



## **Forest Code of the Republic of Kazakhstan**

### *Unofficial translation*

The Code of the Republic of Kazakhstan dated 8 July, 2003 № 477.

#### **Unofficial translation**

Footnote. Throughout the text of the Code:

the words "(city of republican significance, the capital)" are replaced by the words "cities of republican significance, the capital";

the word "necessities" is replaced by the word "needs";

the words "cultural and health-improving, recreational" are replaced by the words "health improving, recreational, historical and cultural";

the words "legislative act of the Republic of Kazakhstan on land" are replaced by the words "the Land Code of the Republic of Kazakhstan";

the words "by regional executive body", "of regional representative bodies", "by regional executive bodies", "of regional representative body upon the recommendation of the regional executive body" and "by regional representative body upon the recommendation of the regional executive body" are replaced by the words "by local executive body of the oblast", "of local representative body of the oblast", "by local executive bodies of the oblast", "of local executive body of the oblast", "of local representative body of the oblast upon the recommendation of the local executive body of the oblast" and "by local representative body of the oblast upon the recommendation of the local executive body of the oblast";

the words "at the expense of the state budget" are replaced by the words "at the expense of the budget funds";

the words "on protection, reproduction and use of wildlife and the specially protected natural areas" are replaced by the words "in the field of protection, reproduction and use of wildlife and the specially protected natural areas" by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Throughout the text of the Code, changes have been made in the Kazakh language, the text in Russian does not change in accordance with the Law of the Republic of Kazakhstan dated 15.06. 2017 № 73-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

## **Section 1. General provisions Chapter 1. Basic provisions**

### **Article 1. The forest legislation of the Republic of Kazakhstan**

1. The forest legislation of the Republic of Kazakhstan shall be based on the Constitution of the Republic of Kazakhstan and shall consist of this Code and other regulatory legal acts of the Republic of Kazakhstan.

2. Public relations in use and protection of flora (other than forests) and fauna, water bodies, subsoil, soil, air, the specially protected natural areas shall be regulated by the special legislation of the Republic of Kazakhstan.

3. If an international treaty, ratified by the Republic of Kazakhstan, establishes the rules other than those, provided for in this Code, the rules of the international treaty shall be applied.

### **Article 2. The relations regulated by this Code**

1. This Code shall regulate public relations on possession, use and disposal of forest resources, and establish the legal framework for protection, conservation, rehabilitation, improvement of ecological and resource potential of the forest resources and its rational use.

2. Regulation of forest legal relationships shall be based on the fact that the forest is one of the most important components of the biosphere, which has global environmental, social and economic significance.

### **Article 3. Principles of the forest legislation of the Republic of Kazakhstan**

The forest legislation of the Republic of Kazakhstan shall be based on the following principles:

1) recognition of the national significance of forests, that carry out the climate-regulating, environmental, field and soil protecting, water protecting and sanitary functions;

2) sustainable development of forests (permanent expansion of forest cover in the Republic of Kazakhstan);

3) conservation of biological diversity of forests, the objects of the state natural reserve resources, cultural and natural heritage;

4) multi-purpose use of forests;

5) rational, continuous, sustainable use of forest resources;

6) state regulation, control and supervision in the field of protection, safety, use of the forest fund, reforestation and afforestation;

7) Excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

8) compensation for damage, caused by violation of the forest legislation of the Republic of Kazakhstan;

9) fees for the use of forest resources;

10) availability of information about the condition of the forests;

11) involvement of population and public associations in conservation and protection of forest resources.

**Footnote. Article 3, as amended by the laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its official publication); dated**

25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); № 156-VI dated 24.05.2018 (shall be enforced upon ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

#### **Article 4. The basic definitions, used in this Code**

The following definitions shall be used in this Code:

1) reclamative afforestation – a protective forest plantation, that allows to reduce impact of adverse natural factors on agriculture;

2) selection of tree and shrub species (forest selection) – a set of measures for natural selection or artificial production of species and varieties of forest trees, that have economic and other value;

3) felling – a forest area, where the planting had been cut down, and a new generation of the forest has not grown up yet;

4) illegal tree cutting – felling of trees and shrubs in the forest reserves of the Republic of Kazakhstan, including those, damaged or lost as a result of natural and man-made factors: without a felling license; with a felling license, fulfilled at the state forest resources in violation of the rules for forest felling, and in violation of the deadlines, set in the felling license; forest felling in the volumes, exceeding the allowable cut;

5) a grassy clearing – a forest area, free of trees, but retaining the elements of forest vegetation;

6) intermediate use felling – an improvement cutting, sanitary cutting and selective logging, associated with reconstruction of low-value forest stands and plantations, losing their protective, water protective and other functions, the cutting of a number of trees in young plantations;

7) plantations of special purpose – the artificial plantations, grown for industrial, energy, food and other purposes;

8) elite tree – a tree, considerably superior to the surrounding trees for one or more economically valuable qualities and properties, that are of the same age and phenology shape with the trees, growing in the same forest conditions;

9) clone banks of elite trees – the plantations, formed with the use of vegetative progeny of the elite trees in order to preserve their gene resources and study hereditary characteristics;

10) elite tree plantation – a highly efficient and sustainable planting for certain forest site conditions;

11) especially valuable forest areas – the forests, that have unique species composition, relict and endemic species; the forests with unique productive and genetic qualities; the forests, performing important protective functions in complex natural conditions;

12) aerial photography – the photographing of an area from aircraft and other aerial vehicles with the help of an aerial camera in order to use the aerial photographs for mapping, land delimitation; to research the environment and its monitoring;

13) felling for primary use – the felling of mature and over-mature forest stands for wood harvesting;

14) biodiversity – a set of plants and animals, typical for a particular area;

15) biocoenosis – a range of plants, animals and micro-organisms, that inhabit a certain, relatively homogeneous land plot or a part of a water reservoir and interacting with each other ;

16) gene resource – a set of genes of one group of species (population, group of populations or species), within which they are characterized by a certain frequency of occurrence;

17) provenance trial plantations – forest trials, created under the special techniques of seed offspring of the most typical populations of several ecotypes (provenances) in order to be tested in the new environment;

18) derivative – a derivate of a plant and product, made of it and its derivate;

19) economic limit of harmfulness – a density of forest pests in which the cost of the damage, caused to the forest resources, exceeds the costs, spent on the pest control;

20) minus stand – a planting of low productivity and poor quality for specific forest site conditions;

21) a cutting area – a forest site, allocated for felling of all kinds, or which is under the felling;

22) coupe demarcation – the measures, aimed at demarcation of the real boundaries and taxation of the cutting areas, marking of the trees, subject to cutting, material and monetary evaluation of the timber, registered at the felling;

23) out-of-forest clutter – a natural pruning of wood (trunks and branches), lying on the ground outside the cutting area and not harvested for industrial purposes;

24) the cutting age - the age of the stand, starting from the moment when it passes from the category of a maturing one into the category of a mature forest stand and can be assigned to the main felling;

25) incomplete felling – trees and parts of the forests, planned for felling, but not cut down in the time, specified by a felling license;

26) urban forests – natural and (or) artificial plantations, mainly performing hygiene and recreational functions, growing within the urban area and are a part of the state forest resources;

27) a normal stand – a planting of high and medium productivity, of good and average quality for specific forest site conditions;

28) secondary wood resources (materials) (hereinafter - the secondary wood resources) – bark, branches, stubs, roots, leaves, buds of trees and shrubs;

29) lands of the state forest resources – land plots, allotted within the state forest resources under the forest management to the state forest inventory, a special mapping and planning of forestry activities;

30) a category of the state forest resources – a part of the state forest resources, with particular protective, water protective, sanitary-hygienic, recreational, scientific or other special purpose, allocated according to the procedure, established by the legislation of the Republic of Kazakhstan, with a special regime of forest management and forest use;

31) a state forest management organization – a republican state-run enterprise, established upon the decision of the Government of the Republic of Kazakhstan;

32) forest – a natural complex, formed in a certain area, based on the mixture of tree and shrub vegetation and other components of wildlife, interacting with the environment and having ecological, economic and social importance;

33) forest diseases – pathological processes, caused by negative environmental factors or organisms, passing from the infected plants to the healthy ones, changing the plants' structure or leading to their destruction;

34) forest species – a man-made forest plantations of tree and shrub species;

35) reforestation reserves – lands, uncovered with forest (cuttings, burnings, clearings, open stands) and non-forest areas, afforestation of which is possible only through artificial forest cultivation;

36) forest pests – organisms that damage forest plantations;

37) forest ownership – a right to possess and use the state forest resources, provided for by the Government of the Republic of Kazakhstan to the state forest owners for forest management and forest use, operation of the specially protected natural areas, as well as the right to possess, use and dispose a private forest resources, provided to the private forest owners in the order, prescribed by this Code;

38) forest owners - state organizations to which the state forest fund plots shall be granted on the right of permanent land use, as well as citizens of the Republic of Kazakhstan and non-state legal entities of the Republic of Kazakhstan without foreign participation, in which the private forest fund plots shall be owned in accordance with this Code;

39) forest range - a part of the forest, assigned to a forest ranger for its protection, specified in the order, prescribed by this Code and other regulatory legal acts of the Republic of Kazakhstan;

40) the state control in protection, conservation and use of the forest resources, reforestation and afforestation – an activity of the authorized body for forestry inspection and monitoring of the inspected entities for their compliance with the requirements, established by the legislation of the Republic of Kazakhstan, during the inspection and upon the results of the inspection, the right-restrictive measures may be applied without a rapid response;

40-1) state supervision in the field of protection, safety, use of the forest fund, reforestation and afforestation - activity of the authorized authority in the field of forestry to

verify and monitor compliance by the audited entities with the requirements of the legislation of the Republic of Kazakhstan, in the course of implementation and based on the results of which they can be applied measures of a law-limiting nature, including rapid response;

41) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);

42) use of forest resources – a right of individual and legal entities, established by the legislative acts of the Republic of Kazakhstan, to forest management, and the use of lands, waters and common minerals at the forest resources, for economic and other purposes;

43) inventory of forest resources – a set of works for description, mapping and estimation of quantitative and qualitative indicators of certain forest resources areas;

44) forest compartment – a part of the forest, marked off by the cleared strips, natural boundaries (river banks, mountain ranges, roads, etc.), that is used for forest management;

45) forest fire station – an object of the state forest owner, designed to place an anti-fire service and equipment to prevent forest fires and arrange their timely liquidation;

46) afforestation – a creation and cultivation of artificial forest plantations at the areas, that were not under the forest before;

47) forest use – an economically and legally regulated use of forest resources and the forest's beneficial properties;

48) forest user – an individual or legal entity, that obtained the right to temporary forest use in the order, prescribed by this Code;

49) forest nursery – a site of the forest resources, designed for growing of seedlings of trees and shrubs;

50) a cleared strip – a strip, cleared from tree and shrub vegetation to mark the boundaries of the forest compartments or other purposes;

51) forest allotment – a part of the forest compartment, homogeneous for taxation specifications, soil-typological conditions and economic value, being a primary forest management accounting unit;

52) forest seed plantation – an artificial plantation, containing plants, planted under a special genetic scheme, which are the seed or vegetative progeny of the elite trees, grown to receive regular (long-term), high-quality, elite or hybrid seeds with the specified hereditary properties and high sowing qualities;

53) forest seed growing - a set of measures for harvesting, processing, storage and use of forest seeds, control over their quality and origin, aimed at receiving the seeds with valuable hereditary properties and high sowing qualities;

54) forestry – a branch of economy, studying and recording the forest resources, including their conservation and protection, reforestation and afforestation, forest management and its monitoring;

- 55) forestry planning – a set of works on planning of silvi-cultural, agro-forestal, anti-fire actions, construction of forestry and hunting objects;
- 56) forestry roads – forest management facilities, having forestry and fire-fighting purposes, providing availability of forest lands for forest management and forest use;
- 57) a state forestry agency (hereinafter – a forestry agency) – an institution, established in the order, defined by the legislation of the Republic of Kazakhstan, to protect and preserve the state forest resources, to provide reforestation and afforestation, and forest management;
- 58) the authorized body in the field of forestry (hereinafter referred to as the authorized body) - the state body that performs the functions of management, control in the field of protection, protection, use of the forest fund, forest reproduction and afforestation;
- 59) forestry measures – a range of organizational and technical measures for forest conservation and protection, reforestation and afforestation, forest management, performed on the basis of the forest management materials;
- 60) forest logging camp – a part of the forest area, composed of two or more forest ranges , assigned to one forest master and designed for forest management activities;
- 61) forest fire season – a part of a calendar year, defined by the authorized body for forestry, the regional executive body, taking into account climatic and weather factors, during which forest fires may occur;
- 62) afforestation – an artificial or natural forest overgrowth in non-forest lands;
- 63) protection of forests - a set of measures for prevention and forest fire control, countering illegal forest felling and other violations of forest legislation of the Republic of Kazakhstan;
- 64) improvement forest cutting – a periodic forest care, carried out through removal of trees from the planting, that stunted or impeded the growth of the main tree species, in order to form highly productive and sustainable plantations;
- 65) forest renewal – a natural formation of a new generation of forest at the stands, as well as at the clearings, burned areas and other areas, that were previously occupied by forest;
- 66) forest protection – a set of measures for protection of forests from pests, diseases and influence of unfavorable factors of natural, man-made origin, performed through terrestrial and aviation methods;
- 67) forest regeneration – creation of forest crops or support of natural regeneration at the areas, previously occupied by forest, including the measures for forest care and its improvement;
- 68) forest taxation (cutting areas) – the action, aimed at detection, recording, evaluation of qualitative and quantitative characteristics of forest resources, including the plantations, planned for felling;
- 69) forest cover percent – the forest coverage of a territory, defined as the ratio of forested lands to its total area, expressed as a percentage;

70) extremely dangerous forest pests – the pests, capable for mass reproduction and dispersion, when the damage, caused to the forests, exceeds the economic limit of harmfulness;

71) forest genetic reserve – a land plot of the forest with a valuable genetic and selection part of population of species and sub-species of plants;

72) non-closed forestry crops – the crops, created artificially (sowing or planting), but not transferred to the lands, covered with forest;

73) sanitary condition of the forest – the assessment of the forest condition, containing the data on clutter, withering and dead standing trees, the dynamics of pests population and spread of forest diseases, other negative factors, adversely affecting the forest's condition;

74) forestry – a structural subdivision of the forest owner, located in its borders and intended for planning and forest management activities, calculation of forest management volumes;

74-1) forest ecological system services (hereinafter referred to as forest ecosystem services) - the benefits derived from the use of the forest, its functions, including its useful properties by individuals and legal entities operating in the forest fund and adjacent areas;

75) a burned area – the forest area, where the plantation was destroyed by fire, and the new generation of the forest has not formed yet;

76) young growth (undergrowth) – a younger generation of trees in the forest or on the cutting area, able to grow up to the first tier, or replace the parent tree stand;

77) sanitary cutting – the cutting (selection felling, clear felling), conducted to improve sanitary condition of the forest, when diseased, damaged, withering and dead stand trees are being cut down;

78) open forest stand – the natural forest stand formation, except for the young trees of the first and second age classes, with the forest density of 0.1-0.2;

79) tapping – an artificial damage of the tree stems during their vegetation period to get resin, tree saps out of them;

80) tree stand - a set of trees, which are the main component of forest plantations;

81) fast-growing tree and shrub species – the tree and shrub species, used to create plantations for special industrial and energy purposes with the intensive growing technique.

82) a revision period – the period for which a forest development project is elaborated to perform forest management or a management plan for the specially protected natural territory;

83) permanent seed base – a set of seed selection objects, geographically allocated in the state forest resources in the order, prescribed by the forest legislation of the Republic of Kazakhstan, in order to receive seeds with valuable hereditary properties and high sowing qualities;

84) permanent seed plot – the natural formed plantations, highly productive for these forest growing conditions, or the plants, grown up from the seeds, harvested from elite trees, in elite tree stands, at the forest seed plantations, created for long-lasting seed production;



85) an estate – the form of the lands of the state forest resources, belonging to the non-forest lands, represented by the land plots, occupied by residential and non-residential buildings, associated with forestry management and operation of the specially protected natural areas;

86) resin – a resinous substance, released from the damaged conifers;

87) forest outlier – natural forests, growing in a forest-steppe zone in small patches (from 0.1 to 30 hectares).

**Footnote. Article 4 is in the wording of the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); as amended by the Law of the republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 15.06.2017 № 73-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); № 156-VI dated 24.05.2018 (shall be enforced upon ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.06.2021 № 59-VII (shall enter into force from 01.01.2022).**

## **Chapter 2. Objects and subjects of forest legal relationships**

### **Article 5. Objects of forest legal relationships**

1. An object of forest legal relationships shall be the forest resources of the Republic Kazakhstan, including the lands of the forest resources, forest resources and the forests' values.

2. The objects of the forest legal relationships shall be used, taking into account the multi-functional role of the forests on fee-basis in the order, prescribed by this Code and the tax legislation of the Republic of Kazakhstan.

**Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011).**

### **Article 6. Forest resources of the Republic of Kazakhstan**

1. All forests in the territory of the Republic of Kazakhstan, as well as the forest lands, not covered with forest vegetation, but intended for the forestry needs, shall be the forest resources of the Republic of Kazakhstan (hereinafter – the forest resources).

2. The forest resources shall consist of the state and private forest resources.

3. The state forest resources shall include:

1) natural and artificial forests (including forest and non-forest areas) in the specially protected natural territories;

2) natural and artificial forests, and the land plots, not covered with forest vegetation, provided for the forestry needs, in the lands of the state forest resources;

3) protective plantings on row of railways and roads of international and national significance, canals, main pipelines and other linear structures the width of ten meters and the area over 0.05 hectares.

4. A private forest fund shall be a fund created at the expense of citizens of the Republic of Kazakhstan and non-state legal entities of the Republic of Kazakhstan without foreign participation on lands granted to them for private ownership or long-term land use, in accordance with the Land Code of the Republic of Kazakhstan with the purpose for forestry:

- 1) artificial plantations;
- 2) natural plantings, grown from seeds and (or) vegetative means;
- 3) private forest nurseries;
- 4) plantations of the special purpose;
- 5) reclamative afforestation;
- 6) protective plantings on ROW of commercial roads, which are privately owned.

5. The forest resources shall not include:

1) individual trees and groups of trees, occupying the area of less than 0.05 hectares, located outside the lands of the state forest resources, shrub vegetation in the agricultural lands;

- 2) landscaping greenery within the boundaries of settlements, except for the urban forests;
- 3) trees and shrubs in backyards, dacha and garden land plots.

**Footnote. Article 6, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its official publication); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.06.2021 № 59-VII (shall enter into force from 01.01.2022); dated 02.01.2023 № 184-VII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 7. The ownership right to the forest resources**

1. The state forest resources in the Republic of Kazakhstan shall be owned by the people of Kazakhstan. On behalf of the people of Kazakhstan, the ownership right shall be exercised by the state. At the same time, the exercise of the ownership right by the state shall be realized through the state property regime in the interests of the people of Kazakhstan.

The state forest resources in the Republic of Kazakhstan shall be related to the state property and shall be in the national ownership.

2. Possession, use and disposal of the lands of the private forest resources shall be carried out by private forest owners in accordance with this Code and other legislative acts of the Republic of Kazakhstan.

**Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 05.11.2022 № 157-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 8. The lands of the forest resources**

1. The lands of the forest resources shall be divided into the public and private forest resources.

2. The lands of the state forest resources shall be the lands, covered with natural, artificial forests, created at the expense of budget resources, and those, not covered with forests (forest and non-forest areas) and provided to the state forestry institutions for permanent land use.

