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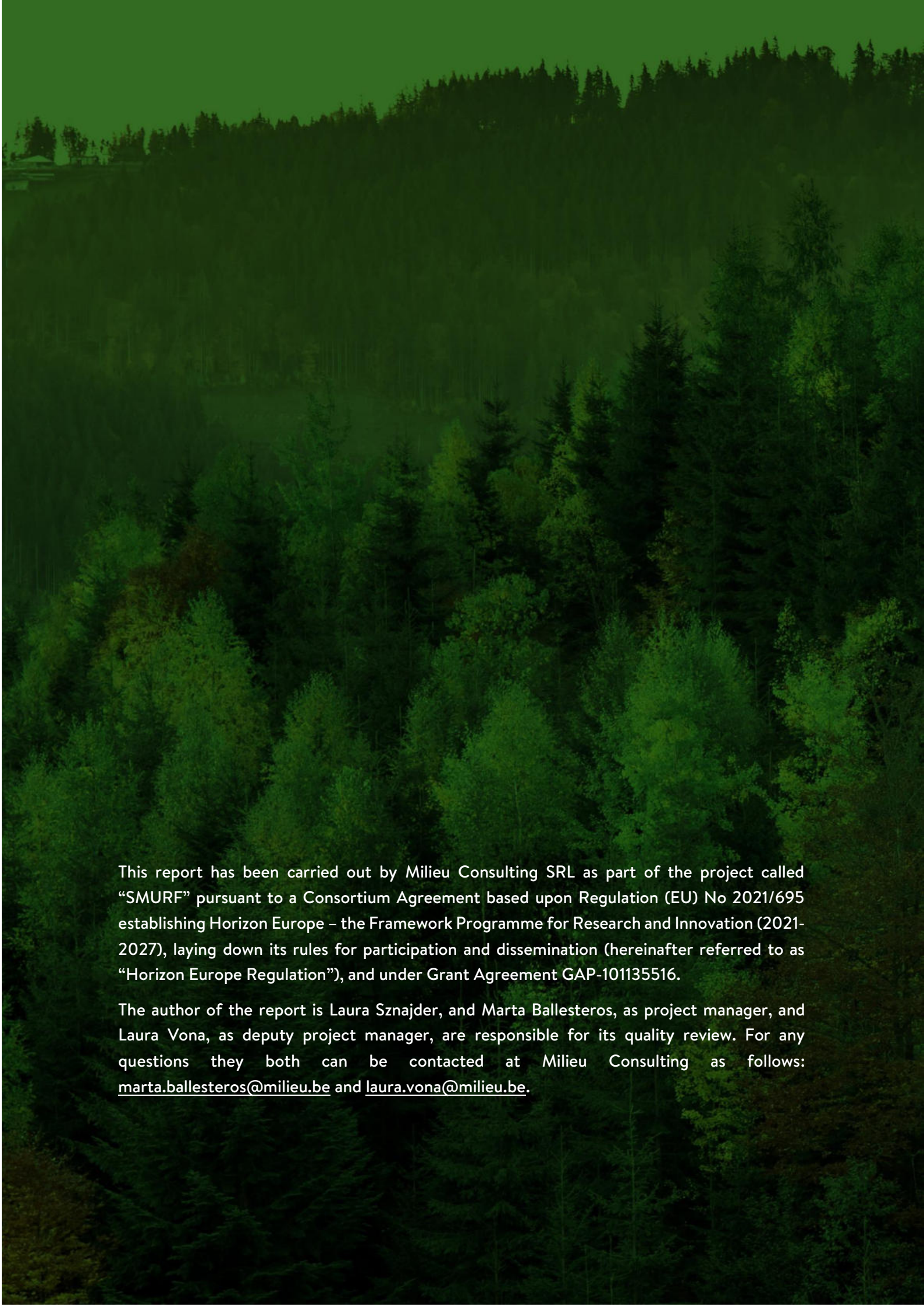
Legal and regulatory framework applicable to Small Forest Owners and Sustainable Forest Management

Country Fact Sheet
Austria

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THE FOREST OWNERS' PROJECT

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The author of the report is Laura Sznajder, and Marta Ballesteros, as project manager, and Laura Vona, as deputy project manager, are responsible for its quality review. For any questions they both can be contacted at Milieu Consulting as follows: marta.ballesteros@milieu.be and laura.vona@milieu.be.

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Legal and regulatory framework applicable to Small Forest Owners and Sustainable Forest Management (SMURF) - WP2

Executive Summary

In Austria, forestry is regulated under the federal Forest Act of 1975, which was last amended in 2023 with the aim of further developing sustainable forest management nationwide and strengthening the transition to climate-resilient forestry. Unlike environmental law, which is regulated at the state level, forest matters are regulated at the federal level. However, some states have enacted implementing legislation for individual provisions of the Forest Act.

The national forest area of Austria covers more than 47% of the territory of the country as a whole, whilst 81% of forestry land is in private ownership, primarily held by small forest enterprises. Forests with an area of less than 200 hectares account for more than 49% of the ownership structure. The remaining 22% of the forest area is comprised of larger privately owned forests (above 200 hectares), while 10% of the forests are community forests. The remaining 19% of forests are under the management of the Österreichische Bundesforste AG (15%), the relevant state (1%), or municipal authorities (3%). The ownership of a forest is evidenced by an entry in the land register.

Forest owners are free to manage their land according to their own preferences, provided that their actions comply with the established legal framework. They are entitled to harvest timber stands on their property, subject to further regulation, and may apply for subsidisation if this is a possibility in their case. In the course of managing their property, forest owners are obliged to comply with the principle of sustainable forest management. In certain cases, forest owners may be obligated to undertake reforestation initiatives, monitor and report potential threats posed by forest pests, and apply for licenses or permits for activities that require such authorisation.

Under the Forest Act, sustainable forest management is to be understood as the management of forests in a way and at a rate that maintains their biodiversity, productivity, regeneration capacity, their vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions on local, national, and global level, and that does not cause damage to other ecosystems. Austrian forests may be subject to sustainability certification programmes, such as the Forest Stewardship Council (FSC) and the Programme for the Endorsement of Forest Certification (PEFC).

The Forest Fund is a subsidisation scheme established by the government with the aim of promoting biodiversity and facilitating the transition to a climate-neutral economy in Austrian forests. Land that is used for agricultural or forestry purposes is subject to property tax, as any other land ownership in Austria. However, it should be noted that state-specific property tax exemptions may apply. Acquisition of forest land in Austria is subject to approval by the Land Transfer Commission, on the basis of provincial land transfer regulations (*Grundverkehr*).

In order to enhance sustainable forest management, it is recommended that a more precise clarification be provided with regard to the distribution of competences between federal and state levels. The introduction of solutions for the coherent management of fragmented forest land is also advised, as are the introduction of a regime for forest management planning and a clearer definition of the roles of forest owners and managers in legislation. The implementation of these measures is expected to contribute to a more effective implementation of EU climate and biodiversity objectives at the national level, while addressing the existing gaps.

Introduction

This is a Horizon project with a strong research approach. The name of the project is 'Sustainable Management models and value chains for small Forests' known as SMURF with the reference HORIZON-CL6-2023-CIRCBIO-01.

The general objective is to provide an analysis of the legal and regulatory framework in EU Member States applicable to small forest owners (SFO) in their practices aiming to Sustainable Forest Management.

The specific project objectives are:

1. Prepare a report on the legal framework on SFO for most EU Member State.
2. Identify the basic legislation regulating SFO and the specific articles setting rights and obligations and *provide the links* to those basic and articles.
3. Define the rights and obligations for SFO in EU Member States.
4. Define the legal framework for the economic activity of SFO in EU Member States.
5. Identify the main legal limitations or barriers for SFO in EU Member States.
6. Identify needs for legal reforms and propose specific legal improvements, when considered necessary.
7. Prepare a comparative analysis of the legal framework SFO in the EU Member States.

These guidelines provide the basic information for the elaboration of the report on legal framework applicable to Small Forest owners/holders. It is complemented by a pilot report showing as a model to show the level of depth of the analysis.

When using the term "legal framework" we consider:

- The organizational model of forestry and the forest value chain.
- The institutional framework, identifying the distribution of competences among the different administration levels (European, national, regional and local) and administration sectors (agriculture and rural development, environment, industry, interior, economics and others).
- The regulatory framework, identifying laws and regulations that affect forestry and the forest value chain. The key articles that set basic rules for forestry will be explicitly referred and translated into English.

The analysis will be focused on factors that affect the participation of forest holdings in the market. There is a particular interest in identifying barriers, obstacles and measures or instruments that have had a significant positive impact in the present functioning of the forest markets.

The analysis will describe the nowadays situation of the framework, although a contextual and short reference of the origin and evolution of the framework when needed for a good understanding will be included.

The analysis will consider the national legislation and will only refer to the regional legislation as a way of example to confirm the national legal framework or to show that in some regions the situation may be rather different.

The analysis will take into consideration the forest sector legislation, but not only, because the main barriers and legal limitations might be derived from the inadequacy of other sectoral laws (societal, fiscal, real state and ownership, cadastral, insurances) or requirements in some pieces of national environmental legislation. It will refer to Nature or Biodiversity Conservation law and to the Environmental Impact Assessment legislation while it might also refer to relevant agriculture legislation.

1. Basic legal and regulatory framework applicable to small forest owners

1.1. Context to the legislation

Austria's national forest area encompasses over 47% of the country's total territory, comprising a land area of over 4 million hectares. Approximately 81% of this land is in private ownership, predominantly held by small forest enterprises. Forests with an area of less than 200 hectares represent more than 49% of the ownership structure[1].

The primary legislation governing forestry in Austria is the federal Forest Act of 1975 (*Forstgesetz 1975, BGBl. Nr. 440/1975*). The law was amended on 17 November 2023 with the aim of further developing sustainable forest management nationwide and strengthening the transition to climate-resilient forestry.

In Austria, forest law falls within the competence of the federal government, in contrast to environmental protection or game law, which fall within the competence of the Länder.

Some Länder (Tirol, Salzburg, Burgenland) have enacted implementing legislation for individual provisions of the Forest Act, which regulate matters such as forest supervision, timber use, forest division, forest firefighting or protection against mountain stream flooding.

Austrian law distinguishes between public and private forest ownership. There is no specific regulatory system for small forest owners. The forests owned by the Republic of Austria are managed by the Austrian Federal Forests (*Österreichische Bundesforste*) AG. The organisation and specifics of this administration can be found in the Federal Forestry Act of 1996 (*Bundesforstegesetz 1996*).

Under the Austrian Forest Dialogue (*Der Österreichische Walddialog*), a cross-sector initiative, the 'Austrian Forest Strategy 2020+' was developed in 2016 by the Federal Ministry of Agriculture, Forestry, Regions and Water Management in cooperation with 85 various organisations. The implementation of the forest policy is based on this work programme, which is regularly updated and evaluated. Among other things, it covers the key areas of climate action, biodiversity, and economic and social aspects of forestry.

