

Forest legislation liberalised: linear infrastructure construction and subsoil use

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Goltsblat BLP advises that Federal Law of 29 December 2010 No. 442-FZ "On Amendments to the Forest Code of the Russian Federation and Certain Legislative Acts of the Russian Federation" (the Law) came into effect from the date of its official promulgation (31 December 2010), apart from individual provisions that are to come into effect at different times.

A large part of the Law is devoted to making fire safety measures in forests more stringent, preventing and extinguishing forest fires. The law also includes rules of significance in relation to use of forests for construction, renovation and operation of linear infrastructure facilities, for geological surveys of minerals and development of mineral deposits. The main provisions include the following:

1) The possibility is secured of selective and clear cutting for operation of linear facilities located before 1 January 2007.

Article 8.3 is added to the Federal Law of 4 December 2006 "On Implementation of the Forest Code of the Russian Federation", to the effect that, for the purpose of ensuring safety of the population and creating the requisite conditions for operation of linear electricity transmission and communications lines, roads, pipelines and other linear facilities, as well as structures constituting an integral technological part of the given facilities, selective and clean cutting is permitted of trees, bushes and creepers, including in buffer and sanitary-epidemiological zones, if the given facilities were located in protective forests (including on specially protected territories) in the manner established by law before the effective date of the Forest Code of the Russian Federation.

2) The list is specified of opportunities for using protective forests for locating capital structures.

A general rule is also established permitting selective and clean cutting in protective forests for the purposes of subsoil use and construction of linear facilities. Exceptions from this rule are to be expressly envisaged in the forest legislation (for example, it is prohibited to locate capital structures in valuable forests and especially protected forest sectors, apart from linear facilities and hydro-engineering structures).

The legal framework relating to urban forests is now established as being equivalent to that of forest park zones, i.e., mineral extraction and location of capital structures is prohibited there, apart from hydro-engineering structures. Moreover, the boundaries of such urban forests may not be changed to reduce their area.

Finally, throughout the text of the Forest Code, the term "felling of trees, bushes and creepers" is now replaced with the more specific "selective and clean cutting of trees, bushes and creepers". This is of major significance for using forests for open-cast mineral extraction.

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