3. The lands of a private forest fund include lands granted to citizens of the Republic of Kazakhstan and non-state legal entities of the Republic of Kazakhstan without foreign participation in private property or long-term land use in accordance with the Land Code of the Republic of Kazakhstan with a purpose for forestry, occupied by:

- 1) artificial plantings;
- 2) natural plantings, grown from seeds and (or) vegetative means;
- 3) private forest nurseries;
- 4) plantations of the special purpose;
- 5) reclamative afforestation;
- 6) protective plantings on ROW of commercial roads, which are privately owned.

4. Boundaries of the lands of the state forest resources shall be marked and defined during the land survey works on the basis of forest management materials.

5. Alienation of the lands of the state forest resources through purchase, mortgage, and other transactions shall be not permitted.

6. The procedure of granting, withdrawal and use of the lands of the forest resources shall be defined by this Code, the Land and Civil Codes of the Republic of Kazakhstan.

**Footnote. Article 8, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 N 176 (shall be enforced from the date of its official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548 - IV ( shall be enforced upon expiry of ten calendar days after its first official publication.); dated 30.06.2021 № 59-VII (shall enter into force from 01.01.2022).**

#### **Article 9. Forest resources and useful properties of forest**

1. Forest resources shall consist of the stock of wood, resin and tree saps, secondary forest resources, wild fruits, nuts, mushrooms, berries, medicinal herbs and industrial raw material, and other products of plant and animal origin, that are accumulated and harvested in the forest resources.

2. Beneficial properties of forest shall be its environmental and social functions, typical for it in a growing state (release of oxygen, carbon-dioxide absorption, protection of soil from water and wind erosion, transfer of surface water runoff into the subsurface one, balneotherapy and climate-regulating properties).

#### **Article 10. Subjects of forest legal relationships**

The subjects of forest legal relationships shall be the individual and legal entities, as well as the state bodies, responsible for conservation, protection, reforestation, afforestation, and ( or) forest management.

## **Section 2. State administration, control and supervision in the field of protection, safety, use of the forest fund, reforestation and afforestation**

Footnote. Title of Section 2 as amended by the Law of the Republic of Kazakhstan № 156 -VI dated 24.05.2018 (shall be enforced upon ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 3. The state administration in the field of protection, conservation and use of forest resources, reforestation and afforestation**

### **Article 11. An official and a system of the state bodies, exercising the state control in the field of protection, conservation and use of forest resources, reforestation and afforestation**

The official and the system of state authorities carrying out state administration in the field of protection, safety, use of the forest fund, reforestation and afforestation include the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, the authorized authority, office of the authorized authority and the territorial divisions of office of the authorized authority, as well as local executive authorities of the regions, cities of republican significance, capital within their competence as defined by the Constitution, the present Code, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the the Republic of Kazakhstan.

Footnote. Article 11 is in the wording of the Law of the Republic of Kazakhstan, dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 11-1. A system of protection, conservation and use of forest resources, reforestation and afforestation**

A system of protection, conservation and use of forest resources, reforestation and afforestation shall include:

- 1) the Government of the Republic of Kazakhstan;
- 2) the authorized authority, office of the authorized authority and territorial divisions of the office of the authorized authority;
- 3) other state bodies, involved in protection, conservation and use of forest resources, reforestation and afforestation;
- 4) the local state bodies and self-government bodies;
- 5) forest institutions and environmental organizations;

6) state forest management organization;

The paragraph shall be terminated on 01.01.2015.

7) republican state enterprises for protection, conservation and use of forest resources, reforestation and afforestation;

8) scientific organizations for protection, conservation and use of forest resources, reforestation and afforestation;

9) forest owners and forest users;

10) public associations, established for protection, conservation and use of forest resources, reforestation and afforestation.

Footnote. Chapter 3 is supplemented by Article 11-1 in accordance with the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Article 12. Competence of the Government of the Republic of Kazakhstan in the field of protection, conservation and use of forest resources, reforestation and afforestation**

The Government of the Republic of Kazakhstan shall:

1) develop the main directions and implements the national forest policy;

2) possess, use and manage the state forest resources;

3) provide the land plots of the state forest resources on the right of forest tenure to the state legal entities, referred to in paragraph 2 of Article 22 of this Code;

4) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

5) shall approve the distribution of the state forest fund by categories;

6) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

7) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

8) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

9) Is excluded by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication);

10) shall take decision on the seizure of rare and endangered plant species, their parts or derivatives and confirm the amount of their seizure;

11) establish the basic rates for assessment of damage, caused by violation of the forest legislation of the Republic of Kazakhstan;

12) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

13) is excluded by the Law of the Republic of Kazakhstan dated 29.09. 2014 № 239-V (

shall be enforced upon expiry of 10 calendar days after its first official publication);

14) (Is excluded);

15) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of 10 calendar days after its first official publication);

16) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V ( shall be enforced upon expiry of 10 calendar days after its first official publication);

17) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of 10 calendar days after its first official publication);

17-1) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-2) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-3) excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication );

17-4) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-5) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-6) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-7) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of 10 calendar days after its first official publication);

17-8) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-9) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-10) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-11) is excluded by the Law of the Republic of Kazakhstan dated 29 .09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-12) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-13) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-14) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-15) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);



17-16) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-17) is excluded by the Law of the Republic of Kazakhstan dated 29/ 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-18) is excluded by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-19) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication);

17-20) is excluded by the Law of the Republic of Kazakhstan dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of 10 calendar days after its first official publication);

18) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII ( shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 12, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13; dated 10.12.2008 № 101-IV (shall be enforced from 01.01.2009); dated 06.01.2011 № 379-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication.); dated 03.07.2013 № 124-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29. 09. 2014 № 239-V ( shall be enforced upon expiry of 10 calendar days after its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 13. The competence of the authorized body**

Footnote. The heading as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The authorized body shall:

1) possess and use the state forest resources within its competence, established by the Government of the Republic of Kazakhstan;

1-1) form and implement state forest policy;

2) excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) organize and ensure protection, conservation, reforestation and afforestation, forest management at the state forest resources, which is under its management;

4) develop and approve regulatory legal acts of the Republic of Kazakhstan in protection and use of forest resources, reforestation and afforestation;

4-1) carry out state control over the quality of implementation of forest management measures and their compliance with forest planning projects on the plots of the state forest fund;

5) exercise state control and supervision over the condition, protection, defense, use of the forest fund, reproduction of forests and afforestation;

5-1) carry out state control and supervision over:

quantitative and qualitative changes in the forest fund, its sanitary condition;

the procedure for transferring forest resources for forest use in state forest fund plots and compliance with long-term and short-term forest use agreements;

fulfillment of fire safety requirements in forests, measures to prevent forest fires, to ensure their timely detection and liquidation, as well as the accuracy of accounting of the area of burned areas and determination of the damage caused by fires to the state forest fund, the timeliness of measures taken to eliminate the consequences of forest fires;

implementation of measures to protect forests from pests and diseases, timeliness of measures taken to prevent the emergence, spread, accuracy of accounting and forecasting of forest pests and diseases, weakening and death of plantations from adverse impacts of natural and anthropogenic nature;

allotment of harvesting areas;

compliance with the rules of timber release and felling, other rules of forest management in state forest fund plots;

observance of protection regimes in the forests of specially protected natural territories;

observance of forest seed zoning, rules of harvesting, processing, storage and use of forest seeds and control over their quality, nursery management in state forest fund plots;

utilization of lands of the forest fund in accordance with their intended purpose and protection of these lands;

**II & LI note!**

**An amendment is provided for by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII in item eleven of subparagraph 5-1) (shall be enforced from 31.12.2025).**

compliance with the procedure for the use of the state forest fund during construction works, mining of minerals, laying of communications and other works not related to forestry and forest use;

6) develop and approve the allowable cutting areas in the state forest resources and the age of cuttings;

**7) Is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 № 102-V ( shall be enforced upon expiry of ten calendar days after its first official publication);**

8) shall develop and approve the rules for keeping state records of the forest fund, state forest cadastre, state monitoring of forests and forest management on the territory of the state forest fund and ensure their maintenance;



9) Is excluded by the Law of the Republic of Kazakhstan, dated 05.07.2011 № 452-IV ( shall be enforced from 13.10.2011);

10) cooperate internationally in forest relations in the order, defined by the legislation of the Republic of Kazakhstan;

11) hear a report of the head of the structural subdivision of local executive body of the oblast, city of republican significance, the capital, managing the forestry and the heads of forest institutions and environmental organizations on condition, protection, conservation and use of forest resources, reforestation and afforestation;

12) shall suspend, restrict, terminate the right of the forest use in the areas of the state forest fund, as well as works that present a danger to the state and reproduction of forests under its jurisdiction, in accordance with the legislation of the Republic of Kazakhstan;

13) define directions for scientific and technological development, organizes scientific research and environmental surveys in protection and use of forest resources, reforestation and afforestation, forest breeding and forest seed growing;

14) organize and conduct biddings to provide forest resources to the long-term forest management in the state forest resources, that are under its control, with participation of local representative and executive bodies of the oblast, city of republican significance the capital;

15) consider the cases on administrative violations in forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reproduction and use of wildlife and the specially protected natural areas;

16) (Is excluded);

17) shall develop and approve methodological instructions: calculation of rates of payment for the forest use on the plots of the state forest fund; on accounting and determination of damage caused by fires on the territory of the forest fund; on the record and determination the amount of illegal cutting and damage caused by illegal cutting of forests on the territory of the forest fund;

18) Is excluded by the Law of the Republic of Kazakhstan, dated 10.07.2012 № 36-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

18-1) coordinate the work of departments of local executive bodies of oblasts, cities of republican significance, the capital, managing the forestry, and forest institutions and environmental organizations for protection, conservation and use of the forest resources, reforestation and afforestation;

18-2) is excluded by the Law of the Republic of Kazakhstan dated 16. 05. 2014 № 203-V (shall be enforced upon expiry of six months after its first official publication);

18-3) approve forest management projects;

18-4) develop and approve the rules for issuing permits by the administrative authority for import into the territory of the Republic of Kazakhstan, export and (or) re-export from the territory of the Republic of Kazakhstan of flora objects, its parts and derivatives, subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

18-5) form in accordance with the Rules for distributing standing timber in the areas of state forest fund and approve annual volumens of sanitary and other felling of forests in areas of the state forest fund, not defined by forest planning materials, in the course of liquidation of consequences resulting from natural and climatic factors, forest damage by pests and diseases;

18-6) develop and approve forest seed zoning;

18-7) develop and approve the rules of encouragement and the procedure for awarding honorary titles, badges and diplomas for forestry management;

18-8) develop and approve the rules for implementation of aviation work for protection and safety of the forest fund;

18-9) develop and approve the rules for organization and functioning of a school forestry in consultation with the authorized state body for education;

18-10) develop and approve the inventory procedures for forest crops, nurseries, areas, with the measures taken to support natural reforestation and the areas, planned for natural forest planting in the state forest resources;

18-11) develop and approve the instruction for forest management;

18-12) shall develop and approve the rules for granting forest land plots for construction sites on the lands of the state forest fund, where forest resources are provided for long-term forest use for recovering, recreational, historical, cultural, tourist and sporting purposes, hunting needs, collateral use in forests;

18-13) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII ( shall be enforced upon expiry of sixty calendar days after its first official publication).

18-14) shall develop and approve the list of derivatives;

18-15) shall submit to the Government of the Republic of Kazakhstan proposals for the removal of rare and endangered plant species, their parts or derivatives and the confirmation of their seizures;

18-16) shall develop and approve in an agreement with the central authorized body on budget planning, the natural norms for providing uniforms with signs of distinction (without shoulder straps) of the officials of the state forest inspection of the Republic of Kazakhstan and the state forest guard of the Republic of Kazakhstan;

18-17) shall develop and approve samples and the order of wearing uniforms with signs of distinction (without shoulder straps) of officials of the state forest inspection of the Republic of Kazakhstan and the state forest guard of the Republic of Kazakhstan;

18-18) shall develop and approve the rules for harvesting, processing, storage and use of forest seeds and control over their quality;

18-19) make proposals to the Government of the Republic of Kazakhstan on categorization of the state forest resources;

18-20) shall develop and approve the rules for the release of standing timber and forest cutting on the areas of the state forest fund;

18-21) shall develop and approve the rules for establishing the width of forbidden forest bands along the banks of rivers, lakes, reservoirs, canals and other water objects;

18-22) develop the basic rates to assess the damage, caused by violation of the forest legislation of the Republic of Kazakhstan;

18-23) shall develop and approve the norms and standards for protection, defense, use of forest resources, reproduction of forests and afforestation on the areas of the state forest fund;

18-24) shall develop and approve the rules for the preparation of resin, wood juices, secondary wood resources, collateral use in forests on the territory of the state forest fund;

18-25) shall develop and approve the rules for reproduction of forests and afforestation;

18-26) shall develop and approve the rules for the use of plots of the state forest fund for growing planting stock and plantations of special purpose;

18-27) develop and approve a list of highly dangerous pests and forest diseases, except for quarantine species, and the procedure for combating them;

18-28) shall develop and approve the forms of a forest felling ticket and a forest usage permit, the rules for their recording, storage, filling and issuing;

18-29) shall develop and approve the rules for conducting inspection of felling sites on the areas of the state forest fund;

18-30) shall develop and approve the rules for applying stamps in the state forest fund;

18-31) shall develop and approve the rules for recording, determining and reimbursing damage caused by fires on the territory of the forest fund;

18-32) shall develop and approve the rules for recording and determining the amount of illegal forest cutting and damage caused by illegal cutting on the territory of the forest fund;

18-33) shall develop and approve, on an agreement with the central authorized body on budget planning, the standards for the location of fire extinguishing equipment in the places of forest, recreational, historical, cultural, tourist, sports and other events on the territory of the state forest fund;

18-34) excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication );

18-35) shall develop and approve the rules for reimbursement of expenses for laying and cultivation of plantations of fast-growing tree and shrub species, creation and development of private forest nurseries;

18-36) shall develop and approve the regulation on the forest fire station of the state forest owner;

18-37) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon ten calendar days after the day of its first official publication);

18-38) shall develop and approve the regulation on state forest protection;

18-39) shall define the requirements for fire prevention plans developed by forest users in the long-term forest management;

18-40) shall exercise state control over local executive bodies of oblasts, cities of republican significance, the capital, in charge of forestry and specially protected natural territories;

18-41) shall develop and approve the rules for allocation and taxation of cutting areas on the sites of the state forest fund;

18-42) is excluded by the Law of the Republic of Kazakhstan dated 29. 03. 2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after its first official publication);

18-43) shall decide to ban the cutting of forests in the areas of the state forest fund in the event of a threat of degradation or death of forests;

18-44) shall develop and approve the procedure of transferring from the category of forest fund lands to the lands of other categories for purposes not related to forest management;

18-45) shall develop and approve the forms of acts of officials of the state forest inspection of the Republic of Kazakhstan and the state forest protection of the Republic of Kazakhstan;

18-46) shall approve the symbolics (emblem and flag) of the forestry establishment, which is under its departmental subordination;

18-47) issue the permits for import into the territory of the Republic of Kazakhstan, export and (or) re-export from the territory of the Republic of Kazakhstan of flora objects, its parts and derivatives, subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

18-48) shall develop and approve the rules of transferring the lands of other categories to the forest fund lands;

18-49) issue an opinion (approval document) for export from the customs territory of the Eurasian Economic Union of certain wild plants and wild medicinal raw materials, including rare and endangered ones;

18-50) issue a license for export from the customs territory of the Eurasian Economic Union of certain wild plants and wild medicinal raw materials, including rare and endangered ones;

18-51) develop and approve the rules for carrying out work in the state forest fund, not related to forestry and forest management;

18-52) develop and approve the rules for reclamation of disturbed land plots on the lands of the state forest fund and its transfer to the forest owner in the course of uranium mining by underground borehole leaching;

18-53) organize, within its competence, a vulnerability evaluation to climate change;

18-54) identify, within its competence, priorities and measures for adaptation to climate change;

18-55) implement climate change adaptation measures within its competence;

18-56) monitor and evaluate the effectiveness of climate change adaptation measures identified within its competence and adjust these measures based on monitoring and evaluation;

19) carry out other functions, provided by this Code and other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

The office of the authorized authority carries out its activities within the competence established by the authorized authority.

2. Excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII ( shall be enforced upon expiry of ten calendar days after its first official publication).

3. Excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII ( shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 13, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13; dated 31.01.2006 № 125; dated 10.12.2008 № 101-IV (shall be enforced from 01.01.2009); dated 17.07.2009 № 188-IV (the order of enforcement see Art. 2); dated 19.03.2010 № 258-IV; dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 05.07.2011 № 452 - IV ( shall be enforced from 13.10.2011); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 16.05.2014 № 203-V ( shall be enforced upon expiry of six months after its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 29 .09. 2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated 15.06. 2017 № 73-VI ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (order of enforcement see. Article 2); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 19.04.2023 № 223-VII (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 14. Competence of local representative bodies of oblasts, cities of republican significance the capital in the field of protection, conservation and use of forest resources, reforestation and afforestation**

Local representative bodies of oblasts, cities of republican significance, the capital shall:

1) Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V ( shall be enforced upon expiry of ten calendar days from the date of its first official publication);

2) approve the rates of payment for forest use in state forest fund plots (except for the rates for timber released on the root) on the basis of calculations made by local executive bodies of regions, cities of republican significance, the capital city, agreed with the territorial subdivisions of the department of the authorized body (hereinafter - territorial subdivisions);

3) hear the reports of the local executive bodies of oblasts, cities of republican significance, the capital, and organizations on condition, conservation, protection and use of the forest resources, which is managed by them, reforestation and afforestation;

4) carry out other functions to protect the rights and legal interests of citizens in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 20.12.2004 № 13; as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

#### **Article 15. Competence of local executive bodies of oblasts, cities of republican significance, the capital in the field of protection and use of forest resources, reforestation and afforestation**

Local executive bodies of oblasts, cities of republican significance, the capital shall:

1) Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V ( shall be enforced upon expiry of ten calendar days from the date of its first official publication);

1-1) participate in development of proposals for the national forest policy and its implementation;

2) organize and ensure conservation, protection, reforestation and afforestation, forest management, control over the forest use in the state forest reserve, which is under their jurisdiction;

3) develop, adopt and implement annual action plans for forest fire prevention and control over them at the state forest resources;

4) define the procedure for involving individual and legal entities, as well as fire-fighting equipment, vehicles and other devices of the organizations to fight forest fires, and provide the individuals, involved in the work, with vehicles, fire-fighting devices, food and medical care;

5) shall support functioning of voluntary fire fighting units in accordance with the legislation of the Republic of Kazakhstan;



6) create a reserve of fuel and lubricants for the forest fire season to fight fires in the state forest resources;

7) control over peasant and individual farms and other agricultural organizations, burning stubble, stably and other crop residues in agricultural fields, pastures and hayfields, burning of herbaceous vegetation in the areas, adjacent to the forest resources;

8) organize fire-fighting campaigns, regular publications in the media on protection of forests, and fire safety in forests;

9) coordinate the control over the forest fires in the oblast with establishment of special committees, if necessary;

10) organize control over forest pests and diseases in the territory of the forest resources to improve its sanitary condition;

11) take decisions on prohibition of stay of individuals in the territory of the state forest resources, restriction of the right to forest use during aerial-chemical, aerial-biological and aerosol measures against forest pests and diseases, as well as during high fire danger in the woods;

12) prepare materials for the state registration of the forest resources, the state forest inventory, the state monitoring of forests, that are under their functional jurisdiction, to submit them to the authorized body;

13) accept the finished objects and the ready-made products, made in the result of forest management activities in the state forest resources, which are under their functional jurisdiction;

13-1) develop draft payment rates for forest use in the lands of the state forest resources (except for the rates for standing timber);

14) organize and conduct tenders for provision of forest resources to the long-term forest management in the state forest resources, that are under their functional jurisdiction, with participation of the authorized body and the local representative body of the oblast;

15) (Is excluded);

15-1) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);

15-2) shall provide forest users with land plots for objects construction on the lands of the state forest fund under their jurisdiction, where forest resources are provided for long-term forest use for recovering, recreational, historical, cultural, tourist and sports purposes; needs of hunting; collateral use in forests;

15-3) excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication );

15-4) shall approve the symbolics (emblem and flag) of the forestry establishment, which is under their departmental subordination;

15-5) shall carry out transferring of lands of other categories to the forest fund lands in the manner determined by the authorized body;

16) in the interests of local state management, carry out other powers, delegated to the local executive bodies by the legislation of the Republic of Kazakhstan.