1.2. Basic legal instruments

In general, matters of environmental protection in Austria are the responsibility of the federal states in terms of legislation and implementation. In the field of constitutional law, the Austrian government has introduced the Federal Constitutional Act on Sustainability, Animal Welfare,

[1] Future of Forestry (2024), '*Same but different. European forests and forestry*', p. 9, available at: https://futureforestry.se/forests-are-the-green-gold-of-europe/

Comprehensive Environmental Protection, Water and Food Security and Research[2] (*B-VGNTU*), which contains two provisions of particular relevance. Article 1 B-VGNTU commits the Republic to the principle of sustainability in the utilisation of natural resources, with the objective of ensuring the best possible quality of life for future generations. Article 3 B-VGNTU commits it to comprehensive environmental protection, understood as the preservation of the natural environment as the basis of human life from harmful effects, in particular through the implementation of measures to keep the air, water and soil clean and to prevent noise pollution.

In addition, the following legislation is relevant to the field of forest management:

- Forest Act of 1975

The Forest Act 1975 is the main legal instrument regulating forestry in the Republic of Austria. Its aim is to ensure sustainable forest management throughout the country, to protect the forest ecosystem and its soil, and to guarantee a productive forest economy and multifunctionality.

The law is divided into 12 chapters[3]:

- Articles 1 to 5 contain basic definitions, as well as provisions on afforestation and the forest determination procedure.
- Articles 6 to 11 cover the tasks and scope of forest spatial planning and the legal requirements for forest development plans, forest sector plans and hazard zone plans.
- Articles 12 to 38 address issues related to deforestation and forests with special treatment (protected forests), forest use for recreational purposes and forests with secondary use.
- Articles 40 to 45 cover protection against forest fires, forest pests and forest-damaging air pollution.
- Articles 58 to 74 address forest harvesting, the authorisation requirement and the construction of forest harvesting facilities, harvesting over third-party land and harvesting cooperatives.
- Articles 80 to 97 regulate general utilisation restrictions (protection of unripe stands, prohibition of clear-cutting) as well as the official supervision of logging.
- Articles 98 to 103 regulate the definition of catchment areas, forest management and preventive measures in catchment areas.
- Articles 104 to 122 contain regulations on the forestry authorities and their scope of duties, the training programme for forestry authorities, the state examination for the

[2] Bundesverfassungsgesetz über die Nachhaltigkeit, den Tierschutz, den umfassenden Umweltschutz, die Sicherstellung der Wasser- und Lebensmittelversorgung und die Forschung,
https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20008504

[3] https://info.bml.gv.at/themen/wald/wald-in-oesterreich/Forstrecht/Forstgesetz0.html

senior forestry service and the forester service, forest protection authorities and the requirement to appoint forestry authorities.

- Articles 129 to 185 regulate forestry research and forestry promotion, as well as general provisions on authorities and instances and penalties.

On the basis of the Forest Act, individual, binding administrative acts can be issued by authorities. These include, for example:

- Deforestation permits (*Rodungsbewilligung*) issued under Articles 17-19 of the Forest Act.
- Tree-felling permits (*Fällungsbewilligung*) issued under Articles 85-92 of the Forest Act.
- Forest road construction permits (*Forststraßenbewilligung*) under Articles 59-65 of the Forest Act.

Furthermore, based on the Forest Act, numerous forestry regulations containing comprehensive provisions on specific areas of the Act have been issued. The most significant are:

- Protective Forest Regulation[4], specifying the treatment and utilisation of protective forests;
- Regulation on the forest development plan[5], describing the content, form and structure of the forest development plan;
- Regulation on fast-growing tree species[6], defining tree species that are to be considered fast-growing and the age at which they reach harvesting maturity;
- Forest Protection Regulation[7], which in addition to the provisions of forestry law on protection against forest pests, contains more detailed regulations, particularly with regard to control measures in the event of a risk of forest pests multiplying.

[4] Schutzwaldverordnung, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10010385

[5] Verordnung über den Waldentwicklungsplan, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10010384

[6] Verordnung über raschwüchsige Baumarten, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10010391

[7] Forstschutzverordnung, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20002457

- Reproductive Material Act of 2002[8] and Reproductive Material Regulation of 2002[9]

The Act regulates the production, marketing, import and export of forest reproductive material, whereas the Forest Reproductive Material Ordinance 2002 contains more detailed provisions, in particular with regard to the authorised tree species and minimum requirements.

- Federal Forestry Act of 1996[10]

The 1996 Federal Forestry Act led to the establishment of "*Österreichische Bundesforste*" which subsequently turned into the "*Österreichische Bundesforste AG*" (Austrian Federal Forests Ltd). The Act outlines the responsibilities of the company, the goals to be accomplished, and the specifications regarding the management of land, hunting, and fishing leases. Additionally, it details the company's usufructuary right to the properties managed on behalf of the federal government and the personnel regulations that govern the company's internal operations.

- Provincial Nature Conservation Acts

Furthermore, provincial (state level) Nature Conservation Acts are important for biodiversity and Natura 2000 site protection. Each of the nine Austrian federal states has its own *Naturschutzgesetz* and corresponding ordinances (*Naturschutzverordnungen*), which set out the legal framework for the designation, protection, and management of natural habitats, species, and landscapes. Examples include:

    - Burgenland Nature Conservation and Landscape Management Act,
    - Lower Austrian Nature Conservation Act 2000,
    - Styrian Nature Conservation Act 2017,
    - Vorarlberg Law on Nature Conservation and Landscape Development.

- Provincial Land Transfer and Transaction Acts

The *Grundverkehrsgesetze* (Land Transfer or Land Transaction Acts) of the Austrian provinces regulate the acquisition, ownership, and transfer of real property – including agricultural and forest land. Their principal objective is to preserve the sustainable use and social function of rural land, ensuring that agricultural and forest areas remain available for their intended purposes and are not subject to excessive fragmentation, speculation, or concentration of ownership.

[8] Forstliches Vermehrungsgutgesetz 2002,
https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20002089
[9] Forstliche Vermehrungsgutverordnung 2002,
https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20002374
[10] Bundesforstegesetz 1996,
https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10007859

Key regulatory aspects typically covered by the *Grundverkehrsgesetze* include:

1. Restrictions on the sale or purchase of agricultural and forest land, particularly to safeguard land for active cultivation and sustainable forestry,
2. Approval requirements for land transactions, especially where the buyer is not a registered farmer, does not intend to manage the land in line with its designated purpose, or is a foreign person or entity,
3. Procedures for obtaining official approval (*Genehmigungspflicht*) through provincial land transaction authorities (*Grundverkehrsbehörden*), which assess the compatibility of each transaction with the public interest,
4. Provisions to prevent land speculation and to maintain the structural integrity of rural landscapes,
5. Special rules for forest land, which may include minimum parcel sizes, the obligation to maintain forest cover, and restrictions on converting forest land to other uses.

Examples include:

1. Carinthian Land Transfer Act 2002
2. Lower Austrian Land Transfer Act 2007
3. Salzburg Land Transfer Act
4. Tyrolean Land Transfer Act 1996

1.3. Basic Regulatory framework

The Austrian Forest Strategy 2020+[11], published in 2018, represents the main policy instrument with the objective of establishing the direction for national forest management. This document presents the proposed management approach for Austrian forests nation-wide, along with the strategic goals and recommended actions.

The Austrian Forest Strategy has been established through the Austrian Forest Dialogue, a government policy development initiative conducted in collaboration with various organisations with an interest in forestry matters. A diverse range of stakeholders was engaged in the initiative, including forest owners, non-governmental organisations and local authorities. The Austrian Forest Strategy is to be implemented and enforced on a voluntary basis by the relevant institutions.

[11] Österreichische Waldstrategie 2020+, https://info.bml.gv.at/dam/jcr:624be2ac-5e14-4c33-94e2-8a8cb7e4554e/Waldstrategie%20Deutsch%20SRA4_BML.pdf

The strategy was organised according to seven forest policy fields of action:

- contribution of Austrian forests to climate protection;
- health and vitality of Austrian forests;
- productivity and economic aspects of Austrian forests;
- biological diversity in Austria's forests;
- protective functions of Austrian forests;
- social and economic aspects of Austrian forests;
- Austria's international responsibility for sustainable forest management.

The Strategy takes into account other national and international forest strategies, programmes and policies, including:

- The Austrian Biodiversity Strategy 2020+12;
- The Austrian Forest Ecology Programme13;
- The Austrian Strategy for Adaptation to Climate Change14;
- The EU Forest Strategy;
- The EU Biodiversity Strategy;
- The Forest Europe Process;
- United Nations Forum on Forests;
- The Sustainable Development Goals of the UN;
- United Nations Framework Convention on Climate Change;
- Convention on Biological Diversity.

Furthermore, in 2019 the Council of Ministers published the "Protection Forest Action Programme[15]", which aims to reinforce the protection of forests in order to facilitate sustainable development of Austria's mountainous regions and to integrate climate change considerations. In particular, the safeguarding of settlements, economic areas and transport routes in Alpine regions against the threat of natural disasters, including avalanches, rockfalls, landslides and flooding, represents a pivotal objective.

[12] https://www.bmk.gv.at/themen/klima_umwelt/naturschutz/biol_vielfalt/biodiversitaetsstrategie/biodiversitaets_strategie_oe2020.html

[13] https://www.himmel.at/kuratorium-wald/projekte/owop/

[14] https://www.bmk.gv.at/themen/klima_umwelt/klimaschutz/anpassungsstrategie/oe_strategie.html

[15] Aktionsprogramm Schutzwald, https://info.bml.gv.at/service/publikationen/wald/aktionsprogramm-schutzwald.html

The Protection Forest Action Programme is based on the Austrian Forest Strategy and is designed as an implementation programme, with the objective of achieving the strategic goals set out in the Strategy. The programme is structured into defined target areas, which are further broken down into specific fields of action and implementation milestones.

In 2021, the regional government of Tirol published the "Tirol Forest Strategy 2030+[16]", which outlines action goals and desired policy measures aimed at preserving the mountain forests in the region, enhancing their resilience to climate change, and ensuring the sustainable management of their resources. Given the geographical circumstances and the significant role of forests in the region as a source of income and recreation, it was deemed necessary to develop a strategy to ensure the continued preservation of these forests, which serve an essential protective function from natural hazards.

