

LAW OF GEORGIA

ON WIND BREAK BELT

Chapter I – General Provisions

Article 1. Scope of the Law

1. This Law regulates the legal relationships concerning the granting and termination of the status of a wind break belt (field wind break) ('the wind break belt') for agricultural land plots and the parts thereof existing in the territory of Georgia, also the registration, restoration, planting, management and use of the wind break belt.
2. This Law shall not apply to the legal relationships regulated under the Forest Code of Georgia.

Article 2. Purpose of the Law

The purpose of this Law is to promote the protection of soil against wind erosion, the preservation of fertility of soil, the provision of soil environment and micro-climatic environment favorable for agricultural crops, and the protection of the crops from prevailing winds, as well as the preservation of the biodiversity through the determination of the legal status of the wind break belt and its management measures.

Article 3. Definition of terms

For the purposes of this Law, the terms used herein shall have the following meanings:

- a) wind break belt – a row of artificially planted woody plants (trees) on an agricultural land plot or the part thereof to protect soil against wind erosion and preserve its fertility, provide soil environment and micro-climatic environment favourable for agricultural crops, and protect the crops from prevailing winds;
- b) soil erosion - formation of faults, collapse, disintegration and scouring of soil masses as a result of the impact of natural or anthropogenic factors;
- c) wind erosion of soil - soil erosion caused by the effect of the wind;
- d) prevailing winds - ambient air masses (winds) moving in a certain direction in different parts of the country, which are more prevailed during the year compared to the ambient air masses (winds) moving in another direction, the velocity of which is higher;
- e) relatively low wind - the ambient air mass (wind), the average annual velocity of which is from 2 m/s to 5 m/s;
- f) moderately high wind - the ambient air mass (wind), the average annual velocity of which is from 5 m/s to 9.9 m/s;
- g) high wind (near gale) - the ambient air mass (wind), the average annual velocity of which is more than 9.9 m/s.

Chapter II – Granting and Terminating the Wind Break Belt Status.

Registration of the Wind Break Belt



Article 4. Granting the status of a wind break belt

1. The decision to grant the status of a wind break belt to agricultural land plots and the parts thereof existing in the territory of Georgia shall be taken by the legal entity under public law operating within the governance of the Ministry of Environmental Protection and Agriculture of Georgia ('the Ministry') called the National Agency for Sustainable Land Management and Land Use Monitoring ('the Agency') on the basis of the report drafted in accordance with the results of a special investigation or the inventory taking of the wind break belt.
2. The status of a wind break belt shall be granted to an agricultural land plot or the part thereof on which the wind break belt is planted or is planned to be planted.
3. From the moment of registration of the boundaries of the wind break belt with the register of rights to immovable property, the status of a wind break belt shall be deemed granted.

Article 5. Special investigation

1. A special investigation shall be carried out with respect to agricultural land plots or the parts thereof existing in the territory of Georgia on which a wind break belt can be planted. The special investigation includes the collection of data on soil and climate conditions around the relevant land plot or the part thereof, and the agricultural activities taking place, as well as other information provided for by the legislation of Georgia.
2. The Agency shall conduct a special investigation:
 - a) at its own initiative
 - b) on the basis of the request of the Ministry
 - c) on the basis of the request of the municipality
 - d) on the basis of an application submitted to the Agency by a natural person or a legal entity under private law, who are the owners of the land plot in question, to carry out a special investigation with respect to the land plot owned.
3. The owner of the land plot or the interested person submitting the application to the Agency for carrying out a special investigation with respect to the land plot in question, is obliged to submit to the Agency the information/documents provided for by the legislation of Georgia that are necessary for the assessment of feasibility of planting a wind break belt.
4. Taking into consideration the results of the special investigation, the Agency shall draft a report, which will serve as the basis for taking a decision on granting the status of a wind break belt to agricultural land plots or the parts thereof which are in the ownership of the State, municipality, or which are privately owned.
5. On the basis of the results of the special investigation, a decision to grant the status of a wind break belt to agricultural land plots or the parts thereof being in the private ownership, and to plant a wind break belt thereon, shall be taken based on the consent of the owner of the land plot in question.

Article 6. Inventory taking of wind break belts

1. The inventory taking of wind break belts is a description of the actual state of the wind break belts existing in the territory of Georgia by the State in order to identify the areas in which the wind break belts are fully or partially preserved.
2. The results of the inventory taking of the wind break belts shall reflect the data on the actual state and boundaries of the wind break belts, the species of trees planted, quantitative and qualitative characteristics, and the ageing of woody plants (trees) planted on the wind break belts, as well as information on the owner of the land plot in question or the part thereof.
3. Taking into consideration the results of the inventory taking of the wind break belts, the Agency shall draft a report, which will



serve as the basis for taking a decision on granting the status of a wind break belt to agricultural land plots or the parts thereof which are in ownership of the State, municipality, or are privately owned.

