for "development of terms of reference and organizational

forest products, plans and programs for forests and lands of the forest estate" as per the now repealed Forestry Act;

4. a certificate for "development of forestry plans and programs and inventories of wooded areas" shall be issued to persons possessing a certificate for "development of terms of reference and organizational forest projects, plans and programs for forests and lands of the forest estate" as per the now repealed Forestry Act;

5. a certificate for "development of terms of reference and projects, plans and programs for erosion control and biological re-cultivation of damaged terrains" shall be issued to persons possessing a certificate for "development of terms of reference and projects, plans and programs for erosion control and biological re-cultivation of damaged terrains" as per the now repealed Forestry Act;

6. a certificate for "planning and implementation of timber harvesting" shall be issued to persons possessing a certificate for "organization of lumbering and development of transportation and technological projects, plans and schemes for usage of forests and lands of the forest stock and drawing up of documents accompanying this activity" as per the now repealed Forestry Act;

7. a certificate for "planning and implementation of the harvesting of non-timber forest products" shall be issued to persons possessing a certificate for "organization of lumbering and development of transportation and technological projects, plans and schemes for usage of forests and lands of the forest stock and drawing up of documents accompanying this activity" as per the now repealed Forestry Act;

8. a certificate for "designing forest tracks navigable by motor vehicle and the relevant infrastructural facilities" shall be issued to persons possessing a certificate for "drawing of plans for forest roads and installations" as per the now repealed Forestry Act.

(3) The entries of persons into the public register as per Article 39 (2) of the now repealed forestry Act for the activities "evaluation of forests and lands of the forest estate", "management of forests and lands of the forest stock, owned by natural and legal persons and municipalities" and "expert appraisals and consultations on forestry activities" shall be deleted.

(4) Persons who have been entered into the register as per (3) above for the activity "evaluation of forests and lands of the forest estate" may seek entry into the public register as per the Independent Valuers Act within one year from the entry into force of this Act. Until they are entered into said register, such persons shall have the right to appraise wooded areas on the basis of their certificate of a completed course in appraisal of forests and lands of the forest estate.

(5) Merchants entered into the public register as per Article 57a (1) of the now repealed Forestry Act shall be entered into the register as per Article 241 herein and shall be issued a certificate of registration as follows:

1. a certificate for "management of wooded areas" shall be issued to merchants possessing a certificate for "forest reproduction" as per the now repealed Forestry Act;

2. a certificate for "timber harvesting" shall be issued to merchants possessing a certificate for "use of timber from the forest estate" as per the now repealed Forestry Act;

3. a certificate for "development of plans and programs for management and development of wooded areas" shall be issued to merchants possessing a certificate for "zoning of lands and forests of the forest estate and of game stewardship areas" as per the now repealed Forestry Act.

(6) The re-registration as per paragraphs (1) - (5) above shall be done ex officio and free of charge.

(7) Paragraph (6) shall not apply in cases where in parallel with the re-registration the entitled person has also applied for entry into the register of changed circumstances.

(8) Until they are re-registered, the persons as per paragraphs (1) - (7) above shall use the certificates of registration issued in accordance with the now repealed Forestry Act to prove their right to perform activities in wooded areas.

(9) Holders of a certificate of completed course in appraisal of forests and lands in the forest estate issued prior to the date of entry into force of this Act shall have the right to perform appraisals of wooded areas until they are entered into the register as per the Independent Valuers Act.

§ 36. (1) Within one year from the entry into force of this Act, employees of state forest enterprises, state game reserves and educational and experimental forest farms who occupy positions for which a degree in forest engineering is required shall be allowed to perform activities in wooded areas without being entered into the public register as per Article 235.

(2) Within the time period as per (1) above, those employees shall cause themselves to be entered into the public register as per Article 235.

(3) State forest enterprises, state game reserves and educational and experimental forest farms may use the forest control markings in their possession for a period of two years following the entry into force of this Act, and shall make these available to:

1. their employees with a degree in forest engineering, irrespective of whether they are entered into the register as per Article 235, until the expiry of the time period as per (1) above;

2. their employees with a degree in forest engineering entered into the public register as per Article 235, following expiry of the time period as per (1) above.

§ 37. (1) The Executive Director of the Executive Forestry Agency shall issue an order endorsing the specimens of the requisite standard documents as per this Act, unless otherwise provided by another statutory act. Such specimens shall be posted on the website of the Executive Forestry Agency.

