

The new Forestry Act Main Features

- *Regeneration must be made after final felling and severe damage.*
- *Regeneration must also be made on non-stocked forest land, i.e. former agriculture land, and poorly stocked forest land, except when the nature conservation value is high.*
- *Only suitable regeneration methods should be employed.*
- *Trade and use of seed and seedlings are restricted.*
- *Fellings must be favourable either for stand development or regeneration of the stand.*
- *The age distribution of the forests in each forest holding must be reasonably even. The requirement for evenness is higher for large than for small holdings.*
- *The forest owner must inform forest authorities about planned final felling and how nature conservation and historical aspects are to be taken into consideration at the felling sites.*
- *Insect damage must be prevented through proper management practices.*
- *The broadleaved forests in southern Sweden, consisting mainly of oak and beech, must not be converted into other forest cover types.*
- *Environmental impact assessments of new silvicultural and other methods, and new types of documentation for forest regeneration, must be undertaken following a decision by the National Board of Forestry.*
- *Nature conservation and historical aspects must be integrated into all kinds of forest management and operations. Extensive use of forests is only allowed on non-productive land.*

THE FORESTRY ACT

Valid from January 1, 1994



General Provisions

The practical application of the forest policy rests with the Swedish Forestry Administration under the Ministry of Agriculture.

This Administration is composed of the National Board of Forestry (Skogsstyrelsen) and the 24 County Forestry Boards (Skogsvårdsstyrelser), one for each county.

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SECTION 1

The forest is a National resource. It shall be managed in such a way as to provide a valuable yield and at the same time preserve biodiversity.

Forest management shall also take into account other public interests.

SECTION 2

For the purposes of this Act, forest land is defined as:

(i) land which is suitable for wood production, and not used to a significant extent for other purposes; and

(ii) land where tree cover is desirable in order to protect against sand or soil erosion, or to prevent a lowering of the tree line.

Land which is wholly or partially unused shall not be regarded as forest land if, due to special conditions, it is not desirable that this land be used for wood production.

Land shall be considered suitable for wood production if, on the basis of accepted principles of assessment, it can produce an average yield of at least one cubic metre of stem wood per hectare per annum.

'Forest waste land' is regarded in this Act as land unsuitable for wood

production unless site improvement measures are applied.

SECTION 3

This Act does not preclude a change of use of forest land to purposes other than wood production.

SECTION 4

This Act shall not be applied to the extent that it conflicts with provisions issued under the Nature Conservation Act or other laws.



Stands on Forest Land

SECTION 5

New stands shall be established on forest land where:

- (i) after felling, or due to damage to the forest, the site productivity is not utilised satisfactorily;
- (ii) land is unused; or
- (iii) the condition of the forest is clearly unsatisfactory.

Measures for categories (i) and (ii), shall be carried out without delay, while measures for category (iii) shall be carried out within a reasonable period of time.

SECTION 6

The establishment of new forest stands shall be carried out using methods which are necessary to assure a satisfactory stand density and composition. Regulations governing the methods of regeneration, scarification, sowing, planting, tending of young stands, and other measures to meet general aims, are issued by the Government, or public authority designated by the Government.

SECTION 7

Where required for silvicultural reasons, the Government, or public authority designated by the Government, may issue regulations prohibiting, or conditions regulating:

- (i) the use of forest reproductive material of indigenous or foreign origin, in establishing new forest stands; and
- (ii) trading with such material.

Forest reproductive material refers to seeds, seedlings, transplants, and other forms of regenerative material intended to be used for the establishment of new forest stands.

SECTION 8

The forest owner is responsible for establishing and tending new stands.

SECTION 9

In special cases, a County Forestry Board may grant exemptions from sections 5 and 6 above.



SECTION 10

Felling on forest land shall be performed in order to promote the establishment of a new stand, or to benefit the development of the existing stand.

In order to protect young forest, the Government, or public authority designated by the Government, may issue regulations to protect forest stands under a certain age from felling.

To facilitate experimental activities, the County Forestry Board may grant exemptions from the first part of this section.

SECTION 11

In order to promote an even age distribution of the forest stands on large forest holdings, the Government, or public authority designated by the Government, may specify the maximum allowable percentage of the forest holding to be felled during a given period.

As regards other forest holdings, the regulations specified in the first part of this section may imply that felling must not take place to such an extent that more than one-half of the forest holding shall comprise clear-felled areas and young stands.

SECTION 12

Unless otherwise stipulated in regulations issued by the Government, or public authority designated by the Government, a forest holding shall be defined as that forest land which is located within the borders of one municipality, and held by one and the same owner.

SECTION 13

The County Forestry Board shall, on request, provide an outline decision as to whether a specific felling is consistent with the requirements of section 11 above.

SECTION 14

Under regulations issued by the Government, or public authority designated by the Government, a forest owner is obliged to notify the County Forestry Board of:

- (i) felling operations to be carried out on his land;
- (ii) drainage works in connection with felling, where drainage permission is not compulsory in accordance with the Nature Conservation Act; and
- (iii) how it is intended to satisfy nature conservation and cultural heritage preservation interests in connection with the planned felling.