**Footnote.** Article 15, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13, dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29. 03. 2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated 15. 09. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

**Article 16.** (*Article 16 is excluded by the Law of the Republic of Kazakhstan dated 20 December, 2004 № 13*)

**Article 17.** (*Article 17 is excluded by the Law of the Republic of Kazakhstan dated 20 December, 2004 № 13*)

### **Article 18. The main activity of a forestry institution**

**Footnote.** The title is in the wording of the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

Forestry institution shall:

- 1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication);
- 2) take measures on protection, reforestation and afforestation, maintenance of regular forest seed plots and seed plantations, harvesting, processing and storage of forest seeds;
- 3) in accordance with the forest management projects, define the forest management areas and volumes;
- 4) prepare materials to put forest resources out to the tenders;
- 5) ensure the sustainable use of forest resources;
- 6) issue felling and forest licenses for forest management;
- 7) take measures to prevent and suppress violations in the forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reproduction and use of wildlife and the specially protected natural areas;



8) be involved in the works on the state forest resources' recording, the state forest cadastre, the state monitoring of forests, forest management at the state forest resources;

9) accept the completed facilities and finished output, produced in the result of forest management activities by forest users, in accordance with the forest and civil legislation of the Republic of Kazakhstan;

10) (Is excluded by the Law of the Republic of Kazakhstan dated 7 July, 2006 № 176 ( shall be enforced from the date of its first official publication));

11) (Is excluded by the Law of the Republic of Kazakhstan dated 7 July, 2006 № 176 ( shall be enforced from the date of its first official publication));

12) (Is excluded);

13) take measures to protect wildlife in the state forest resources, provided under the right of forest tenure.

14) form and approve the annual volume of forest felling on the plots of the state forest fund, provided on the right of forest ownership, in accordance with the forest inventory materials.

The annual volume of forest felling shall be approved by the forestry institution in coordination with the territorial subdivision of the forestry organization;

15) shall develop the symbolics (emblem and flag) of the forest establishment.

16) provide forest users with plots for construction objects on the plots of the state forest fund, provided on the right of forest ownership, where forest resources are provided for long-term forest use for health improvement, recreational, historical and cultural, tourist and sports purposes; needs of hunting economy; incidental forest use.

Footnote. Article 18, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13; dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 03307.2013 № 124-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

#### **Article 18-1. Types of activities of the republican state enterprises in the field of conservation, protection, use of forest resources, reforestation and afforestation**

Republican state enterprises in the field of conservation, protection, use of forest resources, reforestation and afforestation shall carry out the following functions:

- 1) forest management in the state forest resources;
- 2) aerial works for protection and conservation of forest resources;
- 3) reforestation and afforestation;
- 4) artificial breeding of flora;
- 5) forestry development.

Footnote. Chapter 3 is supplemented by Article 18-1, in accordance with the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)

#### **Chapter 4. State control and supervision in the field of protection, safety, use of the forest fund, reforestation and afforestation**

Footnote. Title of Section 4 as amended by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 19. State control and supervision in the field of protection, safety, use of the forest fund, reforestation and afforestation**

Footnote. Heading of Article 19 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. The state control and supervision in the field of protection, safety, use of the forest fund , reforestation and afforestation shall be carried out with the purpose of observance by all physical and legal persons of the order of use of the forest fund established by the legislation of the Republic of Kazakhstan, rules of forestry management, including protection, protection , reforestation and afforestation, their account, and also other rules and norms provided by the forest legislation of the Republic of Kazakhstan, legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of fauna and in the field of specially protected natural areas.

2. State control and supervision in the field of protection, safety, use of the forest fund, reforestation and afforestation shall be carried out by the department of the authorized authority and its territorial divisions, other state authorities within their competence, established by the Laws of the Republic of Kazakhstan.

3. State control and supervision in the field of protection, safety, use of the forest fund, reforestation and afforestation shall be carried out by means of inspections and observations.

Inspection shall be carried out in accordance with this Code.

Footnote. Article 19 in the edition of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 19-1. The procedure for carrying out inspections in the field of protection, safety, use of the forest fund, reforestation and afforestation with visiting the subject (object) of control and supervision**

1. The activities in the field of protection, safety, use of the forest fund, reforestation and afforestation shall be subject to inspections with visiting the subject (object) of control and supervision.

2. An official of the department of the authorized authority, territorial divisions shall inspect the works and measures in the field of protection, safety, use of the forest fund, reforestation and afforestation, as well as control over the unauthorized removal of flora and fauna objects with visiting the subject (object) of control and supervision.

3. Based on the results of inspections, depending on the established violations of the requirements of the forest legislation of the Republic of Kazakhstan, officials of the department of the authorized authority, territorial divisions carrying out state control over the condition, protection, safety, use of the forest fund, reforestation and afforestation, shall issue an act on the results of inspection and a prescription on elimination of the identified violations in cases of violations.

4. In the absence of violations of the requirements established by the forest legislation of the Republic of Kazakhstan in accordance with Paragraph 2 of Article 132 of the Entrepreneurial Code of the Republic of Kazakhstan, during the inspection, a corresponding entry shall be made in the act on the results of inspection.

5. An official of the department of the authorized authority, territorial divisions shall immediately transfer materials to law enforcement agencies if the damage is one hundred Monthly Calculation Indexes established by the Law on republican budget and effective as of January 1 of the corresponding financial year, or exceeding it, or draws up a protocol on administrative offense, if the damage is up to one hundred Monthly Calculation Indexes established by the Law on republican budget and effective as of January 1 of the corresponding financial year, in case of detection:

1) on the territory of the state forest fund of violations on:

fact of illegal logging;

destruction or damage to trees and bushes;

destruction or damage of forest crops, seedlings, transplants in forest nurseries and plantations, young stands of natural origin, undergrowth, self-seeding in areas intended for reforestation and afforestation;

destruction or damage to trees and bushes as a result of careless handling of fire or other source of increased danger;

2) deliberate destruction or damage to objects of the state natural reserve fund.

6. Frequency of inspections:

complex shall be held once a year;

thematic - four times a year (spring and autumn revisions of visits, preparation for a fire hazardous season, cultural work).

The terms of inspections shall be no more than ten working days and with the extension of the term of inspections - up to five working days. The grounds for extending the inspection period shall be:

1) natural and climatic factors (forest fires, river floods, avalanches, rockfalls, mudflows, snowfalls, hurricanes, downpours, and others);

2) newly revealed circumstances (detected volume of illegal logging, determination of the areas of affected areas of reforestation, etc.).

7. Unscheduled inspections shall be assigned upon applications of individuals or legal entities on specific facts of causing harm to life, human health, environment, rights and legitimate interests of individuals and legal entities, the state, the requirements of the prosecutor and other law enforcement agencies, appeals of state bodies, control of elimination of violations that are grounds for application of prompt response measures, as well as in cases of large forest fires and detection of illegal logging.

The terms for unscheduled inspections shall be no more than five working days and with an extension of inspection period - up to three working days.

8. In terms of scope, inspections shall be subdivided into:

1) complex;

2) thematic.

Complex inspection shall be an inspection of the activities of subjects (objects) of control and supervision on a set of issues related to compliance with the requirements of the forest legislation of the Republic of Kazakhstan in terms of protection, safety, use of the forest fund, reforestation and afforestation, as well as control over the unauthorized removal of flora and fauna.

Thematic check shall be an inspection of the activities of subjects (objects) of control and supervision on certain issues of compliance with the requirements of the forest legislation of the Republic of Kazakhstan in terms of protection, safety, use of the forest fund, reforestation and afforestation.

9. The ground for appointment of an inspection shall be the order of the first head of the department of the authorized authority or the first head of the territorial division. The grounds for issuing the corresponding order shall be:

1) analysis and monitoring of the activities of subjects (objects) of control and supervision ;

2) annual inspection schedule;

3) results of monitoring of previous inspections.

4) space monitoring data containing signs of violations of the legislation of the Republic of Kazakhstan.

10. Officials of the department of the authorized authority, territorial divisions, who arrived for inspection, shall be obliged to present to the subject:

1) order on appointment of inspection;

- 2) service certificate;
- 3) if necessary - permission of the competent authority to visit sensitive facilities.

The start of inspection shall be the date of delivery to the inspected subject of the order on appointment of inspection.

11. The results of inspections can be appealed by the inspected subject in the manner prescribed by the Legislation of the Republic of Kazakhstan.

12. Territorial divisions shall monitor the execution and materials on the facts of revealed violations of the forest legislation of the Republic of Kazakhstan in various instances, taking into account the current terms of appeal and execution of decisions.

13. In order to record violations, analyze their dynamics in terms of the number, types and locations of violations by territorial divisions, a log of violations of the forest legislation of the Republic of Kazakhstan, seized instruments of illegal nature use and illegally obtained forest resources and wildlife objects shall be kept.

14. Inspections with visiting the subject (object) of control and supervision shall be invalidated if they are carried out by officials of the department of the authorized authority, territorial divisions in gross violations of the requirements for organizing and conducting inspections.

Consideration of application by a higher state authority of subject of control and supervision on cancellation of the act on the results of inspection due to the invalidity of the inspection and cancellation of the prescription on elimination the revealed violations due to the invalidity of the results of the inspection with visiting the subject (object) of control and supervision shall be carried out within ten working days from the date filing an application.

Recognition by a higher state authority of the results of inspection with visiting the subject (object) of control and supervision invalid shall be the ground for their cancellation.

The act on the results of inspection and prescription on elimination of the violations revealed following the results of inspections with visiting the subject (object) of control and supervision, recognized as invalid, cannot be evidence of violation by the subjects of control and supervision of the requirements established in accordance with Paragraph 2 of Article 132 of the Entrepreneurial Code of the Republic of Kazakhstan.

Gross violations of inspections include:

- 1) absence of grounds for conducting an inspection with visiting the subject (object) of control and supervision;
- 2) absence of the order on appointment of inspection with visiting the subject (object) of control and supervision;
- 3) failure to submit to the subject of control and supervision of the order on appointment of inspection with visiting the subject (object) of control and supervision;
- 4) appointment of inspections with visiting the subject (object) of control and supervision by the department of an authorized authority, territorial divisions on issues that are not within their competence;

5) violation of the terms of inspections with visiting the subject (object) of control and supervision.

15. When conducting an inspection with visiting the subject (object) of control and supervision, officials of the department of the authorized authority, territorial divisions shall not be entitled to:

1) require the provision of documents, information, if they are not objects of inspection or not relate to the subject of inspection;

2) disclose and (or) disseminate information obtained as a result of inspection with visiting the subject (object) of control and supervision and constituting a commercial, tax or other secret protected by law, except for cases provided by the Laws of the Republic of Kazakhstan;

3) exceed the established terms for inspection with visiting the subject (object) of control and supervision;

4) conduct an inspection with visiting the subject (object) of control and supervision, in relation to which the inspection was previously conducted with visiting the subject (object) of control and supervision by its superior (subordinate) authority or other state authority, on the same issue for one and the same the same period, except for the cases provided by Paragraph 7 of this Article;

5) carry out activities that are costly for the purpose of state control at the expense of the inspected subjects.

**Footnote.** Chapter 4 is supplemented with Article 19-1 in accordance with the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication): dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

#### **Article 19-2. Prompt response measures and the procedure for their application**

**Footnote.** The heading of Article 19-2 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 No. 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

1. Measures of prompt response shall be methods of influencing the inspected subjects in order to prevent the onset of socially dangerous consequences, used in the course of implementation and based on the results of inspection.

1-1. Within the framework of an inspection in the region of protection, defense, use of the forest fund, forest reproduction and afforestation with a visit to the subject (object) of control and supervision, measures of prompt response may be applied in accordance with the Entrepreneur Code of the Republic of Kazakhstan and this Code.

2. Prompt response measures shall be applied by officials of the department of the authorized body, territorial subdivisions in case if the activity of subjects (objects) of control

and supervision poses a direct threat to the conservation of biological diversity of forests, objects of the state natural reserve fund, cultural and natural heritage.

3. Measures of prompt response include:

1) detention and delivery of persons to law enforcement agencies who have committed offenses for forest legislation of the Republic of Kazakhstan in terms of protection, safety, use of the forest fund, reforestation and afforestation, as well as control over the unauthorized removal of flora and fauna objects, compliance with the requirements of the Legislation of the Republic of Kazakhstan in the field of protection, reforestation and use of wildlife and specially protected natural areas;

2) seizure from individuals and legal entities, as well as from officials of illegally obtained forest resources and resources of the animal world, tools for their extraction, as well as vehicles;

3) suspension of the activities of state forest owners or forest users by suspending for a period not exceeding three working days the validity of a felling permit or forestry permit;

4) limitation of types of forest use;

5) termination of the right to forest use in accordance with the Legislation of the Republic of Kazakhstan.

4. The grounds for application of prompt response measures and their types shall be violations of the requirements specified in paragraph 5 of Article 19-1 of this Code.

5. Upon detection of a violation, which is the basis for application of measures of prompt response, an official of the authorized body, territorial subdivisions at the place of committing the violation shall draw up an act of supervision and deliver it to the subject of control and supervision in accordance with Article 153 of the Entrepreneur Code of the Republic of Kazakhstan.

6. After registration of the act of supervision the official of the authorized body, territorial subdivisions shall directly apply the operational response measure.

7. Refusal to receive the act of supervision shall not be a ground for its non-execution.

8. The subject of control and supervision shall be obliged to eliminate the revealed violations, which are the grounds for application of an operational response measure, within the terms specified in the act of supervision.

9. In case of failure to eliminate revealed violations, which are the grounds for application of prompt response measures, officials of the department of the authorized body, territorial subdivisions shall take measures to bring the persons who committed violations to responsibility established by the laws of the Republic of Kazakhstan.

10. Upon expiry of the deadlines for elimination of violations of the requirements specified in the acts on the results of the inspection and the order to eliminate the identified violations, an unscheduled inspection shall be conducted to monitor the elimination of the identified violations of the requirements, which are the basis for the application of an operational response measure.

11. The act of supervision shall be terminated in case of confirmation by the territorial subdivision of the department of the authorized body of the elimination of the revealed violations, which are the basis for application of the prompt response measure, on the basis of the act on the results of the unscheduled inspection according to Article 19-1 of this Code.

12. Prior to the expiration of the terms stipulated by the instruction to eliminate the identified violations, the subject of control and supervision shall be obliged to provide information on the elimination of the identified violations with the attachment of materials (if necessary) proving the fact of elimination of the violation.

13. In case of disagreement with the results of the inspection, which resulted in the application of prompt response measures, the subject of control and supervision may file a complaint to recognize the act of supervision as invalid and cancel it.

A complaint shall be submitted to the superior state body in accordance with the procedure, provided for in Chapter 29 of the Entrepreneur Code of the Republic of Kazakhstan, or to the court in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Filing a complaint shall not suspend the execution of the act of supervision.

14. Grounds for invalidation of a supervisory act and its revocation shall be as follows:

1) absence of grounds for application of prompt response measures;

2) application of prompt response measures on the grounds not corresponding to this measure;

3) application of prompt response measures by the department of the authorized body, territorial subdivision on issues that are not within their competence.

15. Information on application of prompt response measures shall be sent to the state body, carrying out within its competence activities in the region of state legal statistics and special records, in the order determined by the General Prosecutor's Office of the Republic of Kazakhstan.

**Footnote.** Chapter 4 is supplemented with Article 19-2 in accordance with the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

## **Article 20. State forestry department of the Republic Kazakhstan**

**Footnote.** The title is in the wording of the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

1. The State Forestry Inspectorate of the Republic of Kazakhstan consists of officials of the department of the authorized authority, territorial divisions carrying out state control and supervision in the field of protection, safety, use of the forest fund, reforestation and afforestation, wildlife and specially protected natural areas.



1-1. The head of the office of the authorized body shall be the Chief Forestry Inspector of the Republic of Kazakhstan.

2. Deputy heads of the office of the authorized body, responsible for protection, conservation and use of forest resources, reforestation and afforestation, wildlife and the specially protected natural areas, shall be the Chief Deputy Forestry Inspectors of the Republic of Kazakhstan.

3. The heads of structural subdivisions of the office of the authorized body, responsible for protection, conservation and use of forest resources, reforestation and afforestation, wildlife and the specially protected natural areas, shall be the senior state forestry inspectors of the Republic of Kazakhstan.

4. Specialists of the department of the authorized authority in charge of protection, safety, use of the forest fund, reforestation and afforestation, wildlife and specially protected natural areas shall be simultaneously state forest inspectors of the Republic of Kazakhstan.

5. The heads of territorial divisions shall be at the same time the chief state forest inspectors of the respective regions.

6. Deputy heads of territorial divisions in charge of protection, safety, use of the forest fund, reforestation and afforestation, wildlife and specially protected natural areas shall be simultaneously deputy chief state forest inspectors of the respective regions.

7. Heads of structural divisions of territorial divisions in charge of protection, safety, use of the forest fund, reforestation and afforestation, wildlife and specially protected natural areas shall be simultaneously chief state forest inspectors of the respective regions.

8. Specialists of territorial divisions in charge of protection, safety, use of the forest fund, reforestation and afforestation, wildlife and specially protected natural areas shall be simultaneously state forest inspectors of the respective regions.

**Footnote. Article 20, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication) ; dated 24.05.2018 № 156-VI (shall be enforced upon ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

**Article 21. The rights and obligations of the officials of the State forestry department of the Republic Kazakhstan**

**Footnote. The title is in the wording of the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).**

1. The officials of the state forestry department of the Republic of Kazakhstan shall be entitled:

1) exercise state control over all types of works and activities for the protection, defense, reproduction of forests and forest management, as well as over compliance with the procedure established by the legislation of the Republic of Kazakhstan, when carrying out work in the

state forest fund that is not related to forestry and forest use, and give written instructions to individuals and legal entities to eliminate the identified deficiencies;

2) Is excluded by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV ( shall be enforced upon expiry of ten calendar days from the date of its first official publication);

3) to draw up protocols on administrative violations in forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reproduction and use of wildlife and the specially protected natural territories;

3-1) to give instructions on elimination of violations of this Code and the regulations of the Government of the Republic of Kazakhstan on protection, conservation and use of forest resources, reforestation and afforestation;

3-2) to give a ruling:

on bringing the guilty persons to administrative responsibility in case of violation of forest legislation of the Republic of Kazakhstan;

in the manner and on the grounds stipulated by the laws of the Republic of Kazakhstan on seizure of extracted forest resources, means of transportation, instruments of their extraction for temporary storage;

3-3) to draw up a report on the inspection results;

4) to suspend, restrict, terminate the right of forest management in accordance with the laws of the Republic of Kazakhstan;

5) in the order, established by the legislation of the Republic of Kazakhstan, to bring suit to individual and legal entities for compensation of the damages, caused to the state forest resources through violation of the forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reproduction and use of wildlife and the specially protected natural territories;

6) to make presentations to the heads of the relevant state bodies on prosecution of the officials, who have violated the forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reproduction and use of wildlife and the specially protected natural territories, and on violations, resulting in criminal responsibility, to inform the law enforcement bodies for further proceeding decisions;

7) in the manner and on the grounds provided for by the laws of the Republic of Kazakhstan, seize illegally extracted forest resources, vehicles and other items that were instruments of the offense, and ensure their safety.