4. On the basis of the results of inventory taking of the wind break belts, a decision to grant the status of a wind break belt to privately owned agricultural land plots or the parts thereof, and to plant a wind break belt thereon shall be taken based on the consent of the owner of the land plot in question, or the part thereof.

Article 7. The system of inventory taking and the registration of the boundaries of the wind break belts

1. In order to carry out measures for the restoration, planting and managing the wind break belt, a system of the inventory taking of the wind break belt shall be established, which shall be managed by the Agency.

2. The system of the inventory taking of the wind break belt shall be public. The system shall include information on:

- a) the boundaries of the wind break belt and the owner of the land plot in question or the part thereof;
- b) the category of the municipality, taking into consideration the velocity of prevailing winds;
- c) the quantitative and qualitative characteristics of the woody plants (trees) planted on the wind break belt.

3. The boundaries of the wind break belt shall be registered on the basis of the application of the Agency submitted to the register of rights to immovable property . The application shall be accompanied by the consent of the owner of the land plot in question or of the part thereof.

4. The boundaries of the wind break belt shall be registered with the register of rights to immovable property without paying the relevant service fees.

Article 8. Termination of the status of a wind break belt

1. The Agency shall take a decision on the termination of the status of a wind break belt in relation to the wind break belt or the part thereof.

2. Where an interested person applies to the Agency with a request to terminate the status of a wind break belt, such request shall include the justification of the existence of the preferential interest for the termination of the status of the wind break belt in respect of the wind break belt or the part thereof.

3. The preferential interest for the termination of the status of a wind break belt in respect of the wind break belt or the part thereof may be:

- a) the interest of state defence and security;
- b) any of the circumstances provided for by Article 15 (1) of this Law, where the carrying out of the relevant project/work is impossible without terminating the status of a wind break belt;
- c) an activity carried out on an agricultural land plot (s), as a result of which it is impossible to use the wind break belt or the part thereof for the intended purpose in respect of the adjoining land plot (s), and there is a strategic state or public interest that cannot be realised without terminating the status of a wind break belt.

4. If the preferential interest for terminating the status of a wind break belt no longer exists, the status of a wind break belt for the land plot in question or the part thereof may be restored by the decision of the Agency.

Article 9. Ownership of wind break belts

1. A wind break belt can be in the ownership of the State, a municipality or be privately owned. Such right shall be inseparable from the title to a land plot.



2. State-owned agricultural land plots or the parts thereof, after being granted the status of a wind break belt, and having their boundaries registered, and after carrying out the relevant measures provided for by the plan for the restoration and planting wind break belts, shall, in a manner prescribed by the legislation of Georgia, be transferred to the ownership of the said municipality as the main (non-alienated) property, in the case of the consent of the authorised body of the municipality in question.
3. A state-owned wind break belt shall be transferred to the ownership of the municipality in a manner prescribed by the legislation of Georgia.

Chapter III – Restoration, Planting and Management of Wind Break Belts

Article 10. Planning the restoration and planting of wind break belts

1. Taking into account the results of the inventory taking of the wind break belts and the results of the special investigation, the Ministry shall develop and approve the plan for restoring and planting the wind break belts that shall include the types of measures and the methods of restoring/planting woody plants (trees).
2. Works for the selection of species of woody plants (trees) shall be carried out taking into consideration the requirements for the preservation of the biodiversity. The species of woody plants (trees) shall be selected predominantly from those local tree species, including nectar plants, which are characteristic of the respective environmental conditions and are used for planting wind break belts.
3. In the process of planning to restore and plant the wind break belts, the types of woody plants (trees) that are resistant to the wind velocities prevailing in the municipality of the relevant category, and the methods of planting the wind break belt areas, shall be taken into consideration.

Article 11. Categories of municipalities taking into account the wind velocities prevailed

For the purposes of restoring, planting and managing the wind break belts, municipalities are divided into 3 categories taking into account the wind velocities prevailed:

- a) the municipality of the first category - a municipality with the prevailing high (near gale) wind
- b) the municipality of the second category - a municipality with the prevailing moderately high wind
- c) the municipality of the third category – a municipality with the prevailing lower wind.