Felling on Forest Land

Forestry Regulations 1991

Felling Permission

SECTION 15

Government may issue permissions designating that forest which is difficult to regenerate to unfavourable site conditions, which is needed as protection against sand or soil erosion, or to prevent a lowering of the water table, shall be classified as forest difficult to regenerate, or as protected forest land. The Government, or public authority nominated by the Government, may issue regulations specifying parts of such forest land are to regenerate, or which are classified as mountainous forest land.

SECTION 16

Government may, in relation to forest land, or any part of such forest land, which is difficult to regenerate, or which is classified as mountainous forest land, issue regulations specifying parts of such forest land are to regenerate, or which are classified as mountainous forest land.

Forestry Board may decide on measures to limit or minimise disturbance, and to ensure the establishment of new stands.

Permission is not required for cleaning or thinning which benefits development of an existing stand.

SECTION 17

The Government, or public authority designated by the Government, may for a specific area or areas, issue regulations restricting the granting of permission for felling, on forest land which is difficult to regenerate, and:

- (i) which cannot produce an average of at least one cubic metre of stem wood per hectare per annum, unless there are special reasons to exclude this; or
- (ii) where the cost of the construction of forest access roads exceeds the benefits for forest management, or where the road cannot be incorporated into a road network plan.

SECTION 18

Felling permission may not be granted for felling in mountainous areas, if this felling is inconsistent with essential nature conservation and cultural heritage preservation

interests.

In cases where permission is granted, the County Forestry Board shall decide what consideration should be shown to nature conservation and cultural heritage preservation interests, as regards, inter alia, the size and location of felling areas, and the permitted method of felling.

SECTION 19

The rights to financial compensation for damage caused by decisions made under clauses one or two of section 18 above, are regulated by section 25, the first sentence of clause one of section 26, the first sentence of section 27, section 27a, clause two of section 31, section 32, clause one of section 33, section 34, the first sentence of clause one, and clause two of section 35, and section 36 of the Nature Conservation Act.

SECTION 20

Before felling takes place in an area where reindeer husbandry is permitted throughout the entire year (year-round grazing areas) in accordance with the Reindeer Husbandry Act, the Sami village concerned shall be given the

opportunity to participate in joint consultations, as stipulated in regulations issued by the Government, or public authority designated by the Government.

SECTION 21

In applications for permission to fell pursuant to section 16 above, the forest owner shall describe how it is intended to satisfy reindeer husbandry interests.

In year-round grazing areas, felling is not permitted, if it:

- (i) causes such a significant loss of reindeer grazing land that the possibility to maintain the permitted number of reindeer is limited; or
- (ii) precludes the customary grouping and migration of reindeer herds.

When felling permission is granted, the County Forestry Board shall decide what consideration shall be taken to reindeer husbandry interests as regards, inter alia, the size and location of the felling site, and permissible felling method.

These conditions may only apply to what is clearly required with regard to the rights applicable to reindeer husbandry.

Selected Valuable Broadleaved Forests

SECTION 22

The term 'selected valuable broadleaved trees' as used in this Act refers to the indigenous tree species elm, ash, hornbeam, beech, oak, wild cherry, linden/lime, and maple.

SECTION 23

The term 'selected valuable broadleaved forests', as applied in this Act, comprise:

(i) stands on forest land of at least one-half hectare, and which comprise at least seventy per cent broadleaved trees, and at least fifty per cent selected valuable broadleaved trees;

(ii) stands on grazing land, if these comprise at least seventy per cent broadleaved trees, and at least fifty per cent selected valuable broadleaved trees. Of the selected valuable broadleaved trees, at least ten trees per hectare are to have a minimum diameter of at least thirty centimetres measured at a height of 1.3 metres above the ground. The

area of these stands is to be at least one hectare.

If the County Forestry Board, pursuant to clause three of section 27, has stipulated the mixture of species in connection with regeneration of a selected valuable broadleaved forest, then that forest is to be regarded as a 'selected valuable broadleaved forest' even if the proportion of such trees during a certain period of time is lower than that stipulated in clause one of this section.

SECTION 24

The County Forestry Board is required, upon request, to issue an outline decision as to whether a given forest stand, or stand on grazing land, can be considered as a selected valuable broadleaved forest.

SECTION 25

No measures may be taken in a stand defined under section 23 above, which results in that stand ceasing to be selected valuable broadleaved forest. After felling operations other than cleaning or

thinning, new selected valuable broadleaved forest shall be established on the site.

If there are extenuating circumstances, exemption may be granted by the County Forestry Board to clause one of this section. When such exemption is granted, the County Forestry Board may stipulate that new selected valuable broadleaved forest be established elsewhere within the same forest holding. Establishment of new valuable broadleaved forest is regulated by clause three of section 27 of this Act.