The Austrian Forest Fund – *Waldfonds* – is an important federal funding instrument aiming to support the restoration, adaptation, and sustainable management of Austria's forests in response to the combined impacts of climate change, pest infestations, and storm damage. Administered by the Federal Ministry of Agriculture, Forestry, Regions and Water Management (BML), the fund provides approximately €450 million in financial assistance to forest owners and enterprises. Funding measures cover a wide spectrum of activities, including reforestation with climate-resilient species, pest and calamity control or protection of protective forests. The *Waldfonds* thus complements the strategic objectives of the Austrian Forest Strategy 2020+ and contributes directly to maintaining the ecological, economic, and protective functions of Austria's forests.

[16] Tiroler Waldstrategie,
https://www.tirol.gv.at/fileadmin/themen/umwelt/wald/waldzustand/downloads/Waldstrategie_2030_Web.pdf

2. Governance and institutional framework

2.1. Distribution of competences between the State and Regional authorities.

- According to the legal framework, what are the relevant competences and responsibilities regarding decisions on forest management and forest management practices at the different State level (national, regional, municipal) in your country? Please describe the situation stating the legislation and relevant provisions.

Austria is a federal state comprising nine *Bundesländer*. Each of the federal states possesses its own constitution and legislative powers. The nine federal states of Austria are themselves subdivided into districts, which are in turn further subdivided into municipalities. The Austrian Federal Constitution (*Bundesverfassungsgesetz*) defines the distribution of competencies with regard to legislation and enforcement between the central government and the federal states in Articles 10 to 15. The districts and municipalities enforce federal and state laws.

In accordance with Article 10(1), pt. (10) of the Federal Constitution, the federal government exercises legislative and enforcement authority over matters related to forestry. The federal government enacts the Forest Act and is responsible for:

1. Sustainable forest management,
2. Timber utilisation, reforestation, and clearing,
3. Protective forests and forest supervision,
4. Forestry subsidies.

In practice, the implementation is carried out by the district forestry inspectorates and the Federal Ministry of Agriculture, Forestry, Regions and Water Management.

Under Article 15(1) of the Federal Constitution, nature and environmental protection fall within the competence of the federal states. Each federal state enacts and enforces its own nature conservation laws. The responsible bodies include the state environmental agencies, district authorities, and nature conservation officers.

Their areas of competence encompass:

1. Oversight over protected areas (e.g., Natura 2000),
2. Biotope networking,
3. Impact (intervention) regulations,
4. Protection and preservation of species.

Under Article 9 of the Forest Act, the Forest Development Plan encompasses the entire federal territory (general plan) and consists of partial plans, covering the territories of single Länder. The partial plans are prepared by the Land authorities in cooperation with forest managers.

The responsibility for the preparation of hazard zone plans and their adaptation to the current state of development lies with the Federal Minister of Agriculture, Forestry, Regions and Water

Management, as set forth in Article 11 of the Forest Act. The draft plan must then be reviewed for technical correctness by a commission comprising a representative of the Minister and representatives of the relevant agencies and the Land and the districts.

The Forest Act allows the Länder in special provisions to adopt more detailed or diverging regulations regarding forest management, such as:

- Article 26 allows Länder to adopt regulations ensuring a more effective protective function of the plant coverage in relation to the special provisions on the upper timberline zone;
- Article 42 allows Länder to adopt detailed regulations on the handling of forest fires;
- Article 95 sets out a general authorisation for the Länder to set the upper limit of felling immaturity of high forest stands for certain areas of the state to be reduced to 50 years or increased to 80 years, accept a certain form of felling licenses and reduce their validity period;
- Article 96 establishes special provisions for Tirol, Vorarlberg and Oberösterreich, under which the states can, e.g., limit the extent of free felling, regulate secondary forest uses, responsibilities of forest supervisory bodies;
- Article 97 establishes special provisions for Salzburg, allowing the state to limit the extent of free felling, declare all felling exceeding that required for normal domestic and estate needs as being subject to permission and to regulate in detail secondary forest uses.

The national ministry responsible for forestry is the Federal Ministry of Agriculture, Forestry, Regions and Water Management. The Federal Forest Office, established in 2005, is the public authority responsible for the enforcement of the Forest Reproductive Material Act 2002, the Plant Protection Act 2018 and the Timber Trade Monitoring Act 2013.

The Torrent and Avalanche Control is a subordinate department of the Federal Ministry, responsible for the management and strategic support for protection against natural hazards in areas of torrents, avalanches and erosion risk through analysis, assessment and mitigation.

The Federal Research and Training Centre for Forests, Natural Hazards and Landscape is a public law institution that was outsourced from the Ministry in 2005. Its activities are focused on four core areas: the sustainable use, management and protection of forest ecosystems and drinking water catchment areas; biodiversity conservation and ecosystem development; and the protection and mitigation against natural hazards.

2.2. Key representation organisations of the forest sector

1. Forest owners:

- Waldverband Österreich (*Forest Association Austria*) is the umbrella organisation under the Austrian Chamber of Agriculture overseeing eight forest associations representing forest owners organised at Land level, which are:
    - Waldverband Burgenland
    - Waldverband Kärnten
    - Waldverband Niederösterreich
    - Waldverband Oberösterreich
    - Waldverband Salzburg
    - Waldverband Steiermark
    - Waldverband Tirol
    - Waldverband Vorarlberg
- Land&Forst Betriebe Österreich (Land&Forest enterprises Austria) is an association representing the interests of the owners of agricultural and forestry land. It also has chapters at Land level, which are:
    - Land&Forst Betriebe Burgenland
    - Land&Forst Betriebe Kärnten
    - Land&Forst Betriebe Niederösterreich
    - Land&Forst Betriebe Oberösterreich
    - Land&Forst Betriebe Salzburg
    - Land&Forst Betriebe Steiermark

2. Forest municipalities:

- Österreichischer Gemeindebund (*Austrian Association of Municipalities*), established in 1947, represents the interests of 2,082 of the 2,093 Austrian municipalities and cities at federal level as appointed under the Federal Constitution in Article 115(3). It consists of 10 associations on Land level. Vienna does not have its own association, however, Niederösterreich and Burgenland each have two – a politically ÖVP-led and an SPÖ-led association due to the historical context.
- Burgenländischer Gemeindebund

- Verband sozialdemokratischer Gemeindevertreter im Burgenland
- Kärntner Gemeindebund
- Niederösterreichischer Gemeindebund
- Verband sozialdemokratischer Gemeindevertreter in Niederösterreich
- Oberösterreichischer Gemeindebund
- Salzburger Gemeindeverband
- Steiermärkischer Gemeindebund
- Tiroler Gemeindeverband
- Vorarlberger Gemeindeverband
- Österreichischer Städtebund (*Austrian Association of Cities*), established in 1915, represents the interests of 258 Austrian cities/towns and larger municipalities as appointed under the Federal Constitution in Article 115(3).

3. Forest industry:
    - Holzindustrie Österreich (*Wood Industry Austria*) is a trade association which represents the interests of all Austrian wood industry companies.
4. Forest clusters:
    - Holzcluster Steiermark aims to support companies from the Land Steiermark in the forestry and timber industry through networking, promotion and development projects.
    - Holzcluster Salzburg supports companies from the Land Salzburg.

5. Forest contractors: No organisations representing forest contractors have been identified.

6. Forest Professionals:
    - Verband Österreichischer Förster und Försterinnen (Association of Austrian Foresters) represents and promotes the interests of Austrian foresters.
    - Holzbau Austria is an umbrella organisation of the nine timber construction guilds on Land level and the federal timber construction guild. It works to improve the framework conditions and market opportunities for Austrian timber construction and carpentry companies.

7. Forest Agents or rangers:

    - Dachverband der Forstschutzorgane Österreichs (*Umbrella Association of Austria's Forest Protection Agencies*) serves the further training, education, counselling, research, documentation, reporting and further development of forest protection and its bodies, as well as the protection of the utility function, protective function, welfare function and recreational function of the forest.

8. Forest Sciences:

    - Bundesforschungs- und Ausbildungszentrum für Wald, Naturgefahren und Landschaft (*Federal Research and Training Centre for Forests, Natural Hazards and Landscape*) is an institution under public law and was outsourced from the Federal Ministry of Agriculture, Forestry, Regions and Water Management in 2005. It was founded in 1874 by Emperor Franz Joseph I as the Imperial and Royal Forest Research Centre.
    - Holzforschung Austria (*Wood Research Austria*) conducts research in the entire value chain related to wood and wood products.
    - Kompetenzzentrum Holz GmbH is a research centre for wood and renewable raw materials.

9. Forest certification:

    - FSC certification in Austria
    - PEFC certification in Austria

10. Public enterprises

    - Österreichische Bundesforste (Austrian Federal Forests) is a public limited company owned by the Republic of Austria, which manages forest areas on Austrian territory.

11. Forest cooperatives: In Austria, there are so-called "*Waldgenossenschaften*" or "*Gemeinschaftswälder*", which account for over 10% of the total forest area. An examples would be the Eisenerzer Waldgenossenschaft.

12. Other Forest organisations

    - Österreichischer Forstverein (*Austrian Forestry Association*) is a non-political organisation for the protection of the Austrian forest through sustainable management that is not committed to any economic or professional interest. The association also has chapters on Land levels.
    - Pro:Holz is a marketing organisation of the Austrian forestry and timber industry, aiming to create awareness for the sustainable management of forest resources and wood as a sustainable material.
    - Forst Holz Papier is a cooperation platform that brings together the forestry, wood, and paper sectors to coordinate and strengthen the entire wood value chain. It serves as a

joint industry body for strategy, advocacy, and sustainable development of the wood sector.

- Österreichischer Forstakademiker Verband (*Austrian Forestry Academics Association*) is the organisation representing the interests of forestry academics in Austria.
- Verein Forstfrauen (*Forest Women's Association*) is an association that seeks to network women in the forestry and timber industry.

3. Forest land ownership structure

- According to State statistics, what is the ownership structure of the forest in your country (at State level)? Please include relative and absolute data of forest ownership types, including average size of public and private forests and the number of area of forests in each size category)

3.1. Data on national forests ownership structure

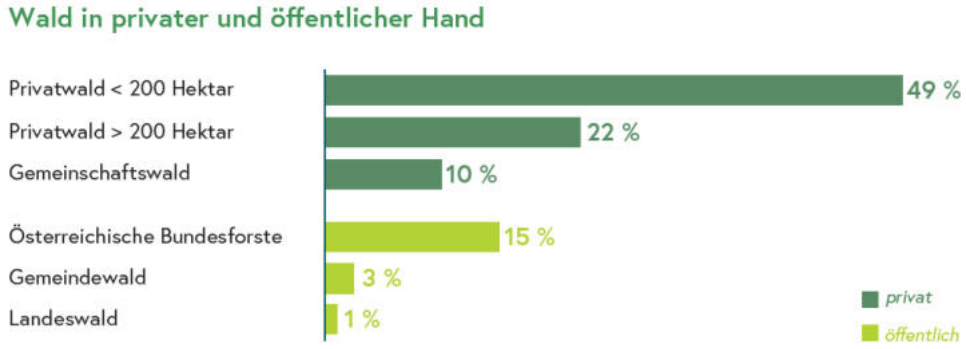


Figure 1: Forest land in private and public ownership. Source: Österreichischer Waldbericht 2023

Austria has a forested area of approximately 4 million hectares. In total, 81% of the forest area is under the ownership of approximately 137,000 private individuals. The remaining 19% of forests are publicly managed by the Österreichische Bundesforste AG (15%), by the relevant state (1%) or municipal authorities (3%). Most private forests are of an agricultural or family-owned nature and are relatively small in size. Forest owners with less than 200 hectares of forest land, classified as "small forest owners", own an average forest area of 9.2 hectares. This group of forest owners accounts for 49% of the total area of Austrian forest land. The remaining 22% of the forest area is comprised of larger privately owned forests (above 200 hectares), while 10% of the forests are community forests (*Gemeinschaftswälder*).