Article 12. Maintenance of wind break belts

1. The maintenance of wind break belts implies the taking of measures by the owner of the land plot in question or the part thereof which have with the status of a wind break belt, the main purpose of which is to maintain and improve the function of woody plants (trees).
2. The measures for the maintenance of the wind break belts shall be carried out taking into account the age structure and the condition of the woody plants (trees) on the wind break belts, which include the improvement felling, the sanitary felling and the reconstruction felling, as well as the pruning and training and the removal and cultivation of woody plants (trees).

Article 13. Protection of wind break belts

1. The measures for the protection of the wind break belts shall include the measures for their physical and biological protection.



The physical protection of the wind break belt implies its protection against fire, illegal felling, grazing and any other actions that harm woody plants (trees). During the biological protection of the wind break belt, woody plants (trees) are protected against harmful diseases, deterioration of the sanitary condition, and other negative (including anthropogenic) impacts.

2. The biological protection of woody plants (trees) on the wind break belts shall be carried out taking into consideration the biodiversity of the planted up area, as well as the use of the adjacent areas for agricultural purposes, and includes economic, biological, chemical and mechanical methods as well as other measures to protect woody plants (trees) against the negative impacts.

Article 14. Use of a land plot or the part thereof with the status of a wind break belt for economic purposes

1. The owner of a land plot or the part thereof with the status of a wind break belt shall be entitled to use the land plot or the part thereof for economic purposes, unless it prevents him/her from using it for its intended purpose.

2. The use of a land plot or the part thereof with the status of a wind break belt for economic purposes implies the use of amortised wood resources available in the wind break belt area, as well as the use of woody plant products, non-woody resources (mushrooms, medicinal and edible herbs, technical raw materials, mulberry leaves, shrubby plant products, etc.) and secondary wood materials (seeds, fruits, scion, stump, brushwood, young shoots, etc.) etc.

3. The municipality shall be entitled to transfer the land plot or the part thereof in its ownership, which has the status of a wind break belt, to an interested person for economic purposes and with the right to use, on the basis of the agreement concluded with such person.

4. The Sakrebulo of the municipality in question shall determine, by a resolution, the procedures and conditions for the transfer of the land plot or the part thereof, which is in the ownership of the municipality and which has the status of a wind break belt, to an interested person for economic purposes and with the right to use.

5. The municipality shall be entitled to transfer the land plot or the part thereof in its ownership, which has the status of a wind break belt, to an interested person for economic purposes and with the right to use, on the basis of the agreement concluded with such person. Within 30 calendar days, the Agency shall submit information on the transfer of the above property with the right to use to the legal entity under public law operating within the Ministry of Economy and Sustainable Development of Georgia called the National Agency of State Property.

Article 15. Carrying out special purpose tree felling in wind break belts

1. Carrying out special purpose tree felling in the wind break belts shall be permitted for the implementation of the projects of state and local importance (including for the construction of water supply and sewerage infrastructure, pipelines, electricity transmission lines and channels, or for the conduct of design and/or engineering-geological works required for that purpose) as well as for carrying out emergency repair works on relevant facilities in the case of urgent necessity.

2. A decision on granting the right to carry out special purpose tree felling (except for the species protected by the 'Red List' and the 'Red Book' of Georgia) in the wind break belts in the ownership of the municipality shall be taken by the authorised body of the relevant municipality in accordance with the simple administrative procedure based on the application of the interested person intending to conduct the design and/or engineering-geological works provided for by paragraph 1 of this article.

3. The decision on granting the right to carry out special purpose tree felling (except for the species protected by the 'Red List' and the 'Red Book' of Georgia) in the state-owned wind break belts shall be taken by the Agency in accordance with the simple administrative procedures based on the application of the interested person intending to conduct the design and/or engineering-geological works provided for by paragraph 1 of this article.

4. If the special purpose tree felling in the wind break belts cannot be carried out without terminating the status of a wind break belt, the authorised body of the municipality in question shall apply to the Agency with a request. The request shall include the justification of the preferential interest for the termination of the above status.

5. An appropriate compensation shall be paid for the special purpose tree felling in the wind break belts. The procedure for the payment of the above compensation shall be approved by the ordinance of the Government of Georgia.