2. Officials of the state forestry inspection of the Republic of Kazakhstan shall be obliged to carry out control and supervision over:

1) quality of forest management activities and their compliance with the forest management projects in the state forest resources;

1-1) quantitative and qualitative changes in the forest resources, forest health, forest pathology condition in the forests;

2) with the procedure of transferring of forest resources to the forest use on the sites of the state forest fund and compliance with long-term and short-term forest use contracts;

3) implementation of fire safety requirements in forests, prevention of forest fires and their timely detection and elimination, as well as correct recording of the burnt area and assessment of the damage, caused by fires to the state forest resources, timely measures taken to eliminate the effects of forest fires;

4) control over the pests and forest diseases, timely prevention of their occurrence, spread, recording and forecasting of pests' outbreaks and forest diseases, the weakening and destruction of plantings, caused by adverse effects of natural and man-made origin;

5) compliance with the rules for distributing standing timber in forests and felling, and other forest management rules in the state forest resources;

5-1) coupe demarcation;

6) compliance with the protection regimes in the forests of the specially protected natural territories;

7) observance of the seed zoning, the rules of harvesting, processing, storage and use of forest seeds, nursery management at the state forest resources;

8) the use of the forest resources' lands in accordance with their purpose and protection of these lands;

**Note!**

**An amendment is provided for by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII in subparagraph 9) (shall be enforced from 31.12.2025).**

9) compliance with the order for use of the state forest resources during construction works, mining, laying communications and performing other works, not related to forest management and forest use;

10) implementation of other requirements of the forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reproduction and use of wildlife and the specially protected natural territories.

3. The officials of the state forestry department of the Republic of Kazakhstan shall be allowed to have, carry and use service weapons in accordance with the legislation of the Republic of Kazakhstan.

4. In accordance with the legislation of the Republic of Kazakhstan, the officials of the state forestry department of the Republic of Kazakhstan shall be provided with the uniform with the badges of rank (without shoulder straps) and service weapons.

The list of the positions of the officials, entitled to wear uniform with the badges of rank (without shoulder marks), samples of the uniforms with the badges of rank (without shoulder marks), the order of wearing are defined by the authorized body.

5. Officials of the State Forest Inspectorate of the Republic of Kazakhstan shall be subject to legal and social protection in accordance with the legislation of the Republic of Kazakhstan

Footnote. Article 21, as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 № 125; dated 17.07.2009 № 188-IV (the order of enforcement see art. 2); dated 06.01.2011 № 379-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.); dated 29 .09. 2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2023 № 184-VII (shall be enforced upon expiry of sixty calendar days after its first official publication ); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

**Article 21-1. The reports on inspections of the officials of the authorized body and territorial bodies, exercising the state control over the condition, conservation and protection of forest resources, their use, reforestation and afforestation**

Footnote. Article 21-1 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (the order of enforcement see Art. 2).

### **Section 3. The right of forest tenure and forest use**

#### **Chapter 5. The right of forest tenure**

#### **Article 22. Provision of land plots of the state forest lands to the forest tenure right**

1. Forest ownership right to the areas of the state forest resources shall occur on the right of permanent use.

2. The lands of the state forest resources on the right of forest tenure shall be provided to:

1) the forestry institutions and other state organizations of the authorized body for conservation and protection of the state forest resources, reforestation and afforestation, the integrated use of the state forest resources;

2) the state nature reserves, the state national natural parks, the state nature reservations, the state regional natural parks, the national botanical gardens, the state arboretums ( hereinafter - the specially protected natural territories with the legal entity status), for the purposes, related to the activities of the specially protected natural territories.

3. The state legal entities, specified in paragraph 2 of this Article, that received the lands of the state forest resources under the right of a permanent land use, are the state forest owners.

4. The right to forest ownership shall be certified by the act for the permanent land use, issued by the authorized body on land relations.

Footnote. Article 22, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its official publication); dated

25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)

### **Article 23. Creation of private forest ownership right**

The right to private forest ownership shall arise on the lands of citizens of the Republic of Kazakhstan and non-state legal entities of the Republic of Kazakhstan without foreign participation, granted to them in private ownership or long-term land use in accordance with the Land Code of the Republic of Kazakhstan.

Footnote. Article 23 as amended by the Law of the RK dated 30.06.2021 № 59-VII (shall enter into force from 01.01.2022).

### **Article 24. The right of the state forest owners**

The state forest owners shall have the right to:

1) use the state forest resources in the order, established by the legislation of the Republic of Kazakhstan;

2) shall implement forest management on the areas of the state forest fund in the manner defined by this Code;

2-1) attract individual and legal entities to the cleaning in case of natural emergencies, resulted in shiftable clutter (wind-thrown, snag trees), on a contract basis;

3) construct facilities and structures on the lands of the state forest resources, required for forest management and forest use, in accordance with the design and technical documentation in consultation with the territorial subdivisions;

4) sell the farmed and (or) harvested products and use the revenue earned;

4-1) to conduct fishery management in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

5) issue felling licenses and forest tickets for forest use in the state forest resources to the individual and legal entities;

6) shall conclude contracts of short-term forest use on the sites of the state forest fund.

Footnote. Article 24, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

### **Article 25. The rights of private forest owners**

Private forest owners shall have the right to:

1) possess, use and dispose private forest areas, that are under their ownership or in a long-term land use, in the order, prescribed by the Laws of the Republic of Kazakhstan;

2) conduct forest management in the private forest areas, that are under their ownership or long-term land use;

3) construct facilities and structures in the private forest areas, including those, required for forest management and forest use, in accordance with the design and technical documentation in consultation with the corresponding state bodies;

4) own the grown and (or) the harvested output and have income from its sale.

**Footnote. Article 24, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)**

#### **Article 26. The duties of the state forest owners**

State forest owners shall be obliged to:

1) conduct forest management in the order, established by the legislation of the Republic of Kazakhstan;

2) provide an expanded rehabilitation, conservation, protection, improvement of forest health and care, increase productivity, security and other benefits of the forests, organize multi-purpose rational forest management, forest use, record forests and wildlife, as well as to preserve the objects of the state natural-reserve resources, cultural and natural heritage;

3) use the resource potential of the state forest resources in the order, established by the legislation of the Republic of Kazakhstan;

4) conduct works as the ways and methods providing preservation of environment forming and environment protection functions of the wood and also conditions of timely restoration of plantings, medicinal, food and technical raw materials to fulfill other requirements for protection, safety, use of the state forest foundation, reproduction of the woods and afforestation provided by this Code and other legislative acts of the Republic of Kazakhstan;

5) ensure anti-fire and sanitary arrangements of the territory of the state forest resources, to prevent, detect and suppress violations in fire safety and forest management, as well as other violations of the forest legislation of the Republic of Kazakhstan, to take necessary measures to fight forest fires, pests and forest diseases, to counter violations of the legislation of the Republic of Kazakhstan on protection, reproduction and use of wildlife and the specially protected natural territories;

6) support forest user when they develop fire prevention plans;

6-1) shall conduct an audit of forest detours in accordance with the rules approved by the authorized body;

6-2) shall conduct inspection of felling sites on the areas of the state forest fund in the manner approved by the authorized body;

6-3) shall brand trees, whips, assortments and stumps in accordance with the rules for applying stamps in the state forest fund approved by the authorized body;

7) keep record of forest fires and their consequences in the order, specified by the legislation of the Republic of Kazakhstan;



- 8) shall comply with the rules for harvesting, processing, storage and use of forest seeds and quality control, approved by the authorized body;
- 9) observe forest seed zoning, approved by the authorized body;
- 10) shall create forest fire stations in accordance with the forest management project and (or) the forest fire protection project and ensure their activity in accordance with the regulations on the forest fire station of state forest owner, approved by the authorized body;
- 11) support the activities of school forestry organizations in accordance with the rules of the organization and school forestry, approved by the authorized body in consultation with the authorized state body for education.

**Footnote. Article 26, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548 - IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).**

#### **Article 27. Responsibilities of private forest owners**

Private forest owners shall be obliged to:

- 1) conduct forestry and forest management in the areas of a private forest fund owned or long-term land use by the ways and methods provided for in this Code and other legislative acts of the Republic of Kazakhstan, in compliance with the requirements of environmental legislation of the Republic of Kazakhstan;
- 2) ensure safety, protection, improvement of sanitary conditions of the forests, which they own, and care for them;
- 3) provide information required for the state forest fund accounting, state forest cadastre, state forest monitoring, in accordance with the procedure established by the legislation of the Republic of Kazakhstan;
- 4) provide anti-fire and sanitary improvement of private forest lands, that are under their ownership or in a long-term land use, to take the necessary measures to fight forest fires, pests and forest diseases;

**5) Excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

**Footnote. Article 27 as amended by the Law of the RK dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 28. Termination of forest tenure**

1. The right of the state forest tenure shall be terminated in the following cases:

- 1) liquidation of a legal entity, that owns the areas the state forest resources, and transfers them to another state forest owner;

2) withdrawal of the lands of the state forest resources for the state requirements in the order, established by the Land Code of the Republic of Kazakhstan;

3) in other cases, provided for by the Laws of the Republic of Kazakhstan.

2. The right to private forest ownership shall be terminated in accordance with the Laws of the Republic of Kazakhstan.

## **Chapter 6. The right to forest use**

### **Article 29. Creation of the right to forest use in the lands of the state forest resources**

1. Long-term forest management right in the lands of the state forest resources shall arise on the basis of a protocol on tender results and a contract, signed upon it.

Citizens of the Republic of Kazakhstan and legal entities of the Republic of Kazakhstan without the foreign participation shall have the right to take part in the tender.

2. The right of short-term forest use on the sites of the state forest fund shall arise on the basis of a contract for short-term forest use and (or) a forest usage permit.

3. In case of death of an individual - forest user, the right to forest management, belonging to him, shall be transferred to another person in the order, established by the civil legislation of the Republic of Kazakhstan.

4. When reorganizing a legal entity - a forest user, the rights to the forest management, belonging to him, shall go to the successor of the reorganized legal entity in the order, established by the legislation of the Republic of Kazakhstan.

5. The right to forest management may be transferred only under the condition of saving the type of forest management, the successor's possession of the necessary capacities for the forest management and the appropriate qualifications of the specialists, defined by the regional executive bodies.

6. The transition of the right of forest use shall be formalized through the introduction of changes in contracts for long-term and short-term forest use, a forest felling ticket, a forest usage ticket.

**Footnote. Article 29, as amended by the Law of the Republic of Kazakhstan, dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 30. Creation of the forest use right in the land plots of the private forest resources**

The forest management right in the land plots of the private forest resources shall occur in the order, defined by the private forest owner in accordance with the Laws of the Republic of Kazakhstan.

### **Article 31. Long-term forest management in the lands of the state forest resources**

1. Forest resources on the sites of the state forest fund shall be provided for long-term forest use on the basis of the tender protocol with subsequent registration of the contract



between the state forest owner and the forest user, with the exception of the type of forest use provided for in paragraph 1-1 of this article.

1-1. Forest resources on the plots of the state forest fund for the needs of hunting, as well as for fishery management, including on water bodies located on the plots of the state forest fund, are provided for long-term forest use on the basis of an agreement on hunting and fishery management, concluded in accordance with the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of wildlife, with subsequent execution of an agreement between the state forest owner and the forest user.

1-2. In the case of long-term forest use, the following types of forest management can be implemented on the sites of the state forest fund:

- 1) logging;
- 2) harvesting of resin, wood juice;
- 3) Use of areas of the state forest fund for hunting needs, as well as for fishery management, including on water bodies located on areas of the state forest fund;
- 4) use of sites of the state forest fund for research purposes;
- 5) use of sites of the state forest fund for recovering, recreational, historical, cultural, tourist and sports purposes;
- 6) use of sites of the state forest fund for cultivation of planting stock of trees and shrubs and plantations of special purpose;
- 7) collateral use in forest.

2. Forest resources on state forest fund plots are provided for long-term forest use for a period from 10 to 49 years to forest users who have the means, production facilities for forest use and specialists with appropriate qualifications for the following purposes:

- main use felling (timber harvesting) - from 10 to 15 years;
- health-improving, recreational, historical-cultural, tourist and sports felling - from 10 to 49 years;
- incidental forest use, harvesting oleoresin and tree sap - from 10 to 15 years;
- hunting needs - from 10 to 49 years;
- research purposes - from 10 to 49 years;
- cultivation of planting material of tree and shrub species and plantations for special purposes - from 10 to 49 years.

2-1. Citizens of the Republic of Kazakhstan and legal entities of the Republic of Kazakhstan without foreign participation who meet the following requirements shall be allowed to participate in the tender for securing long-term use of forest resources for timber harvesting:

- 1) availability of material and technical base on the right of ownership or in trust management: machinery and equipment for felling, skidding, loading and removal of timber,

ensuring the performance of the established annual volume of felling and forestry and environmental requirements in the performance of logging operations established by the rules of felling on the sites of state forest fund;

2) availability of fire-fighting equipment and facilities, specified by the fire safety rules in forests;

3) availability of an engineering and technical employee - a responsible executor with a higher professional education in the specialty (logging, forest engineering, woodworking, forestry), or a corresponding secondary vocational education and work experience of at least two years;

4) availability of personnel, trained to carry out felling of trees, pruning, tree skidding, loading and transportation of timber;

5) availability of a specialist, responsible for health and safety;

6) availability of a prospective five-year plan for organization of harvesting and processing of timber, indicating the sources of funding activities.

3. In case of transfer of forest resources to the long-term forest management for timber harvesting, the forest user shall receive the forest resources of the land plots of the state forest resources with the area, allowing continuous and sustainable use of forest resources in accordance with the forest management materials, but not exceeding the area of the forestry.

4. Provision of forest resources of the state forest resources to the long-term forest management should be performed, taking into account the interests of the people, living in the corresponding territory.

5. The unused forest resources in the state forest resources, transferred to the long-term forest use, shall be not subject to transition to the forest user's ownership right after expiration of a contract.

**Footnote. Article 31, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.); dated 29. 03. 2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated 15. 06. 2017 № 73-VI ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

### **Article 32. Terms and conditions of long-term forest management in the state forest resources**

A contract for a long-term forest use of land plots of the state forest resources shall contain the following conditions:

1) the borders of the land plot of the state forest resources, where a forest management is conducted, in the form of an official copy of cartographic materials of forest management, with indication of the numbers of forest allotments and forest compartments;

2) the area and taxation indexes of the land plot of the state forest resources;

3) the types of forest management;

4) the volume (size) of forest use;

5) the terms of forest management;

5-1) development and rational use of forest resources, investment of the activities, aimed at protection and restoration of forests, processing of forest resources, indicated in a tender application of the successive tenderer;

6) the amount of fee for forest use and the procedure for its payment;

7) the parties' obligations on conservation, protection and restoration of forest resources;

8) the parties' responsibility for breaching the contract conditions;

9) Is excluded by the Law of the Republic of Kazakhstan, dated 10.07.2012 № 36-V ( shall be enforced upon expiry of ten calendar days from the date of its first official publication);

10) Is repealed by the Law of the Republic of Kazakhstan, dated 12.01.2012 № 538-IV ( shall be enforced from 01.01.2013).

10-1) an identification number;

11) other conditions, provided by the forest legislation of the Republic of Kazakhstan and defined at the parties' discretion.

Footnote. Article 32, as amended by the Laws of the Republic of Kazakhstan dated 12.01.2007 № 224 (shall be enforced from 01.01.2012); dated 12.01.2012 № 538-IV (the order of enforcement see Art. 2); dated 25.01.2012 № 548 -IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 10.07.2012 № 36-V ( shall be enforced upon expiry of ten calendar days from the date of its first official publication.)

### **Article 33. Form and state registration of long-term and short-term forest use agreements on the sites of the state forest fund**

Footnote. Article 33 is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 34. Short-term forest management in the lands of the state forest resources**

1. Forest resources on the sites of the state forest fund shall be provided for short-term forest use:

1) for up to one year on the basis of a forest usage permit issued by state forest owners;

2) for a period of one to ten years on the basis of a contract for short-term forest management, concluded between the state forest owner and the forest user.

2. In the case of short-term forest use, the following types of forest use may be carried out on the sites of the state forest fund:

1) collateral forest uses;

2) the use of the land plots of the state forest resources for research purposes;

3) the use of the land plots of the state forest resources for health-improving, recreational, historical, cultural, tourist and sporting purposes;

4) harvesting of secondary wood resources.

**Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated June 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 35. The procedure for holding tenders on provision of forest resources on the sites of the state forest fund for long-term forest management**

The procedure for holding tenders on provision of forest resources on the sites of the state forest fund for long-term forest management shall be established by the authorized body.

The tender for the provision of forest resources in areas of the state forest fund for long-term forest management shall be carried out using the web portal of the state property register in electronic form.

**Footnote. Article 35 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the RK dated 28.10.2019 № 268-VI (shall enter into force from 01.01.2021).**

**Article 36. Permits for forest management in the lands of the state forest resources**

1. Forest management in the state forest resources shall be allowed only under the permits : a felling license and a forest usage permit.

2. The grounds for issuance of a felling license shall be:

1) for state forest owners - annual volume of forest felling on the territory of the state forest fund, in accordance with this Code;

2) for forest users, having a long-term forest use contract - the annual volume of felling on the territory of the state forest fund, approved by the forest establishment.

3. A felling license shall be a document, entitling a forest user and a forest owner to harvest and remove timber from felling site in the form of trees, full-length logs or short logs (commercial and fuel-wood in the bark), forest residues (firewood from the top of a tree), soft resin, tree saps and secondary forest resources.

4. A felling license shall contain quantitative and qualitative characterization of forest resources, the amount of fee for forest use, time-frames of works, the conditions of forest reclamation and clearing of felling sites, silvicultural requirements to the harvesting technology and the conditions for termination of a felling license.

5. A felling license shall be issued to a forest user annually for the types of forest use, indicated in the documents that are the grounds for its issuance, in the prescribed volume and for a specific land plot of the state forest resources.

6. A felling license for harvesting of resin and tree saps shall be issued to a forest user for the tapping period.

7. A forest felling ticket and (or) a forest usage permit when the state forest owner carries out felling of the main use, intermediate cuttings and other cuttings, collateral use in forests

shall be issued by him to the head of the forestry, and in the absence of forestry - to the official responsible for carrying out these cuttings and forest use .

8. A forest usage permit is a document granting the right to carry out collateral use in forests, harvesting secondary wood resources, using the sites of the state forest fund for scientific research, recovering, recreational, historical, cultural, tourist and sports purposes.

9. The form of a forest felling ticket and a forest usage permit, the procedure for recording , storing, filling and issuing them shall be established by the authorized body.

10. Permits for use of wildlife in the land plots of the state forest resources shall be issued in the order, established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 36, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 10.12.2008 N 101-IV (shall be enforced from 01.01.2009); dated 05.07.2011 № 452 - IV ( shall be enforced from 13.10.2011); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

### **Article 37. The rights of forest users in the forest management of the state forest resources**

1. Forest users shall be entitled to:

1) implement forest management in the land plots of the state forest resources in the volumes, specified in the permits;

2) receive information on forest resources, provided to them to the forest management;

3) for the period of forest management to build facilities and premises, warehouses, forest transportation roads, to install equipment for wood processing and other forest products, associated with the use of the state forest resources in the order, established by the legislation of the Republic of Kazakhstan;

4) compensate the losses, caused by the changing of categories of the state forest resources, as well as the withdrawal of land plots of the state forest resources for the state requirements;

5) in carrying out long-term forest management for harvesting timber on the sites of the state forest fund, shall conduct all types of cutting, place nurseries and plantations of special purpose in agreement with the state forest owner.