(2) The order as per (1) above shall also define the terms, conditions and procedure of issuance and accountability of such documents, as well as those documents that can be submitted in electronic format.

§ 38. (1) Any pieces of secondary legislation issued on the strength of the now repealed Forestry Act shall remain in force and validity as long as they do not come in conflict with this Act.

(2) Until the adoption of regional plans for the development of wooded areas, the categorization and re-categorization of wooded areas shall take place in accordance with the ordinance as per Article 18 (1).

(3) Any pieces of secondary legislation issued by the Executive Director of the Executive Forestry Agency in compliance with the provisions of this act shall be promulgated in State Gazette.

§ 39. Within one month from the entry into force of this Act, the Council of Ministers shall bring the Rules of Organization of the Executive Forestry Agency in compliance herewith.

§ 40. This Act repeals the Decision of the National Assembly dated September 3rd, 2009, suspending the exclusion, in case of change of their purpose, of forests and lands from the forest estate acquired by natural persons or legal entities, with the exception of municipalities, by way of swapping them for forests and lands within the forest estate in private state ownership (SG No. 72/2009).

§ 41. (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall be responsible for the implementation of this Act.

§ 42. This Act shall enter into force within one month from being promulgated in State Gazette, with the exception of:

1. paragraph 3, § 9 (9) - (11) and § 16, item 41, which shall enter into force from the date of this Act being promulgated in State Gazette;
2. (amended, SG No. 60/2015, effective 7.08.2015) Article 14, Paragraph 1, Item 2, Article 183, Paragraph 2, Item 3, which shall enter into force as of January 1, 2016;
3. (new, SG No. 60/2015, effective 7.08.2015) Article 115, Paragraph 1, Item 2 and Article 116, Paragraph 2, which shall enter into force as of January 1, 2018.

This Act was adopted by the 41st National Assembly on February 23rd, 2011, and stamped with the official seal of the National Assembly.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Civil Servants Act

(Promulgated, SG No. 38/2012, effective 1.07.2012)

.....

§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;
2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention and Ascertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;
2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;
2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

.....

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Forestry Act

(SG No. 60/2012, amended, SG No. 102/2012, SG No. 28/2014,

SG No. 60/2015, effective 7.08.2015)

§ 74. (1) Forest management projects, plans and programmes endorsed by 9 April 2011 shall remain valid until forestry plans and programmes are developed in accordance with the procedure provided for by the ordinance under Article 18(1) but no later than the expiry of their period of validity.

(2) Forest management projects, plans and programmes drafted in accordance with the procedure provided for by Ordinance No. 6 of 2004 on the zoning of forests and land of the forest stock and of game stewardship areas in the Republic of Bulgaria (promulgated, SG No. 27/2004; amended, No. 80/2005) and not approved by 9 April 2011 shall be endorsed in accordance with the procedure provided for by this Act, wherein forest management projects and plans shall be treated as forestry plans, and forest management programmes shall be treated as forestry programmes.

§ 75. The proceeds from compensatory afforestation fees under the repealed Forestry Act (promulgated, SG No. 125/1997; amended, No. 79 and 133/1998, No. 26/1999, No. 29 and 78/2000, No. 77, 79 and 99/2002, No. 16 and 107/2003, No. 72 and 105/2005, No. 29, 30, 34, 36, 80, 82 and 102/2006, No. 13, 24, 53 and 64/2007, No. 43 and 54/2008; Decision No. 4 of the Constitutional Court/2008 - No. 63/2008; amended, No. 69, 70 and 91/2008, No. 6, 12, 19, 32, 74, 80, 94 and 103/2009, No. 73, 87 and 88/2010; repealed, No. 19/2011) shall be credited to the relevant state enterprise under Article 163 whose jurisdiction covers the property in respect whereof a compensatory afforestation fee is due, and shall be spent on the creation of new forests.

§ 76. For the period between 9 April 2011 and the date of Commercial Register registration of the state enterprises under Appendix No. 1, state forest enterprises, as well as state game reserves under Article 9(1), Item 1 of the Hunting and Game

Protection Act, shall pay into the budget of the Executive Forestry Agency fees for using forests and lands in wooded areas in state ownership, the amounts of such fees and the deadlines for their payment being laid down in Council of Ministers Decree No. 202/2008 Adopting the Tariff of Fees to be Collected within the System of the State Forestry Agency under the Forestry Act (promulgated, SG No. 73/2008; amended, No. 89/2008).