Article 16. Main powers of the Ministry and the Agency in the wind break belt management

1. The main powers of the Ministry in the wind break belt management shall be:
 - a) the development of the state programme for the restoration, planting and management of the wind break belt and its submittal to the Government of Georgia for approval;
 - b) the approval of the plan for the restoration and planting of the wind break belt;
 - c) the planning and taking appropriate measures to raise public awareness concerning the benefits of the wind break belt.
2. The main powers of the Agency in the wind break belt management shall be:
 - a) the participation in the development of the state programme for the restoration, planting and management of the wind break belt and the implementation of the programme;
 - b) the participation in the development of the plan for the restoration and planting of the wind break belt and the implementation of the plan;
 - c) the inventory taking of the wind break belts and the conduct of a special investigation;
 - d) the taking of decisions on granting and terminating the status of a wind break belt;
 - e) the establishment and management of the wind break belt registration system;
 - f) the approval of the management plan for the state-owned wind break belts;
 - g) the taking of maintenance and protection measures for the state-owned wind break belts before the transfer of the wind break belts to the ownership of the municipality;
 - h) the transfer of the state-owned land plot or the part thereof with the status of a wind break belt to the interested person with the right to use for economic purposes;
 - i) the taking of a decision on granting the right to carry out special purpose tree felling in the state-owned wind break belts;
 - j) the planning and carrying out of appropriate activities to the raise public awareness with regard to the benefits of the wind break belts.

Article 17. Own powers of the municipality in the wind break belt management

The own powers of the municipality in the wind break belt management shall be as follows:

- a) the participation in the development of the plan for the restoration and planting the wind break belts;
- b) the restoration, planting, maintenance, protection and supervision of the wind break belts owned by the municipality;
- c) the transfer of the land plot or the part thereof with the status of a wind break belt owned by the municipality to the interested person with the right to use for economic purposes;
- d) the taking of a decision on granting the right to carry out the special purpose tree felling in the wind break belts owned by the



municipality;

e) the approval of the management plan of the wind break belts owned by the municipality;

f) the promotion of the participation of the local population in the taking of measures for the restoration, planting, maintenance and protection of the wind break belts;

g) the planning and taking appropriate measures to raise the public awareness with regard to the benefits of the wind break belts.

Article 18. Rights and obligations of natural persons and legal entities under private law

1. A natural person and a legal entity under private law shall have the right to plant a wind break belt (including with the support from the State) in agreement with the Agency, and to ensure the taking of maintenance and protection measures.

2. A natural person and a legal entity under private law shall have the obligation not to interfere with the relevant public and municipal authorities in the taking of measures for the restoration, planting, maintenance and protection of the wind break belts.

Chapter V – Funding of Restoration, Planting and Management

(Maintenance and Protection) of Wind Break Belts

Liability for the damage to the Wind Break Belts

Article 19. Funding of restoration, planting and management (maintenance and protection) of wind break belts

The sources of funding of restoration, planting and management (maintenance and protection) of wind break belts can be:

a) the funds allocated from the State Budget of Georgia and the budget of the municipality in question;

b) the grants awarded by international organisations;

c) other sources of funding permitted by the legislation of Georgia.

Article 20. Liability for the damage to wind break belts

Liability for the damage to wind break belts shall be determined by the Administrative Offences Code of Georgia and the Criminal Code of Georgia.

Chapter VI – Transitional and Final Provisions

Article 21. Measures to be taken in connection with the entry into force of this Law

1. Until 1 March 2022, the Ministry shall ensure the drafting and approval of the plan of inventory taking of the wind break belts existing in the territory of Georgia before this Law enters into force.

2. Until 1 January 2027, the Agency shall, in accordance with the plan provided for by paragraph 1 of this article, provide an inventory taking of the wind break belts existing in the territory of Georgia before this Law enters into force.



3. For the purpose of restoration, planting, maintenance, protection and supervision of wind break belts, the municipality shall, until 1 January 2030, ensure, once a year that at least one authorised person exercises his/her powers in the wind break belt of no more than 300 ha in the territory of the municipality.

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Article 22. Normative acts to be adopted/issued with respect to the entry into force of this Law

1. The Government of Georgia shall:

a) before 1 March 2022:

a.a) ensure the compliance of the appropriate subordinate acts with this Law;

a.b) approve the procedure for restoration, planting, maintenance, protection and supervision of wind break belts;

a.c) approve the procedure for the payment of compensation during the carrying out of the special purpose tree felling in wind break belts;

b) approve the state programme for the restoration, planting and management of the wind break belt before 1 March 2023.

2. The Minister of Environmental Protection and Agriculture of Georgia shall, before 1 March 2022, approve the procedure for granting, terminating and restoring the status of a wind break belt.

Article 23. Entry into force of this Law

This Law shall enter into force on the 15th day of its promulgation.

President of Georgia

Salome Zurabishvili

Tbilisi,

2 November 2021

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