1-1. The forest users, when implementing the forest management in the state forest resources, that properly carried out their duties there, unless otherwise provided by the Laws of the Republic of Kazakhstan or a contract for a long-term forest management, in the end of its term and under other equal conditions, shall have a priority right to conclude another long-term forest management contract for a new term.

2. Protection of the forest users' rights in case of their violation shall be carried out in a judicial proceeding.

**Footnote. Article 37, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 38. Duties of forest users in forest management of the state forest resources**

Forest users shall:

1) shall comply with the terms of long-term and short-term forest use contracts, as well as the conditions specified by the forest felling ticket, forest usage permit;

2) prevent harm to the public health;

3) work to prevent soil erosion, excluding or limiting the negative impact on condition and forest reclamation, as well as on condition of water bodies and other natural resources and preserve wildlife and environment;

4) when harvesting wood, comply with the requirements to preserve optimal conditions for natural forest reproduction;

5) at the allotted land plots of the state forest resources to comply with the fire protection regulations, at their own expense to take measures to prevent forest fires; in the event of a forest fire to fight it within the boundaries, specified in a long-term forest management contract; to take part in extinguishing forest fires in other land plots of the state forest resources, defined by the legislation of the Republic of Kazakhstan;

6) in a long-term forest management, in consultation with the state forest owners, to develop and approve fire prevention plans, and implement them within the set time frames at their own expense;

7) shall have fire extinguishing means in accordance with the norms approved by the authorized body on the places of conducting recovering, recreational, historical, cultural, tourist, sporting and other activities and works on the territory of the state forest fund;

8) not leave undercuts and the converted wood in the felling sites after the deadlines, specified for its harvesting and transportation;

9) clean the felling sites from the forest residues in accordance with the felling rules, applied in the land plots of the state forest resources;

10) at the allotted land plots of the state forest resources, prevent illegal cutting of forest and other violations of the forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reclamation and use of wildlife and the specially protected natural territories;

11) turn over the land plots of the state forest resources to the state forest owners after completion of works there;

12) In the case of main-use felling on state forest fund plots, within three years to carry out forest regeneration on the area equal to twice the size of the cut area for coniferous and



hard-leaved species, one times the size of the cut area for soft-leaved species, in accordance with the forest management project;

12-1) to the local budget, to pay fees, equal to the cost of planting and cultivation of forest plantations before transference to the forested area, in case if the state forest owner shall not have: silvicultural resources; an opportunity to provide an additional land plot in the territory of the state forest resources to the forest user. Fees for planting and cultivation are defined by a calculation card, developed by the forest owner;

13) at their own expense to conduct reforestation at the clearings and the areas, where their work destroyed the undergrowth, and tree and shrub vegetation had died;

14) pay damages and losses of forest management in the order, defined by the legislation of the Republic of Kazakhstan;

15) make timely payments for forest use in the order, defined by the legislation of the Republic of Kazakhstan;

16) observe the rules for improvement of sanitation condition of forests (hereinafter - the sanitary rules in forests);

17) when taking measures on protection of the land plots of the state forest resources from forest pests and diseases under a long-term forest management, to help the forest owner to control forest pests and diseases, as well as to inform him about the emergence of forest pests and diseases in the allotted land plots of the state forest resources;

17-1) in the areas, provided to the forest management, to take measures on land site restoration in accordance with the requirements of a long-term forest management contract;

18) is excluded by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV ( shall be enforced upon expiry of ten calendar days from the date of its first official publication);

19) not violate the rights of other forest users;

20) provide the information necessary for maintaining state accounting of the forest fund, state forest cadastre, state forest monitoring, to the department of the authorized authority, territorial divisions, local executive authorities of regions and the authorized authority in the field of state statistics in the manner determined by the authorized authority;

20-1) excluded by the Law of the RK dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).

21) carry out other duties, provided by the Laws of the Republic of Kazakhstan.

Footnote. Article 38, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its official publication); dated 09.01.2007 N 213 (the order of enforcement see Art. 2); dated 19.03.2010 № 258 - IV; dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548-IV ( shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry



of ten calendar days after its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021); dated 02.01.2023 № 184-VII (shall be enforced upon expiry of sixty calendar days after its first official publication).

### **Article 39. Grounds for suspension and restriction of the forest management right in the land plots of the state forest resources**

1. The forest management right in the land plots of the state forest resources shall be suspended in the following cases:

1) when a forest user violates the requirements of the forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reproduction and use of wildlife and the specially protected natural territories;

2) failure by the forest user to fulfill the terms of long-term or short-term forest use contracts, a forest felling ticket, a forest usage permit.

2. The forest management right in the state forest resources shall be restricted in the following cases:

1) reduction of forest resources in the state forest resources, which is under the forest management, caused by natural and man-made disasters, that led to deterioration of their condition;

2) implementation of aerial-chemical, aerial-biological and aerosol actions against forest pests and diseases, as well as during a high fire season in forests.

3. If the circumstances or conditions that caused restriction or suspension of forest management rights are eliminated, the forest management right shall be restored in full.

4. If the forest user does not agree with the decision to restrict or suspend the right to forest management, he shall have the right to appeal this decision in the manner established by the Laws of the Republic of Kazakhstan.

5. Restriction or suspension of the forest management right shall not exempt the forest users from administrative or other liability for violation of the forest legislation of the Republic of Kazakhstan.

**Footnote.** Article 39, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 351-VI (shall enter into force from 01.07.2021).

### **Article 40. Grounds for termination of forest management right in the lands of the state forest resources**

1. The forest management right in the lands of the state forest resources shall be terminated in the following cases:

1) a forest user's voluntary relinquishment of the forest management right;

2) expiration of forest management;

3) liquidation of a legal entity - a forest user;

4) systematic (two or more times within a calendar year) violation by the forest user of the established rules of forest use or conditions stipulated by long-term or short-term forest use agreements, logging ticket, forest ticket;

5) natural and man-made disasters, resulted in changes in the state forest resources, hampering the forest management;

6) systematic (two or more times within a calendar year) violation of the established terms of payment for forest use or failure to pay within three months after the established term;

7) withdrawal of the land plots of the state forest resources for the state requirements, establishment of a more rigorous regime to restrict forest management in the state forest resources.

2. Termination of a forest management right in the state forest resources shall not exempt forest users from administrative and other responsibility for violation of the forest legislation of the Republic of Kazakhstan.

**Footnote. Article 40, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 41. A procedure for termination of a forest management right in the lands of the state forest resources**

The forest management right in the state forest resources shall be terminated under the following grounds:

1) termination of long-term or short-term forest use contracts;

2) a written statement of a forest user;

3) termination of the forest felling ticket, a forest usage permit in the manner established by the authorized body;

4) Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)

**Footnote. Article 41, as amended by the Laws of the Republic of Kazakhstan dated 12.01.2007 № 222 (shall be enforced upon expiry of six months from the date of its official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 42. Staying of individuals in the territory of the state forest resources**

1. The order and conditions of individuals' staying in the territory of the state forest resources shall depend on the category of the state forest resources, the type of the specially protected natural area, the level of land improvement and the type of forest management.

2. The individuals shall have the right for a free stay in the state forest resources, without permits, for recreational, health-improving, historical, cultural, tourist and sporting purposes, collecting of wild fruits, nuts, mushrooms, berries, medicinal herbs and other forest resources for their own use, with the exception of flora, classified as rare and endangered.

3. The individuals shall be allowed to collect wild fruits, nuts, mushrooms, berries, medicinal herbs and other forest resources for their own use in the territory of the state forest resources, within the limits, approved by the decision of the local representative body of oblast, city of republican significance, the capital upon the recommendation of the local executive body of the oblast, city of republican significance, the capital.

4. The staying of individuals in the territory of the state forest resources and collecting of wild fruits, nuts, mushrooms, berries, medicinal herbs and other forest resources may be limited in the interests of public health, fire safety, nut production, forest seed production and hunting in accordance with the legislation of the Republic of Kazakhstan.

5. The collection and harvesting of species of wild plants and mushrooms specified in the list of rare and endangered plant species, as well as narcotic plants and natural narcotic-containing raw materials shall be prohibited, except in cases determined by special legislation of the Republic of Kazakhstan.

6. The individuals must comply with fire safety requirements, prevent damage and cutting of trees and shrubs, forest crops, pollution of forests, damage of ant colonies, nesting of birds, collect wild food forest reserves, medicinal raw materials timely and by the means, that do not affect their reproduction.

7. The staying of individuals in the territory of the state forest resources for hunting and fishing shall be regulated by this Code.

**Footnote. Article 42, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Section 4. Organization of forestry**

### **Chapter 7. Grounds for organization of forestry**

#### **Article 43. Organization of forestry in the state forest resources**

1. Organization of forestry in the state forest resources shall include:

- 1) forest management;
- 2) categorization of the state forest resources;
- 3) distribution of the state forest resources by the types of land plots;
- 4) assessment of felling age;

- 5) establishment of felling systems and reproduction of forest resources;
- 6) establishment of forest management standards;
- 7) the measures for forests' conservation and protection;
- 8) forest selection management and forest seed production;
- 9) other legal, organizational and technical measures for study, recording, conservation, protection, reforestation, afforestation, forest management and control over observance of the forest legislation of the Republic of Kazakhstan.

2. In order to ensure effective protection and conservation of the state forest resources, the area of the state forests shall be divided into forestry agencies, forest logging camps and forest ranges.

**Article 44. The categories of the state forest resources and forest management restriction regimes**

1. All the forests in the Republic of Kazakhstan shall carry out water protective, field and soil protective, genetic, hygienic, health-improving and other useful functions.

2. Depending on the priority of the performed functions, the state forest resources shall be divided into the following categories:

- 1) the specially protected forest areas, including:
  - the forests of the state nature reserves;
  - the forests of the state national natural parks;
  - the forests of the state natural reservations;
  - the forests of the state regional natural parks;
  - the forests of the state preserved areas;
  - the state forest natural monuments;
  - the forest areas of scientific importance, including the forest genetic reserves;
  - particularly valuable forest areas;
  - nut production zones;
  - fruit-tree plantations;
  - subalpine forests;
- 2) the state protective forest strips;
- 3) urban forests;
- 4) green areas of settlements and medical and health-improving institutions;
- 5) anti-erosion forests;
- 6) the restricted belts of forests along the river banks, lakes, water reservoirs, canals and other water bodies;
- 7) protective plantations at the easement areas of railroads and highways of international and national significance, pipelines and other facilities;
- 8) protective forest belts along the railways and highways of international and national significance;
- 9) field and soil protection forests.

3. Protective forest belts, laying along railways and highways of international and national significance shall be the forests, adjacent to the ROW of the acting and under-construction railways within five hundred meters in each direction of the railway line, and the forests, adjacent to the right of way (ROW) along the roads of international and national significance within two hundred and fifty meters in each direction from the axis of the road.

4. The following regimes of forest management restrictions shall be established in the categories of the state forest resources:

1) a reserve status - all types of forest management, including felling, except for the cases, defined in this Code, shall be prohibited;

2) a protection regime - fellings for primary use (other types of fellings can be performed only in the cases, specified in this Code), harvesting of resin and tree saps, secondary forest resources, mowing and grazing shall be prohibited;

3) a limited economic operation regime - fellings for primary use, with the exception of leafy forest stands (other types of fellings can be carried out only in the cases, specified in this Code), harvesting of resin and tree saps, secondary forest resources shall be prohibited.

**Footnote. Article 44, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its official publication); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)**

#### **Article 45. Categorization of the state forest resources, transfer from one category to another, as well as the allotment of the especially protective areas**

1. Categorization of the state forest resources, transfer from one category to another, as well as the allotment of the specially protective areas, where forest management is prohibited or restricted, shall be carried out, taking into account its environmental and socio-economic significance, based on the forest management materials and (or) special surveys if a positive conclusion of the state ecological expertise is provided.

2. Categorization of the state forest resources, as well as transfer from one category to another shall be carried out by the Government of the Republic of Kazakhstan.

3. In the state forest resources, except for the categories specified in sub-paragraphs 1) - 5) of paragraph 2 of Article 44 of this Code, the special protective areas with the limited forest management regime may be defined.

The special protective areas shall be allocated in forestry or special examinations in accordance with the rules of felling.

#### **Article 46. Assessment of the felling age at the lands of the state forest resources**

1. Felling age at the state forest resources shall be assessed, taking into account the value and productivity of forests, their functions, biological characteristics of trees and shrubs, as well as the purpose of timber use.

2. Felling age shall be assessed during a forest management or upon the results of scientific research.

3. Felling age shall be approved by the authorized body.

#### **Article 47. The annual allowable felling in the lands of the state forest resources**

1. The annual allowable felling in the land plots of the state forest resources shall be the annual rate of timber harvesting in accordance with the felling rules, established for the revision period for each state forest tenure in forestry, taking into account the principles of continuity and sustainable forest management.

For the entire territory of the republic and its oblasts, the allowable felling shall be defined as the sum of annual allowable felling of certain state forest ownerships.

2. The annual allowable felling at the land plots of the state forest resources shall be approved by the authorized body as part of a forest management project of a state forest owner.

3. In case of transfer of forest resources on the state forest fund plots for long-term forest use for timber harvesting, the estimated cutting area shall be established for these plots in accordance with the procedure determined by the authorized body.

4. The allowable felling shall be amended if the boundaries and condition of the state forest resources, felling ages, and categories of the state forest resources were changed.

Changes of the annual allowable felling at the land plots of the state forest resources shall be approved by the authorized body if a positive conclusion of the state ecological expertise is provided.

**Footnote.** Article 47, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

#### **Article 48. Types of lands of the state forest resources**

The state forest resources shall include:

1) forest lands (the lands, covered with forest; not closed forest plantations; plantations of a special purpose, forest nurseries, and the lands, not covered with forests - cuttings, burnings, clearings, open stands);

2) non forest lands (agricultural lands, roads, compartment lines, anti-fire lines, farms, waters, swamps, glaciers, sands and other lands of the state forest resources).

#### **Article 49. Conversion of forest lands into non forest ones in the state forest resources in order to use them for forest management and forest use**

1. Conversion of forest lands into non-forest ones in the state forest resources for forest management and forest use shall be carried out by the territorial subdivision, taking into account the forest management materials or special surveys.

Clearings may be converted into non-forest lands if they are found inefficient in accordance with the soil survey and forest management materials.

2. The decision of the territorial subdivision on conversion of forest lands into non-forest ones for forest management and forest use, shall contain the data on location of the land plot,



its size, purpose and the conversion time frames, the list of the permitted works to reclaim the land plot after expiration of the conversion terms.

**Footnote. Article 49, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)**

**Article 50. Conversion of the land plots, not covered by forests, into the lands, covered with forests, in the state forest resources**

Conversion of the lands, not covered with forest into the lands, covered with forests in the state forest resources shall be carried out by a state forest owner in the order, established by the authorized body.

**Article 51. Conversion of the lands of the state forest land into the lands of other categories for the purposes, not related to forest management, and (or) withdrawal of the lands of the state forest resources for the state requirements**

1. Conversion of the lands of the state forest land into the lands of other categories for the purposes, not related to forest management, and (or) withdrawal of the lands of the state forest resources for the state requirements shall be carried out by the Government of the Republic of Kazakhstan in accordance with the Land Code of the Republic of Kazakhstan.

1-1. The transfer of lands of the state forest fund into lands of other categories for purposes not related to forestry shall be allowed in exceptional cases if there is a positive conclusion of the state environmental expertise in accordance with the requirements of forest and land legislation of the Republic of Kazakhstan on the basis of forest management and land management materials:

- 1) creation and expansion of specially protected natural areas;
- 2) fulfillment of international obligations;
- 3) discovery of mineral deposits under the site, in the absence of alternative options for their development;

**IL & LI note!**

**The validity of subparagraph 4) is suspended through 31.12.2025 by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII and in the period of suspension, this paragraph shall be valid in the following version:**

4) construction of highways and railroads of international, republican, regional and district significance, power lines, communication lines and trunk pipelines;

5) changing the boundaries (lines) of settlements, in the absence of other options for their possible location.

6) development of facilities of the State border of the Republic of Kazakhstan and facilities for the needs of defense.

7) construction and operation of water management facilities of special strategic importance, in the absence of other options for their possible location.

When transferring lands of the forest fund in the cases envisaged by subparagraphs 3) and 4) of part one of this paragraph, the persons in whose favor the land plot is transferred shall carry out compensatory planting of forest crops in a twofold amount of the area of the transferred land plot and care for forest crops during the first three years after their planting on the land plots provided by relevant local executive bodies as compensation to the state forest owner for transfer to the composition of the state forest fund.

2. When transferring the lands of the state forest fund to the lands of other categories for purposes not related to forest management and (or) withdrawal of the state forest fund lands for state needs, individuals and legal entities in whose interests such transferring and (or) withdrawal are carried out, reimburse losses and losses of forestry production in the manner established by the authorized body.

3. When transferring the lands of the state forest resources into the lands of other categories for the purposes, not related to forest management, and (or) withdrawal of the lands of the state forest resources for the state requirements, the issues of saving or felling the plantings, located in these lands, and the use of wood, obtained in case of felling, shall be resolved simultaneously.

**Footnote.** Article 51 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2023 № 184-VII (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).

#### **Article 51-1. Transfer of land of other categories to forest land**

1. Plantations of natural origin on the lands of other categories are subjects to be included in the composition of the forest fund.

2. Identification of plantations specified in paragraph 1 of this Article, processing of documentation and submission to the authorized body shall be carried out by the local executive body of the region, the city of the republican significance, the capital.

3. Transferring of the lands of other categories to the forest fund lands shall be carried out in the manner determined by the authorized body, in accordance with the land legislation of the Republic of Kazakhstan and this Code.

**Footnote.** Chapter 7 is supplemented by Article 51-1 in accordance with the Law of the Republic of Kazakhstan dated 15 .06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 52. Changing of the designated purpose of the lands of private forest resources**

The designated purpose of the lands of private forest resources may be changed in accordance with the Land Code of the Republic of Kazakhstan.

#### **Article 53. Coordination of location of a construction site, affecting the forests' condition and regeneration**

1. The places of construction of facilities affecting the state and reproduction of forests shall be agreed with the authorized body with a mandatory sanitary and epidemiological examination.

2. During placement, designing, construction and commissioning of enterprises, buildings and other facilities, as well as introduction of new technological processes, affecting the forests' condition, the measures must be taken to protect forests from negative impact of sewage, industrial and municipal and domestic emissions and wastes.

3. Commissioning of enterprises, shops, roads and other facilities, not equipped with the devices, able to prevent harmful effects on forests, shall be prohibited.

**Footnote. Article 53 as amended by the Law of the RK dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).**

#### **Article 54. Conduction of works in the state forest resources that are not related to forest management and forest use**

##### **Note!**

**An amendment is provided for by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII in subparagraph 1 (shall be enforced from 31.12.2025).**

1. Carrying out construction works in the state forest fund, extraction of common minerals, laying communications and other work not related to forestry and forest management, if this does not require the transfer of the state forest fund land to other categories of land and (or) their removal is carried out on the basis of a decision of the local executive body of the region, in agreement with the authorized body, if there is an appropriate environmental permit or a positive conclusion of the state environmental expertise.

1-1. Uranium mining by underground borehole leaching on the lands of the state forest fund shall be carried out without their transfer to lands of other categories with further reclamation of disturbed land plots and their transfer to the forest owner in the manner determined by the authorized authority.