§ 77. (1) (Amended, SG No. 102/2012) By 31 December 2013 the Executive Director of The Executive Forestry Agency shall issue deregistration orders under Article 235 to the persons not satisfying the requirements of Article 236.

(2) The orders referred to in Paragraph (1) shall be communicated and may be appealed against in accordance with the procedure provided for by the Administrative Procedure Code.

(3) The acts under Paragraph (1) shall be promulgated in the State Gazette after they take effect.

§ 78. (Repealed, SG No. 60/2015, effective 7.08.2015).

§ 79. (1) Within 6 months of this Act's entry into force, the directors of the regional forestry directorates shall commission the drafting of regional plans for the development of wooded areas.

(2) Within three years of this Act's entry into force, the Minister of Agriculture and Food shall issue an order endorsing the regional plans drafted under Paragraph (1).

(3) Until the drafted regional plans are endorsed in accordance with the procedure provided for by Paragraph (2), the provision of Article 73(6) shall not apply.

(4) Until the drafted regional plans are endorsed in accordance with the procedure provided for by Paragraph (2), the amount of funds for public ecosystem benefits under Chapter Seventeen conducive to business activities shall be laid down in a contract between the person/entity pursuing the business activities and the owner of the wooded area or the state forest enterprise or state game reserve.

(5) The contract under Paragraph (4) shall be concluded in accordance with the procedure provided for by the Obligations and Contracts Act upon either party's initiative.

§ 80. (1) The persons registered in the public registers under Article 39(2) and Article 57a(1) of the repealed Forestry Act (promulgated, SG No. 125/1997; amended, No. 79 and 133/1998, No. 26/1999, No. 29 and 78/2000, No. 77, 79 and 99/2002, No. 16 and 107/2003, No. 72 and 105/2005, No. 29, 30, 34, 36, 80, 82 and 102/2006, No. 13, 24, 53 and 64/2007, No. 43 and 54/2008; Constitutional Court Decision No. 4/2008 - No. 63/2008; amended, No. 69, 70 and 91/2008, No. 6, 12, 19, 32, 74, 80, 94 and 103/2009, No. 73, 87 and 88/2010; repealed, No. 19/2011) and not automatically reregistered in accordance with the procedure provided for by § 35 as at the date of this Act's entry into force may be registered in the register under Article 235, provided that:

1. they satisfy the requirements of Article 236 and Article 242; and

2. they submit to the Executive Forestry Agency, by 31 December 2012, a registration application and copies of documents evidencing an obtained educational and qualification degree in accordance with the requirements of Article 236.

(2) The Executive Forestry Agency shall register such persons in the register in accordance with the procedure provided for by Paragraph (1) by 31 December 2013.

(3) Such registration shall be performed automatically, without any fees being due.

(4) Paragraph (3) shall not apply where an eligible person has submitted an application to register changes of circumstances along with the application under Paragraph (1), Item 2.

(5) Until the registration in accordance with the procedure provided for by Paragraph (1), the entitlement of the persons concerned to pursue activities in wooded areas shall be evidenced by the registration certificates issued under the repealed Forestry Act.

.....

§ 84. (Repealed, SG No. 28/2014).

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Black Sea Coast Development Act

(SG No. 27/2013)

.....

§ 40. (1) Any procedures initiated and still pending prior to the entry into force of this Act for exclusion of areas of the forest estate under §5 of the Forestry Act, falling within the lines of Zone "A", Zone "B" or of urbanised territories of settlements beyond the lines of Zone "A" within the meaning of the Black Sea Coast Development Act, where pursuant to opinion of the Minister of the Environment and Waters or of an official, designated by him, sand dunes exist, shall be discontinued.

(2) Any procedures initiated and still pending prior to the entry into force of this Act under 35(3) or under Article 79 of the Forestry Act in regard to properties, falling within the lines of Zone "A", Zone "B" or of urbanised territories of settlements beyond the lines of Zone "A" within the meaning of the Black Sea Coast Development Act, where pursuant to opinion of the Minister of the Environment and Waters or of an official, designated by him, sand dunes exist, shall be discontinued.

(3) The entitlement of persons under paragraph (2) in whose favour the purpose of the properties had been changed shall expire. Any amount paid towards the costs of changing the purpose of the properties under paragraph (2) shall be reimbursed from the state budget and any amounts, transferred to the state enterprises under Article 163 of the Forestry Act, shall be refunded by such enterprises.