Furthermore, approximately 30% of forest owners in Austria are female, representing a significant proportion of the country's forest area, which is estimated to be approximately a quarter.

It is estimated that approximately 59,000 forest owners manage forests of less than 5 hectares in size. In the past, this group has been predominantly comprised of farmers, with the forest serving as a source of wood products for personal use and only occasionally as a means of financing larger investments. Today, in many cases, the forest is transferred to the next generation as part of an inheritance. This group is referred to as "new forest owners". The forest

is of minimal importance to them as a source of income and is utilised primarily for recreational purposes[17].

3.2. Definitions of forest ownership in your country

- Forest owner

There is no legal definition of the term "forest owner" in the Austrian legislative framework. Considering the legal obligations applicable, the forest owner is the legal subject accountable for ensuring compliance with the regulations governing the management of the forests on their property.

- Forest holder

There is no legal definition of the term "forest holder" in the Austrian legislative framework.

- Forest manager

There is no legal definition of the term "forest manager" per se in the Austrian legislative framework. However, Article 104(1) and (2) of the Forest Act define forestry bodies as professionally trained forestry personnel whose appointment serves to safeguard the public interest in forest conservation and compliance with the provisions of the Forest Act. As such, forestry bodies within the meaning of this provision are (professional) forest managers, forest assistants, foresters, forest rangers and forest wardens.

- Forest contractor

There is no legal definition of the term "forest contractor" in the Austrian legislative framework.

- Forest

Under Article 1a of the Forest Act, forests are defined as land areas planted with woody plants, provided that the vegetation covers an area of at least 1,000 m^2 and an average width of 10 metres. Furthermore, the term "forest" encompasses land areas whose forest cover has been temporarily reduced or removed as a consequence of either utilisation or other factors.

3.3. Forest ownership types in your country

Please provide a description of the types of forest ownership (e.g. public forest, private forest) identified in the legislation applicable in your country. Are there specific laws for certain types of collective, communal, vicinal or neighbourhood forests?

[17] Federal Ministry of Agriculture, Forestry, Regions and Water Management (2023), 'Österreichischer Waldbericht 2023. Wir kümmern uns um den Wald', p. 34ff., available at: https://info.bml.gv.at/dam/jcr:a5c90b98-5c24-4bd6-a9f1-60cbbda8cfff/BML_broschuere_oesterreichischer_waldbericht2023_200dpi_pac3.pdf

In Austria, the regulatory framework governing private and public ownership of forests is applied without distinction. Consequently, the requirements applicable to forest owners are identical, irrespective of the legal status of the owner.

The management of public forests is undertaken by the Österreichische Bundesforste AG (a company that is fully owned by the Republic of Austria), the municipalities, or, to a small extent, the Länder.

In Austria, community forests may take the form of an agrarian community (*Agrargemeinschaft*), which can be defined as a community of persons and property that jointly uses and manages land, typically on the basis of old certificates. These certificates largely originated from the land reforms that occurred during the 19th century. The joint ownership may be constituted by a number of different entities, including municipalities, their members, or former feudal land subjects. The regulation of agrarian communities is the responsibility of the federal states, which enact legislation in this regard (*Flurverfassungsgesetz*). The supervision and related administration of this legal entity is the responsibility of the state agricultural authorities (*Agrarbehörden*)[18].

Similarly, the state agricultural authorities are responsible for land consolidation procedures.

Around 22% of Austria's private forests belong to large estates over 200 hectares, mainly owned by aristocratic families and monastic orders. This ownership pattern is historically rooted in the medieval feudal system, when nobility and the clergy controlled vast lands that were worked by tenant farmers. After the system was abolished, farmland passed to farmers, but forests did not, and thus remained with nobles and monasteries. After the end of the monarchy in 1919, only Habsburg properties were expropriated in Austria, while other noble families kept their estates. As a result, aristocratic families and the Church still own extensive forest areas today, usually managed through their own forestry enterprises[19].

- Are there well-established programs for forest land consolidation? Are there public bodies promoting or responsible for these programs?

In Austria, a distinction is made between two terms for land consolidation, namely "*Grundzusammenlegung*" and "*Flurbereinigung*" which, in essence, serve the same purpose and undergo the same criteria. However, the former is utilised for large-scale procedures encompassing up to hundreds of hectares of land, whereas the latter is associated with smaller-scale procedures involving fewer landowners[20].

[18] For examples, see websites of federal states on *Agrargemeinschaften*, referring to the regulation of this legal entity on their territory: Niederösterreich, Oberösterreich, Salzburg.

[19] https://kontrast.at/wem-gehoert-wald-oesterreich/

[20] Kommunal (2024), '*Aus kleinen landwirtschaftlichen Fläche werden große*', available here: https://kommunal.at/aus-kleinen-landwirtschaftlichen-flaeche-werden-grosse.

3.4. Proof of ownership: Land registry and Cadastre

- How is ownership proved?

The ownership of a forest is evidenced by an entry in the land register[21]. The land register under the General Land Register Act 1955 (*Allgemeines Grundbuchsgesetz 1955*) is a publicly accessible database managed by district courts that contains comprehensive information about all properties and their respective owners. The term "public" denotes accessibility to all individuals, whereby any person may inspect the register. The underlying documentation for a land register entry or amendment is a certificate. In the context of a property purchase, this would be the purchase contract. Ownership rights are acquired and evidenced solely by the land register, and it is to be assumed that the entries are accurate and complete, in accordance with the received certification (so -called *principle of registration* and *principle of trust*).

The land cadastre serves as the foundation for the land register, defining the parameters of the cadastral area and the specific properties therein. It is a publicly accessible record, maintained by the measuring offices (*Vermessungsämter*) under the Federal Office of Metrology and Surveying (BEV) to provide insight into the actual conditions of the property in question, including its location, area, and intended use[22]. The cadastre alone does not constitute ownership, it only describes the physical location and use of the land.

Until 1968, the cadastre was known as the land tax cadastre because, since its introduction in 1817, it primarily served as the basis for calculating land tax. This function has largely diminished due to subsequent changes in tax regulations. Its contents included information on land productivity (such as soil quality and land classification), estimated agricultural or forestry income, and assessed taxable values. The land tax cadastre was created solely for fiscal purposes and provided no legal evidence of ownership or boundary definitions.

There are no specific databases referring to forest land.

Regarding community-owned forests (Gemeinschaftswälder), in principle, the ownership rights exercised in this form are to be registered in the Land registry (Grundbuch), whereby the “community” can be anything from a cooperative (Genossenschaft) to a church entity. The “community” acts as a legal entity and is to be registered as the owner in the registry this way[23]. Some community forests, however, have developed agrarian communities (Agrargemeinschaften), which were communities of people and property that jointly managed and used certain pieces of land on the basis of old documents or old practice (mostly former feudal subjects)[24]. As the law had to adapt to historical changes, they have a somewhat special

[21] https://justizonline.gv.at/jop/web/grundbuchabfrage

[22] More information on the land register and related procedures can be found on the government website, available here: https://www.oesterreich.gv.at/themen/bauen_und_wohnen/grundstueckskauf_und_grundbuch.html.

[23] Article 33 of the Land Consolidation Act (Flurverfassungsgesetz) of 6 February 1979.

[24] More information available at: https://www.noe.gv.at/noe/Agrarstruktur-Bodenreform/Agrargemeinschaften.html#:~:text=Als%20Eigent%C3%BCmerln%20der%20agrargemeinschaftlichen%20Grundst%C3%BCcke,N%C3%96%20ABB)%20regulierte%20Agrargemeinschaft%20hat.

legal status, between public and civil law. As a result, a lot of irregularities are to be found in the land registry due to uncertainties regarding the actual legal status over the centuries[25]. The practice today is that only the agricultural community (as a legal entity) itself is entered in the land register as the owner of the land belonging to it. The district agricultural authorities are the administrative bodies responsible for the regulation and supervision of agrarian communities, from establishing the existence of one to determining communal property and settling disputes between members.

For Austrian citizens and EU/EEA nationals, acquiring ownership (such as through purchase, exchange, or donation) of agricultural and forestry land is subject to official approval under the provincial Land Transfer Acts (*Grundverkehrsgesetz*). Approval is granted when the interests of agriculture and forestry are safeguarded and proper land management is ensured. Whether approval can be issued by the competent district Land Transfer Commission is assessed and decided based on factors such as the size of the property and its impact on the local agricultural structure, the intended form of land management (e.g., management plan, proximity of the buyer's residence), and the buyer's existing qualifications[26] (see Section 7).

- Is there a legal obligation to register property/ownership?

In principle, there is no legal obligation to register ownership of a property in the land register. However, as previously stated, proof of ownership may only be provided through the registry. If such documentation is absent, it may be assumed that there are no ownership rights.

- Is there a registration fee?

The registration of ownership rights is a costly process, with the current applicable rate being 1,1% of the purchase price. The land register entry must be notarised, thereby giving rise to additional costs. A fee of EUR 47 is required for the submission of an application for registration, rising to EUR 66 in the event that the application is not submitted electronically. Furthermore, fees are also applied to all changes and cancellations in the land registry.

- Is there an official register of forest owners and of forest holdings? Is it shared with agricultural registers? Is it harmonised with the property/ownership register?

The Agricultural and Forestry Register (LFR) is the official repository for all agricultural and/or forestry holdings in Austria. It serves as the fundamental population for all agricultural statistical surveys, with comprehensive data on all farms, including the farmer and their address.

[25] More information available at: https://recht.agrar-info.at/blog/gemeinschaftsliegenschaften-und-grundbuch/

[26] See for example in Upper Austria: https://www.land-oberoesterreich.gv.at/19637.htm

Each unit stored in the LFR is assigned a unique identification number, the so-called LFBIS holding number, which is maintained by Statistics Austria. The LFR is updated on an ongoing basis using the available administrative data and information from agricultural statistical surveys. The administrative data used are drawn from a range of sources, including Agrarmarkt Austria, the Social Insurance Institution for the Self-Employed, and others[27].