Subsoil users, when using plots of the state forest fund for uranium mining by the method of underground borehole leaching, shall be obliged, during the first three years of subsoil development, to make compensatory plantings of forest plantations in double the size of the area used and their maintenance before transferring to a forested area.

2. The name of the works, terms and conditions for their implementation, environmental requirements for environmental protection, measures for reclamation of land plots and the timing of their implementation shall be indicated in the decision of the local executive body of the region.

**Footnote. Article 54 as amended by the Law of the Republic of Kazakhstan dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).**

## **Section 5. Forestry management, the state forest resources recording, the state forest cadastre and the state monitoring of forests**

### **Chapter 8. Forestry management**

#### **Article 55. Forestry management**

1. Forestry management shall include a range of measures, aimed at efficient forest management, a unified scientific-technical policy in forestry management, rational use of forest resources.

Forestry management shall include:

1) in accordance with the legislation of the Republic of Kazakhstan, delimitation of boundaries of the state forest resources and establishment of a farm organization of the state forest ownerships, including segmentation into forestry, logging camps and forest ranges;

2) implementation of topographic-geodesic works and special mapping of the state forest resources;

3) forest resources' inventory with assessment of species composition and age of forests, their condition and qualitative and quantitative characteristics of forest resources;

4) inventory of objects of the state natural reserve, relict forest vegetation and the specially protective lands;

5) inventory of the lands of the state forest resources for fellings for primary use, intermediate use fellings, other fellings, reforestation and afforestation, land reclamation, conservation and protection of forests and other forest management activities, as well as the establishment of the order for their implementation;

6) the grounds for categorization of the state forest resources, preparation of proposals on conversion of the state forest resources from one category to another, conversion of non-forest lands into the forest ones, as well as assessment and classification of lands of the state forest resources by the types of lands;

7) assessment of the annual allowable fellings, the size of intermediate use fellings, felling ages in the lands of the state forest resources;

8) assessment of the volumes of reforestation and afforestation, forest seed production, conservation and protection of forests and other forest management activities in the state forest resources;

8-1) selection estimation of forest plantations, including assessment of elite, normal and minus stands;

9) determination of the size of spurious forest use and harvesting of secondary wood resources, use of the state forest fund for hunting, recovering, recreational, historical, cultural, tourist and sports purposes;

9-1) during an integrated assessment of forest management, to define the damage, caused by fires and illegal fellings in the forest resources over the last revision period;

10) forest-biology examinations;

11) designer supervision over implementation of forest management projects;  
12) elaboration of the main provisions of forestry management and the integrated forestry management projects for oblasts;

13) Is excluded by the Law of the Republic of Kazakhstan, dated 10.07.2012 № 34-V ( shall be enforced from the date of its first official publication).

2. Forestry management, related to recording of forest resources, territorial structure of the forest resources, including delimitation of boundaries of the state forest resources, the state monitoring of forests, forest management planning and forest use, shall be related to the state monopoly and carried out by the state forest management organization.

Prices for goods (works, services) produced and (or) sold by a state monopoly entity shall be established by the authorized body in agreement with the antimonopoly body.

3. Forestry management materials shall be used to establish and define the boundaries of the state forest resources, when performing the land measuring works.

Footnote. Article 55, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 56. Forestry management system**

1. Forest management shall be carried out according to a single system in accordance with the rules, as well as an instruction for forest inventory management on the territory of the state forest fund approved by the authorized body.

2. Forestry management in the state forest resources shall be carried out by the state forest management organizations that are under the jurisdiction of the authorized body, with the use of aerial photographs and space imagery.

3. Without primary forest inventory and availability of forest management documentation approved in accordance with the procedure established by this Code, forest management and forest use on the sites of the state forest fund shall be prohibited.

4. In case of the end of an audit period and before new forest management documentation on the territory of the state forest ownership:

1) fire-fighting measures shall be carried out in the volumes established for the last year of the audit period;

2) forest protection measures, including sanitary felling of forests, shall be carried out depending on the sanitary state of forests in the volumes determined by the materials of forest pathological surveys conducted by state forest owners or specialized organizations of the authorized body;

3) measures for forests reproduction and afforestation shall be carried out depending on the availability of forest culture fund in the amounts established for the last year of the revision period, primarily on felling and burnt;

4) felling for forest management shall be carried out depending on the presence of plantations, requiring the removal of trees that have lagged behind in growth or interfere with the growth of trees of main species in the amounts established for the last year of the revision period;

5) the main harvesting shall be carried out within the limits of an annual logging site established by the forest management project in the amount of an annual logging fund, approved by the authorized body. During the year, changes shall be made to the estimated cutting area in the manner determined by this Code;

6) other types of forest use not specified in subparagraphs 2), 4) and 5) of this part shall be carried out in the amounts established for the last year of the audit period in the manner defined by this Code.

State forest owners shall be obliged to make data on ongoing activities and forest use on the sites of the state forest fund in the materials of the previous forest inventory.

**Footnote. Article 56, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 57. Forestry management projects of the state forest ownerships**

1. During the forestry management of the state forest resources, the forest management projects shall be made to provide a comprehensive assessment of forest management and use of the state forest resources over the previous revision period, to plan the forest management activities and elaborate the basic provisions for organization and forestry management for the next revision period.

2. Forestry management projects of the state forestry ownerships and other documents of forestry management that have passed the state environmental expertise, shall be approved by the authorized body and shall be the mandatory regulations for forestry management, its current and future planning.

3. Forestry management projects shall be put into effect from 1 January of the year, following the year of completing the forestry management works.

**Footnote. Article 57, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)**

#### **Article 58. Information on forest resources**



1. Information on forest resources shall include the data of the state forest resources recording, the state forest cadastre, the state forest monitoring, forestry management and other data, collected by the authorized body and (or) the state forestry management organizations.

2. Information on the forest fund shall be a subject of state property, the procedure and conditions for its use by individuals and legal entities shall be determined by the authorized body in accordance with international treaties ratified by the Republic of Kazakhstan.

**Footnote. Article 58, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 9. The state recording of forest resources, the state forest cadastre and the state monitoring of forests**

### **Article 59. The state recording of forest resources**

1. The state recording of the forest resources shall be carried out to ensure conservation, protection of forest resources, reforestation and afforestation, forestry management, systematic monitoring of quantitative and qualitative changes in the forest resources and to provide the state bodies, the interested individual and legal entities with the information on the forest resources in accordance with the order, established by the legislation of the Republic of Kazakhstan.

As part of the state forest resources, the specially protected forest areas shall be allotted and recorded.

The state natural monuments located within the borders of the state natural reserves, the national natural parks, the state regional natural parks and the state natural reserves, shall be recorded as their part.

The data of the state forest recording shall be used in the state forest cadastre.

2. The form of the state forest recording shall be approved by the authorized body in consultation with the authorized state body for the state statistics.

3. The state account of the forest fund shall be maintained by the state forest management organization in accordance with the rules approved by the authorized body.

**Footnote. Article 59, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 19.03.2010 № 258-IV; dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 60. State forestry cadastre**

1. The state forestry cadastre shall contain the information on the legal status of the forest resources, its distribution between the forest owners, the quantitative and qualitative condition of the forest resources, categorization of the state forest resources and other data on

environmental and economic characteristics of the forest resources, necessary for forestry management and evaluation of economic results.

1-1. The state forest cadastre shall be maintained by the state forest management organization in accordance with the rules approved by the authorized body.

2. The data of the state forestry cadastre shall be used in the state forestry management, organization of its management, conversion of forest lands to non-forest ones for the purposes , not related to forest management and use of the state forest resources, and (or) withdrawal of the lands of the state forest resources, calculation of the amount of fees for forest use, evaluation of economic activities of forest users and forest owners.

3. The list of indicators of the state forestry cadastre and the methods of economic evaluation of forests shall be defined by the authorized body.

**Footnote. Article 60, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 61. The state monitoring of forests**

State State forest monitoring is a system of observations, assessment and forecast of the condition and dynamics of the forest resources, including using Earth remote sensing data, for the purpose of state management in conservation, protection, use of the forest resources and forest reproduction, conservation of biological diversity and ecological functions of forests.

The state forest monitoring shall be carried out by the state forest management organization in accordance with the rules approved by the authorized body.

**Footnote. Article 61, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.04.2016 № 490-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.12.2022 № 167-VII (shall be enforced ten calendar days after the date of its first official publication).**

### **Section 6. Conservation, protection, reforestation and afforestation, forest seed production**

#### **Chapter 10. Conservation and protection of forest resources**

#### **Article 62. Tasks for protection and conservation of the state forest resources**

The main tasks for conservation and protection of the state forest resources shall be:

- 1) prevention of forest fires, heir timely detection and elimination;
- 2) compliance of all operating and local state forest resources organizations, as well as the individuals, that are in the woods, with the fire safety requirements and sanitary forest regulations;

3) protection of forests from illegal fellings, damage, embezzlement and other violations of the forest legislation of the Republic of Kazakhstan, as well as protection of the lands of the state forest resources;

4) compliance of forest users with the rules of standing timber distribution, fellings at the land plots of the state forest resources and the rules of other types of forestry management;

5) timely detection of outbreaks of forest pests and diseases, and control over them;

6) biotechnical activities;

7) compliance with the rules of hunting and fishing in the state forest resources;

8) other actions, ensuring safety, protection of the state forest resources, reforestation, rational forest use and afforestation;

9) compliance with the environmental requirements, set by the environmental legislation of the Republic of Kazakhstan;

10) provide activities to adapt to climate change and reduce vulnerability to climate change.

**Footnote. Article 62, as amended by the Laws of the Republic of Kazakhstan dated 9 January 2007 № 213 (the order of enforcement see Art. 2); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).**

### **Article 63. Implementation of measures on forest protection and conservation**

1. The authorized authority, the department of the authorized authority, territorial divisions, local executive authorities of regions, cities of republican significance, the capital, forest owners, forest users ensure the implementation of measures for protection and safety of the forest fund.

2. Measures to protect forests from fires shall be regulated by fire safety rules in forests approved by the authorized body.

3. Burning of herbaceous vegetation on all categories of lands shall be prohibited, except for the controlled burnings in the territory of the forest resources and the surrounding regions, conducted by forest owners in order to reduce fire hazards in accordance with the rules of fire safety in forests.

4. Local executive bodies of oblasts, cities of republican significance, the capital, for the period of high fire risk, if necessary, shall limit the individuals' visits in forests and vehicles' entrance into the forests, as well as the performance of certain types of works in the territory of the state forest resources.

5. The order of involving the individual and legal entities into the fire-fighting operations in the forests shall be defined by the legislation of the Republic of Kazakhstan.

**Footnote. Article 63, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13; dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29.09. 2014 № 239-V (shall be enforced upon expiry of ten**

calendar days after its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 64. The state fire control at forestry facilities**

Footnote. Article 64 is excluded by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 65. Aerial works for protection and conservation of forest resources**

1. Aviation work on protection and defense of the forest fund shall be carried out by organizations specializing in the field of aviation works for protection and defense of the forest fund, in accordance with the rules approved by the authorized body.

2. In order to perform aerial works for conservation and protection of forests from fires, the organizations, conducting the aerial works to protect and preserve the forest resources, shall be informed by the state meteorological service about the short-term, medium-term and long-term weather forecasts.

Footnote. Article 65 is in the wording of the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 65-1. Participation of the state fire service in protection of the forest fund**

The procedure of attracting the state fire service for extinguishing forest fires shall be regulated by an agreement of the authorized body in the field of civil protection with the authorized body and (or) local executive bodies of the regions, cities of republican significance, the capital.

Footnote. Chapter 10 is supplemented by Article 65-1 in accordance with the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 66. Participation of voluntary firefighting units in protection of the forest fund**

Footnote. The title of Article 66 as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Voluntary firefighting units shall be entitled to participate in protection of the forest fund from fires, their prevention and extinguishing.

2. Creation of voluntary firefighting units and their functioning shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 66 as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 67. Protection of the state forest resources from forest pests and diseases**

1. Protection of the state forest resources from forest pests and diseases shall be provided through systematic monitoring of condition of the state forest resources, timely detection of outbreaks of forest pests and diseases through prevention of their outbreaks, their localization and elimination.

2. Protection of the state forest resources from forest pests and diseases shall include the following activities:

- 1) current, expeditionary, aero-visual and other forest-pathological examinations;
- 2) general, reconnaissance and detailed monitoring of development of forest pests and diseases;
- 3) ground investigations and aerial operations against forest pests and diseases;
- 4) prevention and liquidation of outbreaks of forest pests and diseases.

2-1. Excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

3. Measures on protection the state forest fund from pests and forest diseases shall be regulated by sanitary rules in forests approved by the authorized body.

Footnote. Article 67, as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548-IV ( shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Article 68. Involvement of individuals and public organizations in protection, conservation and use of forest resources, reforestation and afforestation**

Individuals and public associations shall be involved in protection, conservation and use of forest resources, reforestation and afforestation in accordance with the legislation of the Republic of Kazakhstan.

Population shall be involved in protection, conservation, use of the forest resources, reforestation and afforestation through the local self-government bodies. The state bodies and organizations shall support local self-governments in addressing the local issues, related to protection, conservation and use of the forest resources, reforestation and afforestation.

Public associations established for the purposes of protection, defense, use of the forest fund, reproduction of forests and afforestation, shall carry out their activities on conserving biological diversity of forests, objects of the state natural reserve fund, cultural and natural heritage, ensuring rational use of forest resources, development school forestries, creation of voluntary fire-fighting units and other activities in the field of protection, defense, use of the forest fund, reproduction of forests and afforestation in collaboration with the forest authority.

Footnote. Article 68 is in the wording of the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 11. The state forest protection service of the Republic of Kazakhstan**

### **Article 69. The state forest protection service of the Republic of Kazakhstan**

1. The state forest protection service of the Republic of Kazakhstan (hereinafter - the state forest service) shall consist of the specialists of forest institutions, involved in protection, conservation, reforestation and forestry management.

2. The state forest service shall be entitled:

1) to check the individuals' and officials' documents, permitting to use the state forest resources;

2) to draw up protocols on administrative violations in forestry legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reclamation and use of wildlife and the specially protected natural areas in accordance with the Code of the Republic of Kazakhstan on administrative offences;

3) to arrest and bring to the law enforcement bodies the officials that have committed offenses in the forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reclamation and use of wildlife and the specially protected natural areas;

4) in accordance with the legislation of the Republic of Kazakhstan to inspect vehicles and other objects and places, and if necessary – to conduct personal examination of detainees;

5) to withdraw the illegally obtained forest and wildlife resources from individuals and officials, the mining equipment and vehicles, and to tackle the issue on their further ownership in the order, defined by the legislation of the Republic of Kazakhstan;

6) to apply other rights, provided for by the Laws of the Republic of Kazakhstan.

3. In the land plots of the state forest resources, the state forest service must:

1) prevent and combat violations of the forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reclamation and use of wildlife and the specially protected natural areas;

2) provide the state and law enforcement bodies, the court with information, claims and other materials on violation of the forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on protection, reclamation and use of wildlife and the specially protected natural areas;

3) within its competence to give written instructions to the individual and legal entities on elimination of the detected violations;



4) carry out works on forest fire prevention, timely detection and extinguishing of fires in the lands of the state forest resources, as well as the surrounding areas in case of a direct threat of forest fires;

5) make proposals for restriction, suspension or termination of business and other activities;

6) (is excluded).

4. The officials of the state forest protection service shall be allowed to keep, bear and use the service arms in the order, established by the legislation of the Republic of Kazakhstan.

5. The officials of the state forest protection service in accordance with the legislation of the Republic of Kazakhstan shall be provided with the uniforms with the badges of rank (without shoulder straps), service weapons and special protection devices, and a service land allotment.

6. In the cases, provided by the Laws of the Republic of Kazakhstan, the officials of the state forest service shall be entitled to use physical force, special protection devices and service weapons.

6-1. The management of forest fire extinguishing, regardless of the forces and means involved, shall be carried out by a state forest protection official.

7. The activity of the state forest protection shall be determined by the Regulations on state forest protection approved by the authorized body.

Footnote. Article 69, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13; dated 06.01.2011 № 379-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2023 № 184-VII (shall be enforced upon expiry of sixty calendar days after its first official publication).

#### **Article 70. Legal and social protection of officials of the state forest protection**

1. Officials of the state forest protection shall be subject to legal and social protection in accordance with the legislation of the Republic of Kazakhstan.

2. Officials of the state forest protection, who are civil servants and working in rural areas, shall be set increased not less than twenty five percent of the official salaries in accordance with the legislation of the Republic of Kazakhstan.

3. Officials of the state forestry protection shall be provided with land plots for pasturing cattle and haymaking by the decision of local executive bodies.

Footnote. Article 70 as amended by the Law of the Republic of Kazakhstan dated 15. 06. 2017 № 73-VI (For the procedure of enactment see Article 2).

### **Chapter 12. Reforestation and afforestation**

#### **Article 71. The objectives of reforestation and afforestation**

1. The main goal of reforestation shall be the timely rehabilitation of forests in the felling sites, burned areas and other areas, previously occupied by the forests of the state forest resources, improvement of the species composition of forests, their productivity, and rational use of the state forest resources.

2. The purpose of the forest cultivation shall be the afforestation of the areas that were not covered by forests before.

#### **Article 72. Increasing the resource potential of forests in areas of the state forest fund**

**Footnote. The title of the Article 72 in the wording of the Law of the RK dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).**

1. The management of forestry on the state forest fund sites should enhance the resource potential of forests.

2. The resource potential of forests in areas of the state forest fund shall be enhanced as a result of the implementation of a system of scientifically sound logging, the reproduction of forests, the improvement of their breeding composition, the creation and effective use of a permanent forest-seed base on a breeding and genetic basis, forest hydromelioration, forest care, including cutting of care and sanitary cutting, construction of forest roads, and other forestry measures.

3. Activities to increase the resource potential of forests on the state forest fund sites shall be carried out by forest institutions and forest users in accordance with forest management projects.

4. The activities specified in paragraph 2 of this article may be carried out by forest institutions and forest users from voluntary contributions for forest ecosystem services.

**Footnote. Article 72 as amended by the Law of the Republic of Kazakhstan dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021).**

#### **Article 73. The measures for reforestation and afforestation**

1. Reforestation in the state forest resources must be taken in compliance with the environmental and sanitary requirements in order to create in the shortest possible time the highly productive and substantial plantings, taking into account the forest site conditions and economic feasibility.

2. The volume of reforestation and afforestation in the state forest resources is defined by the projects, developed by forest management and other design and survey organizations, involved in this field, that have passed the state ecological expertise.

3. The procedure for carrying out measures at the sites of the state forest fund for forests reproduction and afforestation and control over their quality shall be established by the authorized body.

3-1. Inventory of forest plantations, nurseries, the areas, where the measures on natural regeneration were taken, in the state forest resources is carried out in the order, approved by the authorized body.

4. The measures on afforestation in the lands of the private forest resources are taken at the expense of the owner's funds.

Footnote. Article 73, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548 - IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 74. Allotment of land plots to forest institutions for afforestation**

In order to provide the optimal reforestation of the territory of the republic, afforestation of river banks, ponds and in other cases, the forest institutions may receive to the state forest resources the lands of other categories, primarily the lands, that are not suitable for agricultural purposes (ravines, gullies, sands and other degraded lands), and the lands of the land reserve.

Transfer of the said lands to the forest institutions shall be performed in accordance with the Land Code of the Republic of Kazakhstan.

#### **Article 75. Introduction of forest flora and fauna**

1. Rehabilitation and reproduction of the species of plants and animals in the forest biological communities shall be made through reintroduction of the best species of the local native flora and fauna.

2. Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)

3. Introduction of species of plants that are harmful to the major native species of plants shall be prohibited.

Footnote. Article 75, as amended by the Laws of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

### **Chapter 13. Forest seed production**

#### **Article 76. Objectives of forest seed production**

The main objectives of forest seed production shall be the production of the seeds with valuable hereditary properties and high sowing quality of works on reforestation and afforestation, creation of a permanent forest seed production under the selective-genetic basis.

#### **Article 77. Regular seed production in the lands of the state forest resources**

1. Regular seed production in the lands of the state forest resources shall include the following objects of seed selection purposes:

- 1) forest seed plantations;
- 2) regular forest seed plots;

3) seed-production stands.

2. Establishment of a regular seed production in the lands of the state forest resources shall be carried out in accordance with a science-based demand in seeds and planting materials for reforestation and afforestation.

2-1. Objects of selection and seed-bearing purposes shall be identified, created and operated in the manner determined by the authorized body.

3. Attestation and registration of objects of selection and seed-bearing purposes in the areas of the state forest fund shall be carried out by organizations specializing in this field in the manner established by the authorized body.

4. Seed plantations shall be created in accordance with the projects that passed the state ecological expertise and were developed by design and survey organizations, involved in this area.

Regular seed land plots shall be formed in accordance with the recommendations of the planning and surveying and scientific organizations, involved in this field.

**Footnote. Article 77, as amended by the Law of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548 - IV ( shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 78. The objects of selective and genetic purpose**

1. Specification and creation of the objects of selective and genetic purpose in the lands of the state forest resources shall be carried out to preserve genetic diversity of forest plants, evaluate their hereditary properties, and select the most promising species for their further use in forest seed production.

2. The objects of selective and genetic purpose shall include:

- 1) elite trees;
- 2) archives of the cloned elite trees;
- 3) the provenance trial plantation;
- 4) test plantings of species and hybrids;
- 5) forest genetic reserves.

3. Objects of breeding-genetic purpose shall be identified, created and operated in the manner determined by the authorized body.

3-1. Attestation and accounting of objects of breeding-genetic purpose on the sites of the state forest fund shall be carried out by organizations specializing in this field, in the manner established by the authorized body.

4. Protection of the objects of selective and genetic purpose shall be carried out by the state forest owners.

Footnote. Article 77, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 79. Seed zoning**

1. Seed zoning shall be made under the scientific researches and shall be approved by the authorized body.

2. Usage, movement of seeds and planting material for forests reproduction and afforestation shall be carried out in accordance with the procedure established by the authorized body.

3. Sowing of forest seeds and the use of forest planting material in violation of the seed zoning requirements shall be prohibited.

Footnote. Article 79, as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 29. 09. 2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 80. Harvesting, processing, storage, and use of forest seeds and control over their quality**

1. Harvesting of forest seeds shall be carried out at the permanent seed production facilities, and in case of their lack, the harvesting in normal stands shall be allowed.

2. Harvesting of forest seeds in minus stands and from minus trees shall be prohibited.

3. Examination of forest seeds, issuance of the documents on their compliance with the national standards, specifications and other regulations on forest seed production, subject to selling and use for sowing, shall be carried out by the specialized agencies of the authorized body.

4. Selling and sowing of forest seeds that have not been tested for compliance with the requirements of paragraph 3 of this article, shall be prohibited.

5. Is excluded by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV ( shall be enforced upon expiry of ten calendar days from the date of its first official publication.)

Footnote. Article 80, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.01.2012 № 548 - IV ( shall be enforced upon expiry of ten calendar days from the date of its first official

publication); dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)

#### **Chapter 14. Particularities of protection, conservation and use of the lands of the state forest resources, reforestation and afforestation in some categories of lands**

##### **Article 81. Particularities of protection, conservation and use of the lands of the state forest resources, reforestation and afforestation in the specially protected natural areas with the status of a legal entity**

Conservation, protection and use of the lands of the state forest resources, reforestation and afforestation in the specially protected natural areas with the status of a legal entity shall be performed in accordance with this Code and the legislation of the Republic of Kazakhstan on the specially protected natural areas.

Footnote. Article 81, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)

##### **Article 82. Particularities of forest use in urban forests**

Footnote. The title, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

1. The forests, located within the boundaries of an urban settlement (urban forests), shall be intended for recreational, health-improving, historical, cultural, tourist, sporting and other events, as well as for conservation of favorable environment.

2. Fellings for primary use and other types of forest use that are not compatible with the purpose of these forests shall be prohibited in urban forests.

Footnote. Article 82, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

##### **Article 83. Particularities of using the lands of the state forest resources in border areas**

Forest management and forest use in the lands of the state forest resources in the border areas shall be carried out in the order, established by this Code and the legislation of the Republic of Kazakhstan on the State Border of the Republic of Kazakhstan.

Footnote. Article 83, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

##### **Article 84. Features of protection, safety, reproduction and use of wood and shrub vegetation in areas of the state forest fund transferred to use to forest owners and (or) forest users**

Footnote. The title of the Article 84 in the wording of the Law of the dated 30.06.2021 № 59-VII (shall enter into force from 01.01.2022).



1. Protection, safety, reproduction and use of wood and shrub vegetation in areas of the state forest fund transferred in accordance with the procedure established by the legislation of the Republic of Kazakhstan for use by forest owners and (or) forest users for integrated agriculture and forestry shall be carried out in accordance with this Code.

2. Forest owners and (or) forest users, for the use of which the plots of the state forest fund have been transferred, shall be obliged to carry out forest management in them and participate in the state accounting of the forest fund in the order established by this Code.

3. Control over the condition, protection, safety, use and reproduction of tree and shrub vegetation, specified in Paragraph 1 of this Article, shall be carried out by the department of the authorized authority, territorial divisions.

**Footnote. Article 84, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.06.2021 № 59-VII (shall enter into force from 01.01.2022).**

**Article 85. Particularities of conservation, protection and use of the lands of the state forest resources, reforestation in the lands of the state forest resources, located among the land plots of other owners or land users**

1. In order to protect, preserve and use the lands of the state forest resources, make reforestation in the lands of the state forest resources, located among the lands of other owners or land users, the state forest owners shall be entitled to have a limited special use in another person's land plot (easement) in the order, established by the Land Code of the Republic of Kazakhstan.

2. In order to protect natural forests from adverse environmental factors along the borders of the lands of the state forest resources, located among the lands of other owners or land users, the protection areas shall be zoned in the width of twenty meters, in accordance with the Land Code of the Republic of Kazakhstan.

Within the protection zone any activity that adversely affects the forests' condition shall be prohibited in the state forest resources.

**Article 86. Particularities of conservation, protection and use of agro-forestry plantations, established at the expense of budget funds**

1. Agro-forestry plantations, established at the expense of budget funds, shall be designed to protect lands from adverse natural and man-made factors.

2. Conservation, protection and use of agro-forestry plantations, established at the expense of budget funds, shall be performed by the owners or land users, in the lands where they are located.

Agricultural lands, occupied by agro-forestry plantations, established at the expense of budget funds shall be redeemed or transferred to the long-term land use and may be

transferred to the lands of the private forest resources in accordance with the Land Code of the Republic of Kazakhstan.

3. In order to maintain the protective functions of agro-forestry plantations, the improvement cuttings, sanitary fellings, loggings, aimed at reconstruction of low-value plantings, as well as the felling of plantations, losing protective, water protection and other functions, as well as other types of fellings shall be allowed.

**Footnote. Article 86 as amended by the Law of the Republic of Kazakhstan, dated 7 July, 2006 № 176 (shall be enforced from the date of its first official publication.)**

### **Article 87. Particularities of conservation, protection and use of protective plantations on ROW of railways, roads, canals, pipelines and other linear structures**

1. Protective plantations, located on the ROW of railways, highways, canals, pipelines and other linear structures shall be designed to protect these facilities from adverse natural hazards, pollution prevention, and noise abatement.

2. Improvement cuttings, sanitary fellings for reconstruction of low-value plantings and the plantations, losing protective, water protection and other functions, and other fellings shall be allowed at the protective plantations on ROW of railways, highways, canals, pipelines and other linear structures in accordance with the projects for creation of these protective plantations.

3. Conservation, protection and use of protective plantations, referred to in paragraph 1 of this Article shall be carried out by land users in the lands where they are located, in accordance with this Code.

## **Section 7. Forest management**

### **Chapter 15. Types of forest management**

**Footnote. The title of Chapter 15 is in the wording of the Law of the Republic of Kazakhstan, dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)**

### **Article 88. Types of forest management in the lands of the state forest resources**

1. In the state forest resources the following types of forest management may be carried out:

- 1) timber harvesting;
- 2) harvesting of resin, tree saps;
- 3) harvesting of secondary wood resources;
- 4) collateral use in forestss (haymaking, grazing, maral breeding, fur farming, placement of beehives and apiaries, horticulture, melon-growing, gardening and cultivating of other crops, harvesting and collection of medicinal herbs and technical raw materials, wild fruits, nuts, mushrooms, berries and other food products, moss, forest litter and fallen leaves, bulrush);

5) Use of state forest fund plots for hunting needs, as well as for fishery management, including on water bodies located on state forest fund plots;

6) use of the lands of the state forest resources for scientific research;

7) use of the lands of the state forest resources for health-improving, recreational, historical, cultural, tourist and sporting purposes;

8) use of the lands of the state forest resources for growing seedlings of trees and shrubs and plantations of special purpose.

2. Use of the lands of the state forest resources may be performed with and without withdrawal of forest resources.

3. A land plot of the state forest resources may be provided for one or several types of forest management to one or more forest users.

4. Peculiarities of the forest resources use and of the state forest fund sites in the implementation of certain types of forest use shall be determined by the acts of the authorized body in accordance with this Code.

**Footnote. Article 88, as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced from 01.01.2013); dated 29. 09. 2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2017 № 73-VI (the procedure for enforcing see Article 2); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 89. Licensing of forest management in the lands of the state forest resources**

**Footnote. Article 89 is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)**

#### **Article 90. Fellings at the lands of the state forest resources**

Timber harvesting in the lands of the state forest resources shall be performed in accordance with the following types of cutting:

1) fellings for primary use, conducted in mature and over-mature stands;

2) intermediate felling (improvement fellings, selective sanitary cuttings and fellings, related to reconstruction of low-value forest stands, and the plantations, losing their protective , water protection and other functions, cutting of individual trees in young stands);

3) other fellings (clear sanitary fellings, clearing of forest lands for construction of waterworks, pipelines, roads, while laying cuttings, creation of fire lines, liquid litter cleaning , logging for other purposes).

#### **Article 91. Provision of the local population's need with timber by the state forest owner during final, intermediate use cuttings and other fellings.**

1. The local population's demand for timber, including fuelwood, is met upon application by the state forest owner through the sale of timber harvested during felling of main use, intermediate use felling and other felling.

2. The applications specified in clause 1 of this Article shall be submitted to the appropriate state forest owner one month prior to the final, intermediate use cuttings and other fellings, as well as harvesting of extrasolar clutter.

**Footnote. Article 91 as amended by the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (the procedure of implementation see Art. 2).**

**Article 92. Limitation of forest management in specific categories of the state forest resources**

1. Reservation conditions of forest management limitation shall be set in the categories of the state forest resources - "the forests of the state regional nature reserves", "the state forest natural monuments", "forest sites of scientific importance, including forest genetic reserves", "high-value forest areas", and the protected areas of the state national natural parks and state regional natural parks, the protected areas and zones of the state regional nature reserves.

2. Protection regime of forest management limitation shall be established in the following categories of the state forest resources - "the forests of the national forest parks" and "the forests of the state regional forest parks", in the recreational zones, sub-zones of administrative and industrial purposes, for visitors and tourists; in the category of the state forest resources - "the forests of the state natural reserves" in the zone of rehabilitation of damaged landscapes; in the category of the state forest resources - "the forests of the state protected zones" in the protection regime zone; in the categories of the state forest resources - "nut production zones", "forest fruit plantations", "sub-alpine forests", "the state protective forest strips", "anti-erosion forests" and "protective plantations of ROW of railroads and highways of international and national importance, main pipelines and other linear structures", "protective forest belts along railways and highways of international and national importance".

3. The regime of limited economic activity shall be established in the following categories of the state forest resources:

1) "the forests of the state national natural parks" and "the forests of the state regional nature parks" in the zones of the limited economic activity;

2) "the restricted belts of forests along the river banks, lakes, water reservoirs, canals and other water bodies", with the exception of leafy forest stands;

3) "the forests of the state protected areas" in the zone of the limited economic activity.

Economic activity in the category of the state forest resources - "the restricted belts of forests along the river banks, lakes, water reservoirs, canals and other water bodies" - shall be performed in accordance with the requirements of forestry and water legislation of the Republic of Kazakhstan.

**Footnote. Article 92, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)**

## **Article 93. Particularities of fellings in the forests of certain categories of the state forest resources and mountain forests**

1. Fellings for primary use shall be performed in mature and over-mature stands of the state forest resources "field-safeguarding and protection forests", in leafy stands of the state forest resources "the restricted forest belts along the river banks, lakes, water reservoirs, canals and other water bodies".

In the stands of other categories of the state forest resources, the fellings for primary use shall be prohibited.

2. Other felling, as well as felling associated with the reconstruction of low-value and losing protective, water protection and other ecological functions of plantations, in forests of the categories of the state forest fund listed in subparagraphs 1), 2), 3), 4), 5) and 6) of paragraph 2 of Article 44 of this Code, shall be carried out in the manner, prescribed in accordance with this Code.

In the categories of the state forest fund: "protective plantations on the right-of-way of railroads and public roads of international and republican significance, canals, main pipelines and other linear structures"; 'protective forest belts along railroads and public roads of international and republican significance', as well as in forest stands on the territory of sustainable development zones of state natural reserves, intermediate use and other felling is allowed in accordance with the rules of their implementation.

3. In the forests of the state regional natural reserves, in the zones of protected regime of the state national natural parks, state natural parks and state protected zones, in the zones of protected core of the state regional natural reserves, state natural reserves, in the state forest natural monuments and in forest genetic reserves it shall be allowed to carry out only sanitary and other felling necessary for the implementation of forest protection activities.

The said felling shall be carried out in accordance with the procedure determined in accordance with this Code.

4. In the mountain forests of the state forest resources, the fellings for primary use shall be carried out, taking into account protective, anti-erosion and water control functions of these forests.

**Footnote. Article 93, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 02.01.2021 № 401-VI (shall enter into force from 01.07.2021); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

## **Article 94. The volume of timber felling in the lands of the state forest resources**

1. Timber harvesting in the order of felling for primary use in the state forest resources shall be performed within the allowable cut.

2. The volume of timber harvesting during intermediate use felling on state forest fund plots is determined by forest inventory materials based on the established norms of forest maintenance felling, selective sanitary felling, felling associated with the reconstruction of low-value and losing protective functions of plantations, and is approved in accordance with the procedure determined in accordance with this Code.

3. The volume of timber harvesting under other felling on state forest fund plots shall be determined by the volume of work on clear sanitary felling, clearing of forest areas for construction objects, laying of clearings and other forestry measures and shall be approved in accordance with the procedure determined in accordance with this Code.

**Footnote. Article 94, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 95. Felling-area resources in the state forest resources**

1. Felling-area resources in the state forest resources shall be formed from the stocks of mature stands, planned for timber harvesting for primary use.

2. The size of the felling-area fund on state forest fund plots is established annually separately by categories of the state forest fund with allocation of data on coniferous, hard-leaved and soft-leaved species and is approved in the order determined in accordance with this Code.

**Footnote. Article 95 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 96. Harvesting of resin and tree saps in the lands of the state forest resources**

1. Resin and tree saps in the state forest resources shall be harvested in mature and over-mature stands, which are intended for felling after the expiry of the set deadline of tapping.

Tapping of maturing stands, which by the end of tapping will reach the cutting age, may be permitted if there is a lack of mature and over-mature stands.

Tapping of the mentioned forest stands without the plans of felling and tapping, approved in accordance with the legislation of the Republic of Kazakhstan, shall be prohibited.

2. Early withdrawal of plantations from tapping shall be allowed only in case of a severe deterioration of their sanitary status or fire damages.

3. The rules for harvesting resin and wood juices, as well as the zone of possible subsidence of stands on the sites of the state forest fund shall be approved by the authorized body.

**Footnote. Article 96, as amended by the Law of the Republic of Kazakhstan, dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 29. 09. 2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication).**



## **Article 97. Harvesting of secondary forest resources in the lands of the state forest resources**

1. Harvesting of secondary forest resources in the lands of the state forest resources for industrial processing and for the population's needs should be conducted without harming the forest.

2. Harvesting of bark and branches in the state forest resources shall be permitted only for the trees, felled in accordance with the felling rules.

3. Harvesting of bark from the dead and fallen trees in the state forest resources may be conducted throughout the state forest resources.

4. Harvesting of branches for weaving and manufacturing of brooms and other items in the state forest resources shall be permitted for the growing trees in the order, specified by the rules of logging.

## **Article 98. Conditions for implementation of spurious forest uses on the sites of the state forest fund**

Harvesting and collection of wild fruits, nuts, mushrooms, berries, medicinal herbs and technical raw materials, maral breeding, fur farming, placement of beehives and apiaries, horticulture, melon growing, gardening and cultivating of other crops on the sites of the state forest fund must be carried out without causing damage to the forest in the manner, determined by the rules of spurious forest use in the Republic of Kazakhstan, approved by the authorized body.

**Footnote. Article 98 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced from 01.01.2018).**

## **Article 99. Mowing season and grazing on the lands of the state forest resources**

1. The lands of the state forest resources, intended for haying and grazing, shall be established by the state forest owners in accordance with the forestry management projects or plans for the specially protected natural areas.

Individual and (or) legal entities specified in the Plan for pasture management and their use, in accordance with the legislation of the Republic of Kazakhstan on pastures, have the preferential right to use areas of the state forest fund, where haymaking and grazing of livestock are possible.

Forestry and environmental institutions are required no later than november 1 of the current year to submit information to the local executive body of the district (town of regional significance) about areas of the state forest fund where haymaking and grazing are possible, indicating occupied and free areas, the location of pastures and hayfields, as well as the conditions for their use.

2. Grazing without a shepherd in the pastures, belonging to the state forest resources shall be permitted in exceptional cases in remote, inaccessible and sparsely populated areas. A list

of such areas shall be approved by the local representative body of the oblast upon the recommendation of the local executive body of the oblast.

3. Grazing of goats on the sites of the state forest fund, except for saxaul forests, shall be allowed only in specially designated fenced areas.

4. The rules of haymaking and grazing of livestock on the sites of the state forest fund shall be approved by the authorized body.

**Footnote. Article 99, as amended by the Law of the Republic of Kazakhstan, dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 29. 09. 2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.02.2017 № 48-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.02.2024 № 65-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).**

#### **Article 100. The lands of the state forest resources used for hunting**

1. The lands of the state forest resources shall be used for hunting purposes without damaging the forest.

2. Forest use and forest management in the state forest resources, provided for hunting, shall be performed under the condition of preserving favorable habitat for wildlife.

3. The number of wild animals in the woods shall be regulated within the limits, providing stability of the ecosystem.

4. The lands of the state forest resources shall be allotted for hunting to individual and legal entities under the long-term forest management agreement in the order, prescribed by this Code.

5. The procedure for the use of wildlife on the plots of the state forest fund, including for the needs of hunting, shall be determined by the authorized body.

**Footnote. Article 100 as amended by the Law of the Republic of Kazakhstan dated 29. 09. 2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 101. Use of the lands of the state forest resources for research**

1. To conduct research works, state forest owners shall provide individuals and legal entities with sites of the state forest fund for long-term forest use on the terms of a long-term forest use agreement, and for short-term forest use on the basis of a short-term forest use agreement and permits in the manner specified in this Code.