§ 41. Any procedures initiated and still pending prior to the entry into force of this Act for establishment of building rights in regard to landed properties in wooded areas without change of their purpose, falling within the hypotheses of Article 54(4) of the Forestry Act, shall be discontinued.

TRANSITIONAL AND FINAL PROVISIONS

to the Act on Amendment and Supplement of Spatial Development Act

(SG No. 66/2013, effective 26.07.2013)

.....

§ 82. In the Forest Act (promulgated, SG No. 19/2011, amended, SG No. 43/2011, SG No. 38, 60, 82 and 102/2012, SG No. 15 and 27/2013) shall be amended as follows:

.....

2. In other texts of the Act, the words "the Minister of Regional Development and Public Works" and "The Ministry of Regional Development and Public Works" is replaced by "the Minister of Regional Development" and "The Ministry of Regional Development."

.....

§ 117. This Act shall enter into force on the day of its publication in the "State Gazette".

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 98/2014, effective 28.11.2014)

.....

§ 82. The following amendments shall be introduced in the Forestry Act (promulgated, SG No. 43/2011, Nos. 38, 60, 82 and 102/2012, Nos. 15, 27, 66 and 109/2013, Nos. 28, 53 and 61/2014):

.....

2. In the rest of the text of the Act the words "the Minister of Regional Development" and "the Ministry of Regional Development" shall be replaced by "the Minister of Regional Development and Public Works" and "the Ministry of Regional Development and Public Works", respectively.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Forestry Act

(SG No. 60/2015, effective 7.08.2015, amended, SG No. 61/2016, effective 5.08.2016)

§ 48. (1) The persons who have acquired ownership title to buildings and/or facilities from the property estate of organisations under § 12 of the Transitional and Final Provisions of the Ownership and Use of Agricultural Lands, that are situated in a wooded area in state ownership, may use, in exchange for appropriate remuneration, the appertaining unbuilt part of the land.

(2) The appertaining unbuilt area under Paragraph 1 shall be used following the conclusion of a lease contract according to the procedure laid down in Article 41 - 46b without a tender procedure.

(3) (Amended, SG No. 61/2016, effective 5.08.2016) The persons under Paragraph 1 may, within a time limit of three years from the entry into force of this act, submit an application for purchasing the developed and the appertaining to the buildings unbuilt part of the land to the Minister of Agriculture and Food, where the said application shall be supported by:

1. a copy of an identity document or a certificate of current legal status and a code under the BULSTAT Register;

2. documents certifying the ownership title to the building;

3. a drawing of the property with its coordinates properly denoted;

4. a document delineating the appertaining terrain from a legal standpoint;

5. a report and a valuation certificate according to the procedure laid down in the ordinance under Article 86.

(4) The Minister of Agriculture and Food shall issue or shall refuse to issue a sale order. Within a 1-month time limit from the entry into force of the order, the person shall pay the prices, fees, taxes and expenses due and payable.

(5) On the basis of the order and a duly-drafted document of amounts paid under Paragraph 4, as submitted by the buyer, the Minister of Agriculture and Food shall conclude a purchase-and-sale contract.

§ 49. (1) When there are administrative proceedings still pending as of the date of entry into force of this act under § 4, Paragraph 5 of the transitional and final provision, the Minister of Agriculture and Food or an officer authorised by the latter shall appoint by an order a commission for the respective municipality. The said commission shall be appointed within a 6-month time limit from the entry of this act into force.

(2) The commission under Paragraph 1 shall consist of: a chairman who represents the regional forestry directorate and members representing the municipal administration, the municipal agriculture service the geodesy, cartography and cadastre service for the land areas for which a cadastral map has entered into force, as well as a representative of the respective state forest enterprise or state game reserve. The commission shall record its deliberations in a protocol.

(3) The commission shall draw up the lists of the landed properties on the territory of the respective municipality that have the characteristics of a forest in the sense of Article 2, Paragraph 1, Item 1. The type and origin of the forests and the size of the properties or of the parts of the properties that have the characteristics of a forest shall be described in the said lists.

(4) The following shall be included in the lists under Paragraph 3:

1. properties or parts of properties in the ownership of natural persons or legal entities, which as of 1 March 1991 constituted natural or artificially-created plantations but which are not recorded as such in the cadastral map or in the restituted property map;

2. properties which have been restituted or acquired as per the Ownership and Use of Agricultural Land Act and which have been marked on the cadastral map or on the restituted property map as agricultural areas but which constituted natural or artificially-created plantations prior to 1 March 1991;

3. properties in stated or municipal ownership which have acquired the characteristics of a forest.