- Is the Cadaster/register well updated and reflecting real forest owners/holders?

The responsibility for maintaining the land register and implementing the necessary courts orders lays with the judicial officers at the district courts. It has to be noted that the processing of the land register entry by the district court can take several weeks to several months. Considering this, there may be delays in the documentation of the new owner.

[27] More information available here: https://www.statistik.at/statistiken/land-und-forstwirtschaft/land-und-forstwirtschaftliches-register

4. Rights and obligations: forest owner/holder and forest contractor

4.1. Overview

- According to the legal and regulatory framework what are the rights and obligations of forest owners/holders and forest managers in your country?

Rights:

- Subsidisation

Article 141 of the Forest Act obliges the Federal Government to support forestry with regard to effects that are in the public interest. The objectives include the maintenance and sustainable development of the multi-functionality of forests, in particular with respect to their economic, ecological or social effects, the integration of forestry in the preservation and sustainable development of rural areas and the preservation and the development and sustainable management of forests, in particular with a view to strengthening the competitiveness of forestry and to ensuring wood supply.

Section X of the Forest Act contains provisions in relation to the provided support measures and subsidisation process. The promotion of the objectives may be conducted through subsidies for the cost of support measures (allowances) or as subsidies for borrowing costs (interest subsidies). Both types of support may be applied in conjunction with one another for the same project.

- Forest management

The forest owner can manage their property as desired, as the undertaken actions comply with the Forest Act of 1975 and civil law, especially takin into consideration the principle of sustainable forest development.

- Right to harvest

The forest owner can harvest timber stands on their property under consideration of further regulatory constraints and, in some cases, the requirement of a permit. The principle of sustainable forest management is to be taken into consideration.

Obligations:

- Sustainable forest management

The principle of sustainable forest management under Article 1 of the Forest Act is to be considered when undertaking any action related to the handling of forests.

- Reforestation

Under Article 13 of the Forest Act, the forest owner is obliged to reforest unstocked areas and sparse stands in protection forests in a timely manner, utilising locally suitable forest reproductive material.

- Monitoring and reporting of threats

Article 43 of the Forest Act obliges the owner of the forest (as well as the forest officers and forest protection officers) to monitor for and report any imminent threat posed by forest pests to the relevant authority without delay in the event of an increase in the number of forest pests that could potentially cause harm. Furthermore, the forest owner is obliged to implement precautionary measures in a manner that is reasonably expected of them, with the objective of preventing the occurrence of dangerous damage to the forest by forest pests. Additionally, they are required to effectively combat forest pests that are already increasing in a threatening manner.

- Permits and authorisations

If the forest owner intends to carry out certain defined activities related to forest management, a permit or licence is required. These include, for example, forest clearing (Article 17 of the Forest Act), free felling in protection forests (Article 22 of the Forest Act) or conducting installations causing forest-damaging atmospheric pollution (Article 49 of the Forest Act. Further, under Article 87 of the Forest Act, the owner of the forest has to apply for a felling license.

4.2. Legal rights of the forest owner/holder

- Right to financial support/tax exemptions/subsidies? What are the requirements?

Chapter 10 of the Forest Act of 1975 establishes the regulatory framework for subsidies in the forestry sector. Article 141 of the Act tasks the federal government with the promotion and support of forestry, taking into account its public interest benefits.

Article 142 determines as objectives the maintenance and sustainable development of the multi-functionality of forests (with special consideration of their economic, ecological or social effects), the integration of forestry in the preservation and sustainable development of rural areas and the preservation, development and sustainable management of forests, in particular with a view to strengthening the competitiveness of forestry and guaranteeing wood supply.

The measures taken by the federal government in order to reach the objectives of the Forest Act are listed as follows in the 2nd paragraph of Article 142:

- protection against natural hazards;
- aimed at safeguarding, improving, or restoring protection forests or forests with increased beneficial effect;
- aimed at safeguarding or improving the value of forests for society;
- aimed at safeguarding or improving the ecological stability of forests;
- promoting information or innovation in favour of a multifunctional forestry;

- promoting further training and extension for those working in forestry;
- safeguarding or improving the economic or ecological value of forests;
- aimed at extending or improving forestry infrastructure or at rationalising forest work;
- aimed at further developing or improving forest management in the EU;
- of processing and marketing of wood or to supply biomass;
- achieving structural improvements.

Under Article 21 of the Forest Act of 1975, protection forests may be categorised as site-protecting forests (located on sites endangered by the eroding forces of wind, water or gravity, and requiring special treatment to protect the soil and the plant cover and to ensure reforestation) and object-protecting forests (protecting humans, human settlements or facilities, or cultivated soil, in particular against natural hazards or injuring environmental impacts and requiring special treatment to gain and ensure their protective effect).

The Federal Minister of Agriculture, Forestry, Regions and Water Management is the authority responsible for the approval of support measures, the allocation of funds from the federal government or, where relevant, from the European Union, and the supervision of the funding process. In the performance of these functions, due consideration must be given to area planning and the environmental context.

The primary instrument of support is the provision of subsidies. These may be granted as subsidies for the cost of support measures (allowances) or as subsidies for borrowing costs (interest subsidies). It is possible to apply for both types of subsidy under the same project. In the event that the applicant for subsidisation is anticipated to derive benefit from the implementation of a support measure, the subsidisation may only be granted on the condition that the latter makes an appropriate contribution to costs. For all the measures mentioned above with the exception of the promotion of further training and extension for those working in forestry, the federal government will only provide federal funds if the Land government also allocates funds from their own budget, with a minimum of half the amount of the federal funds. The respective share of the funds is to be determined by a guideline.

Subsidies are granted provided that the project in question is in accordance with the findings of specialised forestry research and does not conflict with the provisions of the Forest Act. Furthermore, the preparatory work must be carried out in accordance with the relevant requirements, and the support measures must be conducted in a manner that ensures the long-term success of the project. It must also be demonstrated that the mentioned above measures would not be carried out at all or not to the necessary extent without support by means of federal funds. In case of the implementation of integral measures in catchment areas of torrents and avalanches, the Federal Minister of Agriculture, Forestry, Regions and Water Management grants support only if a suitable co-ordinator is appointed for the project.

The Federal Minister of Agriculture, Forestry, Regions and Water Management is empowered to conclude contracts of work with relevant legal entities, such as Chambers of Agriculture or banks, for the purpose of handling the subsidisation. Furthermore, the Minister can transfer

responsibility for such transactions to the Governor of the Land and the state authorities subject to him.

Together with the Federal Minister of Finance, the Minister of Agriculture, Forestry, Regions and Water Management establishes guidelines detailing the support and the implementation of support measures. The guidelines specify the provisions on the application for subsidisation and the declaration of commitment, the exact type and extent of the subsidisation, its requirements, applicants and priorities of the Federal Government concerning the supported measures mentioned. Notably, support measures favourably impacting the maintenance and improvement of a healthy environment and large-scale projects or projects involving a total redevelopment of an area (integral projects) are of special significance. To simplify administration, it is possible to lay down the subsidisation of minor individual projects in wholesale rates in the guidelines.

- Is there a right to decide about the forest management practices in their forest land?

In principle, the forest owner may manage their property in accordance with their own discretion, provided that they remain within the boundaries of the legal framework set out in the Forest Act of 1975 and civil law. With regard to specific operations such as logging, the Forest Act provides a detailed regulatory overview, defining the requisite restrictions and establishing a permit system for specific actions, which will be discussed in greater depth in the following section. A fundamental principle is the necessity for sustainable forest management, as outlined in Article 1 and 3 of the Forest Act. Article 3 defines sustainable forest management as a process that encompasses the cultivation and utilisation of forests in a manner that ensures their long-term viability. This entails maintaining the biodiversity, productivity, regeneration capacity, vitality and potential for relevant ecological, economic and social functions at the local, national and global levels, while preventing damage to other ecosystems. When utilising the forest, consideration should be given to the long-term forestry production period and any existing plans to ensure that utilisation is retained for subsequent generations in line with the objectives of forestry.

The owner of a forest may engage the services of third parties for the purpose of forest management. For example, the Austrian Chamber of Agriculture's associated organisation, the *Waldverband Österreich*, provides forest management and advice services. A number of privately-owned forestry service providers also offer to undertake a variety of tasks. Additionally, forest owners may choose to affiliate with a regional agricultural or forestry management association. Such associations represent a point of contact for forest owners at the regional level[28].

- Is there a right to harvest:

In general, the forest owner is entitled to harvest timber stands on their property, subject to further regulatory constraints and the eventual necessity of a permit. This is to be done in accordance with the principle of sustainable forest management.

[28] More information available here: https://www.klimafitterwald.at/fragen-und-antworten/wer-kann-meinen-wald-fuer-mich-bewirtschaften/.

4.3. Limitations to the rights of forest owner/holder

- Is there a limitation to change the land use of the land (from forestry to agriculture and/or urbanization)?

Article 17 of the Forest Act establishes that the use of forest soil for purposes other than those of forest cultivation is prohibited. The authority may, however, issue a permit for the clearing of the area in question if this is not precluded by any special public interest in the maintenance of the area as forest. In certain instances, where the public interest in utilising the area for which the clearing permit has been sought is considered to outweigh the public interest in maintaining the area as forest, a special permit may be granted. This interest may be evidenced by factors such as overall national defence, railway, air or public road transport, post or public telecommunications, mining, hydraulic engineering, the energy industry, improving the structure of agriculture, housing or nature conservation.

A permit for the clearing may be applied for by the forest owner or another entitled person or authority. The application must include the dimensions of the area for which the clearing permit is sought, the purpose of the proposed clearing, and, in instances where the clearing area is subject to forest rights of use or communal rights of use, the identity of the individuals or entities entitled to exercise these rights, as well as the owners of neighbouring plots (abutting owners). The application must be accompanied by an extract from the land register, which must not be more than three months old, and a site plan that clearly identifies the area for which the clearing permit is requested. The relevant authorities, including the municipality in which the area in question is located and any other relevant bodies, must be consulted during the clearing proceedings. Under Article 17a(1), pt. (1) of the Forest Act, a clearing permit is not required for areas of less than 1,000 m^2, however, the clearing must be notified in writing to the competent authority. The authority subsequently examines whether public interests in forest preservation conflict with the intended clearing and whether a clearing permit would be required in such a case. Within a six-week period, the authority must indicate whether a full approval procedure and the issuance of a formal decision are necessary. If the authority does not respond within this six-week period, the notified clearing may be carried out.

- Is there a legal limitation to the right to harvest? Is there a ban on clear cutting?