2. The procedure for the use of sites of the state forest fund for research purposes shall be established by the authorized body.

**Footnote. Article 101 as amended by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 102. Use of the lands of the state forest resources for health-improving, recreational, historical, cultural, tourist and sporting purposes**

1. Sites of the state forest fund for recovering, recreational, historical, cultural, tourist and sports purposes shall be provided to individuals and legal entities for long-term forest use on the basis of a long-term forest use agreement, and for short-term forest use on the basis of a short-term forest use agreement and permits in the manner specified this Code.

2. At the allotted lands of the state forest resources, the forest users shall take measures for improvement and rendering of cultural services while maintaining the forest environment and the natural landscape, complying with fire safety rules and health regulations in the woods.

3. The procedure for the use of the state forest fund sites for recovering, recreational, historical, cultural, tourist and sports purposes shall be established by the authorized body.

**Footnote. Article 102 as amended by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 102-1. Use of the lands of the state forest resources for growing seedlings of trees and shrubs and special plantations**

1. The lands of the state forest resources for growing seedlings of trees and shrubs and special plantations shall be provided to individual and legal entities to the long-term forest management on a contract basis in the order, prescribed by this Code.

2. In order to cultivate plantation crops for special purposes, the land plots of the state forest resources, related to non-forest lands, shall be allotted.

**Footnote. Chapter 16 is supplemented by Article 102-1 in accordance with the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced from 01.01.2013).**

## **Article 102-2. Construction of facilities on the lands of the state forest resources, where the forest resources are provided to long-term forest management**

1. Construction of facilities on the lands of the state forest fund, where forest resources are provided for long-term forest use for health improvement, recreational, historical and cultural, tourist and sports purposes; for hunting needs; for fishery management; for fishery management; for incidental forest use, shall be carried out according to the design (design estimate) documentation developed in accordance with the sketch (conceptual design) agreed with the authorized body.

2. Upon expiration of the long-term forest management agreement for health improvement, recreational, historical and cultural, tourist and sports purposes; for hunting, for fishery management; for fishery management; for incidental forest use, the forest user shall have a preferential right to extend the term of the agreement.

3. The issues of transfer of the right to use construction objects on the lands of the state forest fund, where forest resources are provided for long-term forest use for health

improvement, recreational, historical and cultural, tourist and sports purposes; hunting needs; for fishery management; for fishery management; for incidental forest use shall be determined in the agreement on long-term forest use.

4. Regardless of the transfer of the right of long-term forest use for health improvement, recreational, historical and cultural, tourist and sports purposes; for fishery management; for fishery management; for incidental forest use, the forest user shall be obliged to take measures to rehabilitate this area, except in cases of transfer of construction objects to another person in accordance with the written notification of the authorized body or when the contract stipulates otherwise.

5. Dismantling and disposal of construction facilities from the land plots must be conducted by a forest user in the life, health and environment friendly manner, in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 16 is supplemented by Article 102-2 in accordance with the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated 06.04.2024 № 71-VIII ( shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Article 102-3. Basic requirements for construction process on the territory of the state forest fund**

1. In the state forest fund, the basis for obtaining an architectural and planning assignment shall be a long-term forest use agreement.

The basis for drawing up the assignment for design of the planned construction object shall be the architectural and planning assignment.

2. On the lands of state national natural parks or state natural reserves, the basis for obtaining an architectural and planning assignment and a design assignment shall be a long-term use agreement concluded by individuals and legal entities with a state national natural park or state natural reserve, in accordance with the Legislation of the Republic of Kazakhstan in areas of specially protected natural areas Республики Казахстан.

3. The procedure for organizing and conducting control and supervision over the quality of construction of objects on the sites of the state forest fund shall be determined by the Entrepreneurial Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On architectural, urban planning and construction activities in the Republic of Kazakhstan".

4. Acceptance of the constructed facilities for operation shall be regulated by the Civil Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On architectural, urban planning and construction activities in the Republic of Kazakhstan".

Footnote. Chapter 16 is supplemented with Article 102-3 in accordance with the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 103. The use of the gene resources of forest biocoenosis in the lands of the state forest resources**

1. The gene resources of forest biocoenosis of the state forest resources shall belong to the state property objects and shall be in the republican ownership, geographically isolated as separate areas with the limited forest management regime, including genetic reserves of flora and fauna, seed-production stands and elite trees, and other genetic objects.

These zones shall be established by the Government of the Republic of Kazakhstan upon the recommendation of the authorized body and the central executive body for science and scientific and technical activities.

2. Exchange of reproduction material of the gene resources of the forest flora and fauna with other countries shall be carried out on the basis of the decisions of the Government of the Republic of Kazakhstan if a positive conclusion of the state ecological expertise is provided.

3. Access to reproductive materials of the gene pool of forest flora and fauna shall be provided in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 103, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 02.01.2023 № 184-VII (shall be enforced upon expiry of sixty calendar days after its first official publication).

## **Section 8. Economic mechanism of protection, conservation and use of forest resources, reforestation and afforestation**

### **Chapter 17. Economic principles and methods of protection, conservation and use of forest resources, reforestation and afforestation. Fees for use of the state forest resources**

#### **Article 104. Economic principles and methods of protection, conservation and use of forest resources, reforestation and afforestation**

Economic principles and methods of protection, conservation and use of forest resources, reforestation and afforestation shall be the following:

1) planning of actions for conservation, protection, reforestation and afforestation in the lands of the state forest resources;

2) financing of forest management in the state forest fund in accordance with the norms and standards approved by the authorized body in agreement with the central authorized body on budget planning;

3) fees for the use of forest resources and the benefits of forests;

4) fees for the use of the specially protected forest areas;

5) stimulation of reforestation of the Republic of Kazakhstan;

6) liability insurance of the state forest owners and forest users, engaged in forest management in the lands of the state forest resources.

**Footnote.** Article 104 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 105. Fees for forest use of the state forest resources**

**Footnote.** The title of Article 105 is in the wording of the Law of the Republic of Kazakhstan, dated 10.12.2008 № 101-IV (shall be enforced from 01.01.2009).

1. Use of the state forest resources shall be carried out for a fee.
2. Fee for forest use in the lands of the state forest resources shall be charged for certain types of forest management, provided by the tax legislation of the Republic of Kazakhstan.
3. Fee for forest use in the lands of the state forest resources shall be charged, taking into account the benefits of forests, quality, distance between cuttings and general use roads, terrain and types of fellings.
4. The rates, calculation and payment of fees for forest use in the lands of the state forest resources shall be specified in accordance with the tax legislation of the Republic of Kazakhstan.

At that, fee rates shall be set depending on the type of forest use and their particularities, that are measured: the area - in hectares (ha), the volume - in solid cubic meters (m<sup>3</sup>) or stacked cubic meters (stacked m<sup>3</sup>), the number - in items, the weight - in kilograms (kg), centners (c), tons (t) in fresh (raw-growing) condition.

**Footnote.** Article 105, as amended by the Law of the Republic of Kazakhstan, dated 10.12.2008 № 101-IV (shall be enforced from 01.01.2009).

#### **Article 106. Economic incentives for increasing of forest cover in the Republic of Kazakhstan**

Economic incentives for increasing the forest cover in the Republic of Kazakhstan shall be performed through:

- 1) transfer of lands to the forest resources from the reserve lands and other categories of lands that are not suitable for agricultural purposes, in accordance with the Land Code of the Republic of Kazakhstan;
- 2) stimulation of afforestation and creation of special plantations, agro-forestry and other protective plantations in accordance with the tax legislation of the Republic of Kazakhstan;
- 3) creation of high-productive plantations in order to cover the needs of the republic's economy in wood resources;
- 4) production and use of forest seeds with the improved hereditary qualities and planting material on the selection and genetic basis;
- 5) creation of favorable environment to attract investments in forestry and state support for private afforestation;
- 6) reimbursement of expenses for laying and growing of plantations of fast growing trees and shrubs, creation and development of private forest nurseries.



Footnote. Article 106, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)

#### **Article 107. Liability insurance of the state forest owners and forest users, engaged in forest management in the lands of the state forest resources**

1. Liability insurance of the state forest owners and forest users, engaged in forest management in the lands of the state forest resources, shall be aimed at protection of their property interests in case of occurrence of the risk of liability for the obligations, arising from the contract as consequence of causing harm to the state forest resources, as well as life, health and property of third parties.

2. Voluntary insurance liability of the state forest owners and users, engaged in forest management in the lands of the state forest resources, shall be performed in virtue of their will.

Types, conditions and procedure for voluntary insurance liability of the state forest owners and users, engaged in forest management in the lands of the state forest resources, shall be defined by the contracts, signed between the insurer and the insureds.

#### **Article 108. Planning of the actions for conservation, protection, reforestation and afforestation in the lands of the state forest resources**

Footnote. Article 108 is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Chapter 18. Funding of forestry**

#### **Article 109. The sources of expenditure financing of forest management in the state forest resources**

The expenditure financing of forest management in the state forest resources shall be made by:

- 1) budget funds;
- 2) (is excluded)
- 3) the funds from the paid services and sale of goods of forest institutions;
- 4) the funds of forest users;
- 5) donations, voluntary contributions, including for forest ecosystem services, individuals and legal entities;
- 6) other sources, not prohibited by the legislation of the Republic of Kazakhstan.

Footnote. Article 109 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 № 13; dated 15. 06. 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 110. The budget financing of expenditures of forest management in the state forest resources**

The budget shall provide funding for:

- 1) forest management, the state recording of forest resources, the state forest cadastre, the state forest monitoring;
- 2) aerial anti-fire operations in forests, protection from forest pests and diseases;
- 3) scientific research and development works in protection and use of forest resources, reforestation and afforestation;
- 4) works in forest breeding and seed production, including formation of permanent seed reserve, certification of forest seeds;
- 5) forest pathology monitoring over the extremely dangerous forest pests and diseases and their control;
- 6) training and professional development of the specialists of forestry and hunting;
- 7) issuance of permits for forest management;
- 8) the actions, taken at the lands of the state forest resources, which are administered by the authorized body, local executive bodies of oblasts, cities of republican significance, the capital and other state bodies for:

anti-fire protection of forests, unauthorized felling and other violations of the forest legislation of the Republic of Kazakhstan, protection of forests from pests and diseases;

reforestation and afforestation;

construction and maintenance of forest roads, forest fire fighting arrangement;

forestry planning;

cuttings and sanitary fellings, withdrawal of timber cutting areas and their taxation;

capital investments in conservation, protection, reforestation and afforestation;

- 9) reimbursement of expenditures for planting and growing of plantations of fast growing trees and shrubs, creation and development of private forest nurseries.

**Footnote. Article 110, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13; dated 31.01.2006 N 125; dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)**

**Article 111. (*Article 111 is excluded by the Law of the Republic of Kazakhstan dated 20 December 2004 № 13*).**

**Article 112. The funds of forest institutions from the paid services**

1. Forest institution shall be entitled to have funds from selling the following goods (works and services), that are not related to their primary activity:

- 1) Growing planting material for landscaping settlements and collecting forest seeds, creating green, protective, plantation and other plantings, carrying out maintenance work on plantings, conducting training practice;

- 2) selling of goods and products from timber processing obtained during final, intermediate use cuttings and other fellings, including to provide the population with fuel, as well as products of collateral forest use and provision of services for wood processing;

3) rendering of transport services on transportation of goods within the territories of forest institutions;

4) reforestation in the lands of the state forest resources, transferred to the long-term forest management for timber harvesting, in accordance with an agreement, concluded with a forest user.

1-1. In order to receive revenues from the activities, specified in paragraph 1 of this Article, forest institutions shall be entitled to participate in the state procurement tenders.

2. The use of funds of forest institutions shall be performed in accordance with the budget legislation of the Republic of Kazakhstan.

3. It is prohibited to use the funds of forest institutions for the actions, not related to protection, conservation, reforestation and afforestation, and collateral forest use.

**Footnote. Article 112 is in the wording of the Law of the Republic of Kazakhstan, dated 07.07.2006 № 176 (shall be enforced from the date of its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 10.12.2008 № 101-IV (shall be enforced from 01.01.2009); dated 25.01. 2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 15.06.2017 № 73-VI ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2023 № 184-VII (shall be enforced upon expiry of sixty calendar days after its first official publication).**

#### **Chapter 18-1. The state support for private afforestation**

**Footnote. The Law is supplemented by Chapter 18-1, in accordance with the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)**

#### **Article 112-1. The directions of private afforestation, subject to the state support**

1. The state support for private afforestation shall be conducted in the following directions :

- 1) plantation of fast-growing trees and shrubs for industrial and energy purposes;
- 2) establishment and development of forest nurseries.

2. The state support for private afforestation shall be performed in the lands of owners or land users, and in the lands of the state forest resources.

#### **Article 112-2. The subjects of the state support for private afforestation**

The subjects of state support for private forestry shall be citizens of the Republic of Kazakhstan and non-state legal entities of the Republic of Kazakhstan without foreign participation, who shall carry out activities on laying and growing plantations of fast-growing tree and bush species, on the creation and development of private forest nurseries.

**Footnote. Article 112-2 as amended by the Law of the RK dated 30.06.2021 № 59-VII ( shall enter into force from 01.01.2022).**

### **Article 112-3. The state support for private afforestation and time frames of its implementation**

1. The state support for private afforestation shall be carried out through:
  - 1) compensation (up to fifty percent) of the expenditures on planting and growing of plantations of fast growing trees and shrubs for industrial and energy purposes;
  - 2) compensation (up to fifty percent) of the expenditures for establishment and development of private forest nurseries.
2. The state support for private afforestation shall be carried out within the following time frames:
  - 1) plantation of fast-growing trees and shrubs for industrial and energy purposes - ten or fifteen years;
  - 2) establishment and development of private forest nursery - five to ten years.

### **Section 9. Violation of the forest legislation of the Republic of Kazakhstan**

#### **Chapter 19. Violation of the forest legislation of the Republic of Kazakhstan**

### **Article 113. Violations in conservation, protection and use of forest resources, reforestation and afforestation**

1. Violations in protection, conservation and use of forest resources, reforestation and afforestation shall be the following:
  - 1) destruction or damaging of forest management and forestry marks in the forest resources;
  - 2) purchase and sale, granting, pledge, unauthorized occupation and exchange of the lands of the state forest resources, as well as the unauthorized assignment of the rights to forest use, violating the rights of state ownership to forests;
  - 3) illegal use of the lands of the state forest resources for grubbing, construction, wood processing, construction of storages and for other purposes without proper permission;
  - 4) damage of trees and shrubs, illegal felling of forests, including those, damaged by fire, destruction or damage of forest crops, seedlings or plantings in forest nurseries and plantations, as well as the young stands of natural origin, the undergrowth and natural seeding in the areas, intended for reforestation and afforestation;
  - 5) destruction or damage to forests, as well as the plantings, that are not included in the forest resources, as a result of careless handling of fire or other source of danger;
  - 6) intentional destruction or damage of the forest resources, as well as plantings that are not included in the forest resources, arson, other dangerous method or as a result of pollution by harmful substances, wastes, emissions;
  - 7) violation of fire safety requirements, sanitary rules in forests, rules for the provision of standing timber and cutting of forests on the sites of the state forest fund;

8) violation of the order, established by the legislation of the Republic of Kazakhstan, the use of felling-area resources, harvesting and transportation of wood, secondary forest resources, tree saps in the lands of the state forest resources;

9) delay in returning of the temporarily occupied lands of the forest resources or failure to bringing the lands into the working condition for the intended use;

10) damage of hayfields and pastures in the lands of the forest resources;

11) unauthorized haying and grazing in the forests and lands of the forest resources;

12) unauthorized collection of medicinal herbs and technical raw materials in the lands of the state forest resources, where it is prohibited or allowed only under the forest usage permits ;

13) violation of the order and time frames for reforestation at the felling sites of forests and other lands of the state forest resources, intended for reforestation and afforestation;

14) destruction of fauna, useful for the forest;

15) damage of forests by waste waters, chemicals and industrial effluents, waste and garbage, leading to its drying or disease, or littering of the forests;

16) destruction or damage of forest drainage ditches, drainage systems and roads in the lands of the forest resources;

17) forest management in the lands of state forest resources which does not comply with the objectives or requirements, provided by the permits;

18) construction and operation of facilities, affecting the forests' condition and reforestation;

19) violation of the rules of allotment and taxation of cutting areas on the sites of the state forest fund;

20) timber harvesting in the lands of the state forest resources in excess of allowable cut.

2. The laws of the Republic of Kazakhstan may impose liability for other violations in protection, conservation and use of the forest resources, reforestation and afforestation.

**Footnote. Article 113, as amended by the Law of the Republic of Kazakhstan, dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 29. 09. 2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 15. 06 2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 114. Responsibility for violation of the forest legislation of the Republic of Kazakhstan**

Violation of the forest legislation of the Republic of Kazakhstan shall entail responsibility , established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 114 is in the wording of the Law of the Republic of Kazakhstan dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication.)**

#### **Article 115. Return of the illegally occupied lands of the state forest resources**

1. The illegally occupied lands of the state forest resources shall be returned to their owners without compensation of expenses, incurred during their illegal use.

In this case, the damage, incurred by the forest owner, shall be reimbursed to the state.

2. Demolition of the illegally constructed facilities, bringing the lands into the line with their purpose and restoration of forest lands shall be paid by violators.

**Article 116. Responsibility for destruction or damage of tree and shrub vegetation, which is not included in the forest resources**

Unlawful destruction or damage of tree and shrub vegetations, which is not included in the forest resources, other than those, specified in subparagraph 3) of paragraph 5 of Article 6 of this Code, shall entail responsibility, established by the laws of the Republic of Kazakhstan

*Footnote. Article 116 is in the wording of the Law of the Republic of Kazakhstan, dated 25.01.2012 № 548-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).*

**Chapter 20. Final provisions**

**Article 117. International cooperation in protection, conservation, reforestation, afforestation and forest management**

International cooperation in protection, conservation, reforestation, afforestation and forest management shall be performed in accordance with the principles, established by the international treaties, ratified by the Republic of Kazakhstan.

**Article 117-1. Legal and social protection of forestry specialists**

1. Forestry specialists shall be subjects to legal and social protection in accordance with the legislation of the Republic of Kazakhstan.

2. Forestry specialists, who are civil servants and working in rural areas, shall be set increased by no less than twenty-five percent of the official salaries in accordance with the legislation of the Republic of Kazakhstan.

3. Specialists of forestry shall be provided with land plots for pasturing cattle and haymaking by the decision of local executive bodies.

*Footnote. Chapter 20 is supplemented with Article 117-1 in accordance with the Law of the Republic of Kazakhstan dated 15. 06. 2017 № 73-VI (for the procedure of implementation , see Article 2).*

**Article 118. The order of enactment of this Code**

1. This Code shall enter into force from the date of its first official publication.

2. Shall be repealed:

1) the Forest Code of the Republic of Kazakhstan dated 23 January, 1993 (the Bulletin of the Supreme Council of the Republic of Kazakhstan, 1993, № 3, Art. 45; 1995, № 20, Art.120 ; the Bulletin of the Parliament of the Republic of Kazakhstan, 1999, № 11, Art. 357; 2001, № 3, Art. 20; № 24, Art. 338);



2) the Resolution of the Supreme Council of the Republic of Kazakhstan dated 23 January , 1993 "On the order of enactment of the Forest Code of the Republic of Kazakhstan" (the Bulletin of the Supreme Council of the Republic of Kazakhstan, 1993, № 3, Art. 46).

*The President of  
the Republic of Kazakhstan*

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