(5) The commission shall perform a check as to the presence of properties under Paragraphs 3 and 4 on the territory of the respective municipality based on a forest stewardship map, a digital orthophotographic map, a restituted property map, a cadastral map or other existing documents.

(6) When the check under Paragraph 5 cannot determine whether the properties are forests in the sense of Article 2, Paragraph 1, Item 1, the commission shall perform an on-the-spot check of the actual use of the properties in the sense of Article 9 of the Spatial Development Act.

(7) The list under Paragraph 3, as endorsed by virtue of the minutes from the work of the commission, shall be posted for a time period of two months at a publicly-accessible place in the respective municipality building and in the mayoralty buildings of the populated settlements so that the owners of the affected properties can acquaint themselves with it.

(8) Within a 1-month time limit from the expiration of the time limit under Paragraph 7, the owners of the affected properties may lodge written objections, remarks and suggestions to the commission under Paragraph 1.

(9) The commission shall consider the objections, remarks and suggestions of the owners of the affected properties and shall adopt a decision within a 1-month time limit from the expiration of the time limit under Paragraph 8. The decision shall be made public according to the procedure as per Paragraph 7. The protocol, accompanied by the final list of the properties, shall be submitted to the Minister of Agriculture and Food or to an official authorised by the latter.

(10) The Minister of Agriculture and Food or an official authorised thereby shall approve the protocol under Paragraph 9 within a 3-month time limit from its submission or shall return it to the commission without approval, if violations of the administrative procedure are found.

(11) Within a 3-month time limit from the approval of the protocol under Paragraph 9, the Minister of Agriculture and Foods or an official authorised thereby shall issue an order for designating the properties from the list under Paragraph 3 as wooded areas.

(12) The order under Paragraph 11 shall be notified to the stakeholders and shall be subject to appeal according to the procedure of the Administrative Procedures Code.

(13) Following the entry into force of the order under Paragraph 11, a copy thereof shall be forwarded to the regional forestry directorate and the relevant geodesy, cartography and cadastre service in cases where a cadastral map has been approved for the relevant territory, or to the municipal agriculture service for entry of the landed properties concerned as wooded areas into the relevant cadastral map or restituted property map.

§ 50. The procedures for listing in the public register under Article 235 that have started and have not been completed by the entry into force of this act shall be completed according to the procedure existing so far.

§ 51. The provision of Article 111 (8) shall not be applied to the use of timber harvested from properties owned by natural persons or legal entities, who/which have been issued felling permits prior to the entry into force of this act.

.....
§ 53. This act shall enter into force from the date of its promulgation in the State Gazette, with the exception of:

- 1. Paragraph 20, which shall enter into force from 1 January 2016;
- 2. Paragraph 25 regarding Article 206, Paragraph 1, Item 3, which shall enter into force from 1 January 2016;
- 3. Paragraph 28, which shall enter into force three months after the promulgation of this act into the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS
to the Act to Amend and Supplement the Protection of Agricultural Lands Act
(SG No. 100/2015)

.....
§ 15. The following amendments shall be introduced in the Forestry Act (promulgated, SG No. 19/2011, SG No. 43/2011, Nos. 38, 60, 82 and 102/2012, Nos. 15, 27, 66 and 109/2013, Nos. 28, 53, 61 and 98/2014 and SG No. 60 and 79/2015):

.....
§ 16. (1) The landed properties within wooded areas the purpose of which has been changed after 9 April 2011 and prior to entry into force of this Act and in respect of which the price due has been paid within the stipulated time, shall be sold to the entity on whose request said change of purpose has been effected. The person shall submit an purchase application within a time limit of up to 1 year from the entry into force of this Act.

(2) The right of the person to purchase the property with the changed purpose shall expire when:

1. the purchase application has not been submitted within the time limit of Paragraph 1, sentence two;
2. the purchase price has not been paid within a 6-month time limit from the entry into force of the order for purchase of the landed property.

(3) In the cases under Paragraph 2, the Minister of Agriculture and Food shall issue an order for denoting the property as a wooded area, which shall be announced according to the procedure of the Administrative Procedures Code. A copy of the order shall be forwarded to the relevant state enterprise, the relevant regional forestry directorate, as well as to the relevant geodesy, cartography and cadastre service or to the municipal agriculture service, for entry of the changes into the cadastral map or into the restituted property map. Within a 6-month time limit from the entry into force of the order, the competent authority under the Spatial Development Act shall repeal or amend the instrument by virtue of which the respective detailed zoning plan was endorsed.