The sustainable management of forests is a fundamental principle enshrined in Article 1 of the Forest Act, which has an impact on the right to harvest. Forest owners must submit a formal application for any felling permit and provide all necessary details such as location, area, and timing of the planned felling, in accordance with Articles 87 to 92 of the Forest Act. A permit will only be granted if the felling complies with the Forest Act, and owners who have failed to meet reforestation duties may have permits denied or receive additional reforestation obligations or conditions. If the authority doubts that the owner will fulfil reforestation duties, it can require a financial security deposit before felling begins. Forest owners remain responsible

for ensuring compliance even when others (e.g., forest holders, logging contractors, or standing timber buyers) carry out the work, and these parties must inform themselves of permit conditions. The authority must decide on applications within six weeks, after which – if no decision is issued – the owner may proceed in accordance with legal requirements. Finally, felling permits expire after five years or when forest ownership changes, except in cases of inheritance or transfer within the family.

Article 80 of the Forest Act prohibits clear felling and removal of single trunks going beyond the extent required for tending purposes (defined as the case when less than six tenths of the full canopy cover would remain after the single trunks had been removed, although some exceptional cases are named) in immature high forest stands. The Article further defines when tree stands are to be considered immature, with age thresholds for mixed and same age stands.

Under Article 82, clear felling (and major clear felling in high forest) is prohibited in cases where it:

- permanently reduces the productive power of the forest soil,
- considerably or permanently impairs the water regime of the forest soil,
- brings about more severe rain wash or drifting of forest soil, or
- endangers the effect of protection forests or protective forests.

In exceptional cases, exemptions may be granted on application, when there are reasons in connection with forest management, such as, in particular, severe haulage conditions or the necessity to remove low-producing or endangered stands, a permit has been granted by the authority, the continued existence of the agricultural and forestry enterprise would otherwise be endangered or it is necessary to establish an energy supply line installation.

- Are there specific limitations to carry out agricultural activities, like extensive grazing or temporary cultivation, on forest land?

Article 37 sets out that forest grazing must not result in the deterioration of the forest or its effects. Cattle driving must be conducted in a manner that ensures the necessary preservation of the forest, and, when applicable, it should also be undertaken via reasonable detours.

It is prohibited to graze cattle in areas of forest intended for regeneration, as this could damage existing seedling crops or those that are to be planted in the future. Such areas are to be regarded as protected zones. The animals intended for grazing shall be kept at a distance from the protected areas. Upon application by the owner of the forest or the owner of grazing rights, the authority should establish the extent, duration, and identification of the protected areas.

In the event of an imminent threat of natural disaster, each forest owner is entitled to drive grazing cattle into their forest, allow them to shelter and graze there, and to permit outside

grazing cattle to shelter in the forest (snow refuge). The forest owner shall be entitled to compensation for any loss of profit or other disadvantage incurred as a result.

- Is hunting right linked to ownership right? Is it considered a forest activity or does it have specific regulations?

In Austria, hunting law and forestry law are two distinct legal areas. In contrast to the former, the latter is the responsibility of the federal states with regard to legislation and enforcement. Each federal state maintains its own hunting association, which is a legal entity under public law and possesses a number of tasks supervised by the Land authorities. The district administrative authorities are responsible for enforcing the respective hunting laws. The hunting right is linked to land ownership, where the right may be exercised by the landowner themselves if they have a hunting license and a minimum threshold for the area has been reached.

- Are there citizens' rights to collect wild products in forest land? Are they linked to the ownership right or not?

It is generally accepted that mushrooms and berries growing in a forest are the property of the forest owner (Articles 354 and 405 of the General Civil Code (ABGB)). Nevertheless, the act of picking/collecting for personal use is permitted if the forest owner does not explicitly prohibit, restrict or demand payment for it. A prohibition on collecting for the general public can be established through the presence of appropriate signs in the forest. In the absence of such signs, however, the forest owner's passive acceptance of collection can be assumed (not exceeding the personal need). Those who violate a collection ban may be held legally liable by the forest owner.

- Are there rights to access (walking) on forest land? Are there specific regulations for public use of forest land, hiking, riding, biking, etc.?

In accordance with Article 33 of the Forest Act, the right to enter the forest is afforded to all individuals in Austria.

However, a limitation on this right is established for forest areas for which the authority has ordered a prohibition of entry for specific reasons, forest areas with operational facilities, such as arboretums and seeding nurseries, wood-storage and wood-seasoning sites, storage places for material and machinery, buildings, operating sites for hauling facilities, except forest roads, including their areas of risk, reforestation areas and areas newly afforested.

Furthermore, any use of the forest that extends beyond mere recreational activities, such as camping in the darkness, tenting, driving or riding vehicles, or horse-riding, is only permitted with the consent of the owner of the forest. Additionally, if applicable, such activities may only take place on forest roads with the consent of the person responsible for maintaining the forest road. The practice of skiing in forests is permitted solely within the area of the ascending aids on duly marked pistes or ski routes. Cross-country skiing in the absence of clearly delineated courses is only allowed upon the undertaking of the necessary precautions. The utilisation of the forest extending beyond this, such as the establishment of route markers and the use of those routes,

is only permitted with the explicit consent of the forest owner. Such consent may be subject to specific limitations or restrictions concerning the designated categories or the designated times of use.

4.4. Forest owner/holder obligations and requirements.

- Which requirements or obligations regarding forest management are imposed on owners?

In accordance with Article 13 of the Forest Act, the forest owner has the obligation to reforest unstocked areas and sparse stands in protection forests in a timely manner, utilising locally suitable forest reproductive material. The reforestation process is deemed to be timely if the requisite measures, namely seeding or planting, have been properly carried out by the end of the fifth calendar year following the materialisation of the clear-felled area or sparse stand. In the event that natural regeneration occurs within a ten-year period, the reforestation area will be deemed to be fully stocked, provided that the regeneration is evidenced by seed, stool shoot or root sucker. The time periods granted for reforestation may be subject to prolongation by the authorities, for example, in cases of emergencies or natural disasters. In the event that regeneration (regeneration achieved by afforestation or natural regeneration) is not sufficient, it shall be enhanced on an ongoing basis until the desired outcome is achieved.

In accordance with Article 43 of the Forest Act, the owner of the forest, along with forest officers and forest protection officers, are obliged to monitor for and report any imminent threat posed by forest pests to the relevant authority without delay in the event of an increase in the number of forest pests that could potentially cause harm. The term "forest pests" is understood to encompass a range of invasive species, including animal pests such as insects or mice, plant pests, fungi, and viruses. If their incidence were to increase, these pests could potentially endanger the forest ecosystem or substantially reduce the value of the wood.

Furthermore, the forest owner is obliged to implement precautionary measures in a manner that is reasonably expected of them, with the objective of preventing the occurrence of dangerous damage to the forest by forest pests. Additionally, they are required to effectively combat forest pests that are already increasing in a threatening manner.

Forest owners must apply for a felling permit and provide information related to the planned activities, while permits are only granted when all requirements of the Forest Act are met. Authorities may impose conditions, require a security deposit, or deny permits, especially if reforestation duties have not been fulfilled. A decision must be issued within six weeks, after which owners may proceed in line with the law. Permits expire after five years or upon a change in ownership, except in cases of inheritance or family transfer (see Section 4.3).

- Is there a tax imposed on forest ownership?

The Austrian legislation does not impose a tax on forest owners.

- What type of permits the forest owner needs to manage their land?

Forest owners need permits to manage the land for the following actions:

- Forest clearing (Article 17 of the Forest Act);
- Free felling in protection forests (Article 22 of the Forest Act);
- Conduct installations causing forest-damaging atmospheric pollution (Article 49 of the Forest Act);
- Building haulage installations (Article 62 of the Forest Act);
- Clear felling of immature forest stands (Article 81 of the Forest Act).

Furthermore, under Article 87 of the Forest Act, the owner of the forest has to apply for a felling license. The license expires five years after the notice has acquired legal force.

- How is the control of forest harvest determined? Is there an obligation to mark every tree to be cut or retained?

Under Article 172 of the Forest Act, all forests are subject to supervision, consisting of the authorities monitoring compliance with the provisions of the Act, issued ordinances and individual orders or prescriptions. The relevant agents of the authority are entitled to enter the forest and require the owner, their officers and protection officers to provide information and evidence where it is deemed relevant to exercise supervision. Furthermore, they are allowed to conduct surveys in the forest, through, for example, collecting material to be analysed or undertaking measurements. The owner must be informed about the conduct of such works by the authorities.

The official marking shall be conducted with the use of a marking hammer, the mark of which is to be determined by order of the Governor of the Land.

- Are there technical, administrative or economic specifications on the forest products market? Are forest harvest contracts legally defined for public or private forests or for some specific types?

The Forest Act does not specify any regulations in regard to the forest product market. However, Article 177 states that contracts with owners of forests for the wholesale purchase of wood (all-in contracts) in high forest are prohibited and when concluded contrary to the prohibition, they are not legally valid.

- Is there an obligation to prevent forest fires or other risks?

Article 40 of the Forest Act states that it is prohibited to light or maintain a fire in a forest and areas where a fire would easily spread to forests by persons not authorised to do so, as is careless use of flammable materials and objects such as cigarettes or matches.

Authorised persons for lighting or maintaining a fire are the forest owner, their officers and protection officers as well as workers, persons having a written permit allowing them to do so granted by the forest owner and the owner of the land in the danger area with their agents.

The regulation of measures related to reporting forest fires, organising actions combatting forest fires, providing help with defence, combative action at the fire location, action to be taken after a forest fire and bearing the cost of fighting the fire are subject to Land legislation in the form of decrees.

As mentioned above, in Article 43 of the Forest Act, the obligation to monitor and subsequently report any forest pests is established. The following Article 44 states that the forest owner has to take precautionary measures against the risk of dangerous damage to the forest by pests and effectively combat forest pests which are already increasing in a threatening fashion.

- Is fencing or the use of forest roads regulated?

Article 59 of the Forest Act defines forestry haulage installations as forest roads and forest material cable railways. Further, a forest road is a non-public road intended for the traffic of power vehicles and carts, together with the associated construction facilities, which serves haulage and commercial transport within the forests and linking them with the public transport network, is constructed for a period of more than a year and where the ground movements related to the construction account for a change of more than half a metre compared to the earlier level or more than one third of the length if macadamised or paved.

A building permit is needed when a forest road will lead through an operational field for torrent and avalanche control or through protection forest or protective forest declared by official notice and if the construction project affects public interest of national defence, railway management, air transport, mining, post and telecommunications, public roads and power supply facilities (Article 62 of the Forest Act).

Apart from this, the Forest Act does not regulate the use of forest roads or fencing in itself.

- Is there an obligation for forest owners and/or forest managers to be associated?

Austrian law does not require forest owners or managers to be associated.