SECTION 26

The requirements set out in clause one of section 25 above, do not prevent a change of land-use in accordance with a municipal action area plan, or in accordance with decisions governing operations approved in accordance with other legislation.

SECTION 27

Felling operations, other than cleaning or thinning in stands covered by section 23 above, may not be commenced without prior permission from the County

Forestry Board.

When applying for felling permission, the forest owner shall describe in his application how it is intended to satisfy nature conservation and cultural heritage preservation interests.

In connection with the granting of permission, the County Forestry Board may decide upon the methods for felling and establishing new selected valuable broadleaved forest.

SECTION 28

Subsidies to assure the regeneration of selected valuable broadleaved forest may be paid out of public funds.



Insect Damage

SECTION 29

The Government, or public authority designated by the Government, may issue regulations for combating insect infestation in forests, for the processing of damaged trees, for the removal or storage of timber, and for other measures necessary to inhibit insect

breeding grounds.

Forest owners are responsible for ensuring that such measures are carried out. Other parties benefiting from forest and timber are also responsible for preventive measures in connection with felling and storage.

Nature Conservation, Cultural Heritage, Preservation, and Reindeer Husbandry Aspects

SECTION 30

The Government, or public authority designated by the Government, may issue regulations on the degree of respect to be extended to nature conservation and cultural heritage preservation interests in connection with forest

management, as regards the form and size of felling areas, regeneration methods, the retention of individual trees and groups of trees, fertilisation, drainage, and the routing of forest roads.

To satisfy these interests, the Government, or public authority

designated by the Government, may issue regulations prohibiting felling and other forestry measures on forest waste land.

The powers granted in clause one of this section do not permit the issuing of regulations which are so extensive as to severely handicap current land-use.

SECTION 31

Forest management measures which concern the form and size of felling areas, the establishment of new

stands, the retention of tree groups, and the routing of forest roads, are to take account of essential reindeer husbandry requirements. When planning and implementing forest management measures, it is desirable that the Sami village concerned be given annual access to both a sufficiently large and cohesive grazing area, and an ample amount of vegetation in those areas used for reindeer corralling, migration and resting.

Environmental Impact Assessments

SECTION 32

The Government, or public authority designated by the Government, may in matters pursuant to this Act, prescribe that environmental impact assessments shall be carried out, thereby making it possible to assess the consequences for the environment

of new forest management methods and new forest reproductive material. These regulations may imply that such assessments shall be undertaken by the person or persons intending to employ a new forest management method or new forest reproductive material.

Supervision

SECTION 33

The National Board of Forestry is responsible for overall supervision of compliance with this Act, and for the issue of regulations made under the provisions of this Act. The County Forestry Boards shall undertake more detailed supervision at county level.

SECTION 34

The supervisory authority has the right to be supplied, on request, with the information and documents required for such supervision in accordance with this Act.

SECTION 35

The supervisory authority may, where necessary, prescribe or prohibit certain action, to ensure compliance with this Act or regulations made pursuant to this Act.

Certain action may be enforced or prohibited when it has become clear that the advice and directives from the supervisory authority have not been followed. In urgent cases, or where it is necessary to protect

SECTION 37

The Government, or public authority designated by the Government, may prescribe special fees to be levied in matters covered by the regulations of this Act.

SECTION 38

Fines, or a maximum of six months' imprisonment, may be imposed on any person who, either wilfully or through negligence:

(i) violates any regulation issued under clause one of section 7, clause two of section 10, section 11, section 20, or clause one of section 29;

(ii) violates clause one of section 10;

(iii) violates clause one of section 16, or conditions governing felling issued under clause three of section 16, clause two of section 18, or clause three of section 21;

(iv) violates a felling prohibition order made under section 36;

(v) fails to fulfil the duties of notification as laid down under section 14;

(vi) fails to comply with an enforcement order, or violates a prohibition order issued to ensure

compliance with section 31, or a regulation made under section 30; or

(vii) violates, through felling or other measures, an enforcement or prohibition order made under the first sentence of clause one of section 25, or clause one of section 27, or a decision regarding felling issued under clause three of section 27.

There will be no conviction for liability in cases of minor violations.

A person or persons who fails to comply with an enforcement or prohibition order may not be sentenced under the terms of this Act for a deed covered by that enforcement or prohibition order.

SECTION 39

Unless deemed manifestly unjust, all timber from felling which represents a violation of this Act, or the equivalent value of such timber, shall be forfeited.

SECTION 40

An appeal against a decision made by a County Forestry Board under the provisions of this Act, may be made to the National Board of Forestry.

An appeal against a decision

made by the National Board of Forestry on matters governed by this Act, or against regulations issued under the provisions of this Act, may be made to the Administrative Court of Appeal.

The Environment Protection Agency may appeal against a decision by the County Forestry Board in cases governed by clause two of section 25.

SECTION 41

A public authority designated by the Government under the provisions of this Act may decide that a decision made by that authority shall apply immediately.



*This is a translation.
In case of any difference in meaning
between the original text and the
English translation the original
Slovak text shall prevail.*