§ 17. The afforested and self-afforested agricultural lands under § 72 of the Transitional and Final Provisions of the Act to Amend and Supplement the Repealed Forests Act (promulgated, SG No. 43/2008, amended, SG No. 54/2008; Resolution No. 4 of the Constitutional Court of 2008 - SG No. 63/2008; amended, SG No. 91/2008 and No. 80/2009), in regard to which no orders for inclusion in the state forest stock have been issued by the date of entry into force of this Act and which have not been handed over to the municipalities according to the procedure of Article 19 of the Ownership and Use of Agricultural Land Act, shall be included into the wooded areas in state ownership by an order of the Minister of Agriculture and Food.

FINAL PROVISIONS

to the Act Amending and Supplementing the Bulgarian Food Safety Agency Act

(SG No. 58/2017, effective 18.07.2017)

§ 15. In the Forestry Act (promulgated, SG No. 19/2011; amended, SG No. 43/2011, SG No. 38, 60, 82 and 102/2012, SG No. 15, 27, 66 and 109/2013 and SG No. 28, 53, 61 and 98/2014, SG No. 60, 79 and 100/2015, SG No. 13, 15, 57, 61 and 95/2016 and SG No. 13/2017) everywhere in the text the words "Ministry of Agriculture and Food" and "Minister of Agriculture and Food" and "the Minister of Agriculture and Food" shall be replaced with "Ministry of Agriculture Food and Forestry", "the Minister of Agriculture, Food and Forestry" and "Minister of Agriculture, Food and Forestry".

TRANSITIONAL AND FINAL PROVISIONS

to the Act amending the Seed Stock and Planting Stock Act

(SG No. 17/2018, effective 23.02.2018)

.....
§ 37. (1) Within two months of the entry of this Act into force the relevant administrative authorities, within their competencies, shall approve with orders standard forms of the documents under this Act and shall publish such standard forms on the web-sites of the respective administrations.

(2) By 31 December 2019 the relevant administrative authorities shall bring the public registers kept by the relevant administrations in line with the Electronic Government Act and the secondary statutory instruments for its implementation.

.....

TRANSITIONAL AND FINAL PROVISIONS

to the Act on the Amendments and Supplements to the Energy Act

(SG No. 83/2018)

.....

§ 33. The procedures for listing in the public register under Article 54, paragraph 1, items 1 and 4 of the Forestry Act shall be completed according to the procedure existing so far.

Appendix 1

to Article 163 (1)

List of State Enterprises

1. The North-Western State Enterprise.
2. The North-Central State Enterprise.
3. The North-Eastern State Enterprise.
4. The South-Eastern State Enterprise.
5. The South-Western State Enterprise.
6. The South-Central State Enterprise.

Appendix 2

to Article 27 (3), item 6

(Supplemented, SG No. 60/2015, effective 7.08.2015)

List of Forest Nurseries of National Significance

1. Ashiklar, Berkovitza
2. Galovo, Oryahovo.
3. Mikrevo, village of Stroumyani.
4. Soushitza, Gotze Delchev.
5. Poroy, Nessebar.
6. Dabovete, Dobrich.

7. Djulyunitza, Gorna Oryahovitza.
8. Momchilgrad, Momchilgrad.
9. Dolno Selo, Kuystendil.
10. Riben, Pleven
11. Tzerovo, village of Tzerovo.
12. Ravnogor, Peshtera.
13. Nakov Chiflik, Pazardjik.
14. Golyamo Konarsko Shose, Plovdiv.
15. Kapsidata, Assenovgrad.
16. Hotantza, village of Hotantza.
17. Trankovo, Elhovo.
18. Ormana, Yambol.
19. Barchevo, village of Smilyan.
20. Siniya Vir, Etropole.
21. Vetren, Maglizh.
22. Stanyantzi, Varbitza.
23. Bayachevo, Targovishte.
24. Vardim, Svishtov.
25. Vardim, at the Experimental Station for Fast-Growing Tree Species, Svishtov.
26. (New, SG No. 60/2015, effective 7.08.2015) Lokorsko, Village of Lokorsko.
27. (New, SG No. 60/2015, effective 7.08.2015) Mandzherin, Town of Pirdop.