4.5. Forest manager/contractor obligations

- Which requirements or obligations on forest management are legally imposed on forest managers/contractors?

As mentioned above, Article 1 of the Forest Act requires the forests to be managed in a sustainable manner, aiming for safeguarding their multifunctional effects with respect to economic, protective, beneficial, and recreational functions.

Similar to forest owners, forest managers must comply with any felling permits issued, including all conditions, time limits, and reforestation requirements, and they are obliged to follow the

official marking rules – particularly the use of the Waldhammer for marking trees or stands when required under Article 172(7) of the Forest Act. Forest managers must ensure that all forestry operations are carried out safely and in accordance with legal standards, including proper harvesting, timber extraction, and protection measures. They are further required to respect Article 177, which prohibits wholesale timber purchase contracts (*Überhappsverträge*) in high forest, ensuring that no such unlawful agreements are made or executed.

- What legal rights does the forest manager/contractor have in your country?

The Forest Act establishes that forest managers (*Forstwirte*) prepare the partial Forest Development Plans for regional territories, which make up the overall Forest Development Plan encompassing the entire federal territory of Austria (Article 9). They also devise Technical Forestry Plans, which are drafted by the owner of the forest or by offices appropriate for this purpose, which includes representations and plans for the area of interest of the planning bodies (Article 10).

- Is there a requirement of a forest management plan? Are there detailed prescriptions on that?

Austrian law does not establish a legally binding requirement for forest management plans. However, the preparation of a forest management plan is a service that can be provided by private consultants with the objective of assisting with the efficient management of forests, frequently with an emphasis on sustainable practices[29].

- Is there an obligation to register the responsibility of forest manager/contractor?
    i. Is registration based on product income?
    ii. Is there a registration fee?

There is no requirement to register the responsibility of the forest manager or contractor under Austrian law.

- Is there a tax imposed on the forest manager? Is it based on income or hectares?

The forest manager is not subject to a specific tax. Instead, the income tax outlined in the Income Tax Act applies to the profit generated from the provision of services.

[29] For example, see here: https://www.meinbetrieb-meinezukunft.at/angebote/waldwirtschaftsplan/

5. Forest Management plans

- Are forest management plans required in the legislation of your country?
  - ☐ Yes
  - ☒ No

  Specify where and the conditions as well as the amount of forest land with plans

In Austria, forest management plans are not required under law. A forest management plan may be prepared on request by the forest owner by the regional Land Chamber of Agriculture and its main aim is to support the work planning and introduction of sustainable management practices, allowing for an increase in the potential generated income from forest products. The costs of such a service are defined by the Chambers of Agriculture and are dependent on the size of the forest area.

The so prepared forest management plan provides an overview of the individual forest stands and their performance potential with indication to possible secondary uses. Further expected benefits for the forest owner include an improvement in the condition and vitality of the forest, an optimisation of conducted work and consequently a reduction of forest maintenance and harvesting costs[30].

It is, however, a legal requirement to have a management plan in place for any area that has been designated as part of the Natura 2000 network. The designation of these areas and the subsequent preparation of the management plans is the responsibility of the relevant federal state authorities.
The prepared plans serve as a technical basis for the formulation of specific measures intended to reach nature conservation objectives and the evaluation of the development progress. The process of preparing the plans involves various stakeholders (local authorities, agricultural and hunting representatives, landowners)[31].

- Are there other type of plans required such as:
  - ☒ Technical Plan
  - ☐ Financial Plan
  - ☐ Exploitation Plan
  - ☐ Fire prevention Plan
  - ☐ Hunting Plan

[30] A flyer prepared by the Federal Ministry of Agriculture, Forestry, Regions and Water Management under the campaign "Unternehmen Landwirtschaft 2020" (*Company Agriculture 2020*) with information on forest management planning services can be found here: https://www.meinbetrieb-meinezukunft.at/wp-content/uploads/2017/06/Folder_Waldwirtschaftsplan_2014.pdf
[31] More information and the lists of management plans can be found on the websites of the Länder, for example, Burgenland, Niederösterreich, Vorarlberg, Steiermark.

Under Article 10 of the Forest Act, the Technical Forestry Plan is a forestry plan drafted by the owner of the forest or by a relevant office, which includes representations and plans for the area of interest of the forest area planning bodies. It can be devised by forest managers or civil engineers in forestry.

- Please indicate the minimum size of forest requiring a forest management plan?

N/A, no requirement for forest management plans.

- On which legal basis are they required? Are they legally binding or only guidelines?

N/A.

- Who has the responsibility for the implementation of forest management plans? Please include national, regional, and local levels as appropriate. Please distinguish between state and private ownership. Please distinguish between different protection status.

N/A. Forest management plans are required for Natura 2000 designated areas. As environmental protection is the responsibility of the federal states in Austria, regulations regarding the protected areas can be found in the Nature Conservation Acts of the Länder (*Naturschutzgesetze*). The areas are granted special protection (named *Europaschutzgebiete*) by ordinance of the Land governments.The Land government is further responsible for the supervision and documentation of the conservation status of natural habitats and wildlife[32].

- Are forest management plans being enforced?

As previously stated, the implementation of forest management plans is beneficial to forest owners, as they are not legally obliged to do so. The enforcement of management plans for Natura 2000 protected areas is the responsibility of the federal states.

- Is there an obligation to maintain a Forest Book (linked or related to the Farm Book of the Common Agricultural Policy (CAP)?

N/A

- How often do forest management plans need to be updated? Who is responsible for the update?

There is no established requirement for the periodic updating of forest management plans. In the case of Natura 2000 protected areas, the federal state legislation typically requires the Land authorities to conduct regular monitoring of the status of the protected areas, with a particular focus on priority natural habitat types and priority species, with no set timeframe.

- Are specific mechanisms put in place to guarantee that national legislation is in line with European guidelines and criteria on forest management plans (i.e. Natura 2000 Forest Management Plans?

[32] For example, the Nature Conservation Acts of Kärnten, Niederösterreich, Salzburg, Wien.

In light of environmental protection being a responsibility devolved to the federal states, it is the legislative authority at the Land level that is empowered to regulate these matters. The designation of protected areas by way of ordinance allows for the implementation of measures that may prohibit or require certain actions, as well as the possibility of authorising exceptional interventions at the discretion of the Land government.

- Are there any specific requirements for the forest management plans in terms of content, structure or criteria? If yes, please elaborate.

As stated, Forest management plans are only required for Natura 2000 designated areas. The areas are granted special protection by ordinance of the Land governments, and the ordinance defines the area boundaries of the protected area, the object of protection (species, natural habitat), the objectives for conservation and, if necessary, requirements and prohibitions related to the achievement of a favourable conservation status.

- Are there any supporting mechanism for the management plans? If yes, please elaborate.

In 2020, the federal government of Austria established the Forest Fund (*e*), which is an initiative of financial support with 450 million euros aiming to help with the promotion of biodiversity and climate-neutral economy transformation in Austrian forests. Funding is provided by the Federal Ministry of Agriculture, Forestry, Regions and Water Management under agreement with the Federal Ministry for Climate Protection, Environment, Energy, Mobility Innovation and Technology.

Detailed regulation on the Forest Fund are to be found in the Forest Fund Act (*Waldfondgesetz*). The objectives to be achieved under Article 1 of the Act are named to be the compensation of forest owners for loss of value and costs resulting from climate change, the reduction of infestation of Austrian forests by bark beetles, the development of climate-friendly forests and their biodiversity and the promotion of wood use as a raw material to actively contribute to climate protection.

The supported measures for which subsidies may be granted under Article 3 of the Act include, for example, reforestation and maintenance measures after damaging events, regulation of tree species composition to develop climate-resilient forests, compensation for loss value in case of bark beetle damage or forest fire prevention measures.

Funding under the Forest Fund Act can be approved until January 31, 2027 and paid out until January 31, 2029. Depending on the measure, applications for funding may be submitted on an ongoing basis or through special “calls”. Anyone who manages agricultural or forest enterprises may apply, as well as research institutions or, for example, agricultural communities and local authorities. The granted subsidies are dependent on the implemented measures and defined in the Standard costs for forestry measures document[33].

[33] More information can be found on the official website of the Forest Fund, here: https://www.waldfonds.at/

- Are there impact assessment required in your country in relation to the adoption of the forest management plans? What mechanisms are in place in your country to ensure that forest management plans are developed to ensure sustainable forest management practices? If yes, please elaborate.

As established in the Nature Conservation Acts of the federal states implementing the Article 6(3) of the Habitats Directive, an impact assessment plan is required for Natura 2000 protected areas when plans or projects are not directly connected to their management, but may affect them individually or in combination. The measures to be taken are assessed for their compatibility with the nature conservation objectives defined for the area and the implementation may only be authorised if it does not significantly affect the site as such, with the consideration of public consultations having to be conducted if deemed necessary.

In addition, as previously stated, Austria establishes the principle of sustainable forest management in Article 1 of the Forest Act, which requires forest owners and forest managers to utilise forest resources in a sustainable manner. This objective is to be achieved through the implementation of various provisions that prohibit or limit certain activities, or require permits for certain operations, with the aim of preventing damage to the forest.

- Are the Natura 2000 sites plans already implemented and well-coordinated or integrated with forest management plans? Are traditional forest activities recognized in those plans? Are there guidelines for small forest owners and managers on what they can and can't do?

There are currently no established guidelines for the integration of Natura 2000 site plans with forest management plans. However, the objective of the management plans for protected areas is to ensure the sustainable management of the areas in question, with the establishment of specific nature conservation objectives tailored to the designated area and its fauna and flora.

For instance, the management plan for the natural forest reserve, the "Naturwaldreservat Neckenmarkt - Lange Leitn" in Burgenland, defines, in addition to conservation goals, the measures to be taken, which are: the preservation and development of the structural richness of the forest stand, the facilitation of development towards a high forest with a mixture of tree species typical of the site and an envisaged expansion of the area. Furthermore, development proposals for the entire area are incorporated.

This guarantees the implementation of a targeted course of action, adapted to the specific characteristics of the area in question, on a case-by-case basis.

6. Sustainable forest management.

6.1. Sustainable forest management definition and forestry practices

- Is sustainable forest management (SFM) defined in your country?

  ☒ Yes
  ☐ No

The definition of sustainable forest management can be found in Article 1(3) of the Forest Act, which goes as follows: "*Sustainable forest management within the meaning of this Federal Act comprises the tending and use of forests in a way and at a rate that maintains their biodiversity, productivity, regeneration capacity, their vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions on local, national, and global level, and that does not cause damage to other ecosystems. In particular, when using the forest precautions shall be taken considering the long-term forestry production period and any existing plans to ensure that utilisation is retained for subsequent generations in line with the objectives of forestry*".

- Does the definition of SFM include specific objectives?

  ☒ Yes
  ☐ No

Apart from the general understanding of sustainable forest management as defined above, Article 1(2) of the Forest Act establishes the aim of this Law to include the preserving forests and forest soils, ensuring that forests are treated in a way that the productive capacity of the soil is maintained and its effects are sustainably preserved and, generally, guaranteeing sustainable forest management.

- Does your country have specific guidelines on Sustainable Forest Management? If yes, are those mentioned in the legislation?

  ☐ Yes, they can be found here:
  ☐ No
  ☒ Other sources defining or implementing Sustainable Forest Management

In addition to the measures mandated by law, the Austrian government addresses sustainable forest management in its Forest Strategy 2020+ policy document. The document delineates the challenges and possibilities facing Austrian forestry and proposes measures which may contribute to the effective management of national forests. While the content is not legally binding, the Strategy delineates the direction expected to be taken for national forestry policies to be implemented. This is seen as a shared effort between institutions and stakeholders at

different levels, which would lead to improved resource governance in the sector and be environmentally beneficial.

The Forest Strategy 2020+ comes with a work programme, which is considered to be an implementation instrument. It is a database-supported application which summarises proposals for measures suggested during the Forest Dialogue. The measures are proposed for respective strategic objectives and guided by indicators. The database is open for further measure proposals which will be discussed during the Forest Forums. The implementation status of each specific measure can be viewed in a progress report in the database. It contains information on completed, currently implemented or planned activities for the respective measures and the implementation degree expressed in per cent. The actors responsible for implementation are asked to update the status regularly.

Sustainable forest management guidelines are also implemented in Austria through certification programmes, notably the Forest Stewardship Council (FSC) and the Programme for the Endorsement of Forest Certification (PEFC), which set requirements for sustainable forest management, addressing effective management of forest resources, the maintenance of a healthy forest ecosystem, biodiversity conservation and socio-economic considerations.

- Does your country have a Forest Strategy and/or Forest Management Policy setting policy priorities that implement a SFM approach?

  ☒ Yes, they can be found here: https://info.bml.gv.at/themen/wald/walddialog/waldstrategie-2020/waldstrategie_paper.html
  ☐ No
  ☐ Other sources setting the Forest strategy/policy

- Which requirements/obligations result from the legally binding requirement for SFM?

  - For forest owners
  - For forest managers

In principle, the legal boundaries of sustainable forest management are defined in the Forest Act. The provisions of this Act require the forest owner and forest manager to contribute to the realisation of the sustainability principle when conducting forest governance. This is generally expected to be done by acting within the boundaries of the law and respecting the prohibitions and limitations set, which aim at protecting the forest.

- Are specific criteria and/or indicators to determine whether SFM is being achieved? Where are they described (see table below)?

As indicated above, the Forest Strategy 2020+ sets out objectives which come with proposed measures, documented and listed in the work programme. In this database, there is a detailed overview of the measures and their implementation status with the possibility of following their progress.

Additionally, in 2018 the Forest Fund stakeholders prepared a document in cooperation with the International Forest Policy Contact Group of the Federal Ministry of Agriculture, Forestry, Regions and Water Management delineating how the Austrian forestry- and timber sector contribute to the achievement of the global sustainability development goals (SDGs). Under this concept, in 2015 Member States of the United Nations committed themselves to working towards the implementation of 17 goals at national, regional and international level by 2030, which are subsequently monitored for progress[34].

- Are some forest managers implementing sustainable forest management practices voluntarily? If yes, how are these voluntary management practices taking place? Through citizen initiatives, local initiatives, or other ways? Please explain how forest managers ensure that forest management practices are sustainable.

In general, any measure that goes beyond the legal framework of the Forestry Act and contributes to the achievement of the overarching principle of sustainable forest management would be voluntary. In Austria, however, the concept of sustainable forest management has a long tradition.

In order to submit themselves to sustainable management of their forests, forest owners may choose to associate themselves with organisations that are dedicated to the sustainability principle. An example of such an organisation is the Land&Forst Betriebe Österreich, which has already been mentioned above.

Additionally, forest owners may choose to seek out a sustainability certificate for their forest to improve credibility. In Austria, more than 75% of forests are certified, predominantly through the PEFC certification. The certification process is perceived as an economically and ecologically advantageous one for forest owners, given the growing demand for wood products derived from certified forests and the increasing importance of quality purchases, which contributes to environmental causes[35].

- Which mechanisms are put in place to support the implementation of SFM? Which measures are in place to monitor implementation of the SFM?

As mentioned above, the work programme for the Forest Strategy 2020+ allows to follow progress on specific measures taken in relation to sustainable forest management.

As a support strategy, the creation of the Forest Fund which grants subsidies for the implementation of measures aiming at forest protection and conservation is a considerable mechanism set up by the Austrian federal government.

[34] The document and more information in this regard can be found here: https://info.bml.gv.at/service/publikationen/wald/-sterreichs-Wald-und-die-globalen-Nachhaltigkeitsziele.html

[35] More information to be found here: https://www.waldgeschichten.com/fakten-wissen/wald-und-zertifizierung/

- Which forest management practices are required or prohibited by law in your forest/country? Please check below the proposed forest management practices and add supplementary ones if missing (Please include explanation of the legal requirements of the relevant techniques).

☒ Closer to nature silviculture practices

Through signing the resolutions of the Ministerial Conference on the Protection of Forests in Europe in Helsinki in 1993, Austria established a Natural Forest Reserve Programme. While the administration and legal matters are under the supervision of the Federal Ministry of Agriculture, Forestry, Regions and Water Management, the Federal Research Centre for Forests is responsible for the selection and management of the areas. The natural forest reserves are intended for the natural development of the forest ecosystem, where no direct human influence is being exercised, which enhances the nature conservation value and biodiversity. The aim is to achieve a tree species composition and stand structure of the natural vegetation conditions as closely as possible. The forests serve mainly a research and education purpose.

The federal government offers forest owners contracts for the duration of 20 years in which the contractual partner obliges themselves to refrain from the use, especially in an economic sense, within the reserve. The forest owners participate in the management and supervision of the forest[36].

☒ Clear-cutting

Article 80 of the Forest Act prohibits clear felling in immature high forest stands, as well as removal of single trunks going beyond the extent required for tending purposes. The relevant authority may grant an exemption permit on application if the felling is deemed necessary.

Under Article 82 of the Forest Act, clear felling is prohibited under instances where it permanently reduces the productive power of the forest soil, considerably or permanently impairs the water regime of the forest soil, brings about more severe rainwash or drifting of forest soil or endangers the effect of protection forests or protective forests. Furthermore, major clear felling in high forest is not allowed, unless an exemption is granted on application in exceptional circumstances.

Furthermore, an official permission under Article 85 of the Forest Act is required for:

- Clear felling and single trunk removal on a coherent area from a size of half a hectare upwards;
- Clear felling and single trunk removal equivalent to it, if the felling area envisaged, irrespective of property boundaries, directly borders unstocked areas or areas where regeneration is not certain and if, in the case of felling, the total unstocked area resulting

[36] More information can be found here: https://info.bml.gv.at/themen/wald/wald-in-oesterreich/wald-und-biodiversitaet/naturwaldreservate.html

from it or the envisaged felling area together with the area on which regeneration is not certain would amount to half a hectare or more;

- Felling in forests which because of infringements by the owner of the forest require special supervision by the authority laid down by notice of that authority.

☐ ~~Shelterwood system~~
☐ ~~Selective logging~~
☒ Afforestation and reforestation to enlarge forest areas

Under Article 13 of the Forest Act, the forest owner is obliged to reforest unstocked areas and sparse stands in protection forests in good time using locally suitable forest reproductive material. Reforestation has to take place by means of natural regeneration if, within a period of ten years, there is a natural regeneration by seed, stool shoot or root sucker which gives rise to the expectation that the reforestation area will be fully stocked. If necessary, regeneration must be improved continuously until it has been ensured.

☐ ~~Controlled burn~~
☐ ~~Mandatory salvage logging~~
☐ Other …….

- Are there limitations on the management models to be applied, like clearcuttings or their sizes? Is there a ban on clear cutting linked to SFM?

The limitations imposed on clear felling are mentioned in the answer above.

- Is there a defined/legal target for forest land to be managed for conservation and species protection objectives in your country or region?

N/A

- Are there forest owner obligations related to forest restoration after harvest?

Pursuant to Article 13 of the Forestry Act, the forest owner is obliged to reforest unstocked areas and sparse stands in protection forests in a timely manner with locally suitable forest reproductive material. Reforestation is deemed to have taken place in good time if the necessary measures (sowing or planting) have been duly carried out by the end of the fifth calendar year after the area or sparse stand was cleared. In addition, reforestation shall be considered to have taken place by natural regeneration if, within a period of ten years, natural regeneration by seed, stool shoot or root sucker has taken place, giving rise to the expectation that the reforestation area will be completely covered.

6.2. "Closer-to-nature" guidelines and practices

(This section relates to the Commission Guidelines on Closer to nature forest management but also Commission guidance on payment schemes for forest ecosystem services both aiming to provide information and guidance for sustainable forest management)

- Has your country incorporated the newly published Commission guidelines in their legal or regulatory framework?

Austria has not incorporated the guidelines so far.

- Has your country recognized under law/regulatory measure a closer-to-nature approach in forest management? If yes please provide the source where this is explained and elaborate below.

☐ Yes: in the Strategy that can be found here: .....
☒ No

With the exception of the Nature Forest Reserves Programme, as described above, which is not regular practice, however.

- Does your country have legislation/measures setting specific biodiversity targets/management objectives for sustainable forest management at a national or regional level?

☒ Yes, at national level – they can be found here:
https://info.bml.gv.at/themen/wald/walddialog/waldstrategie-2020/waldstrategie_paper.html and https://www.bmk.gv.at/themen/klima_umwelt/naturschutz/biol_vielfalt/biodiversitaetsstrategie/biodiversitaetsstrategie_2030.html
☐ Yes, at regional level – they can be found here: .....
☐ No

Please describe them and elaborate:

The Austrian Forest Strategy 2020+ includes biodiversity objectives in its strategic programme. The section on biodiversity is divided in the following strategic goals:

- Increasing the proportion of forest habitats with a favourable conservation status and promoting forest species of European and national importance;
- Conservation, improvement and restoration of forest biodiversity on the entire Austrian forest area;
- Maintenance and promotion of undisturbed dynamic development of specially selected forest areas where the legal requirements allow this, and the balance of interests is ensured;
- Conservation or development of ecologically and culturally relevant forest habitats characterised by certain traditional forms of management;

- Ensuring the optimisation of forest habitat resources, taking into account long-term habitat continuity as far as possible;
- Ensuring the functions of the forest in the biotope network, taking into account neighbouring habitats;
- Promotion of research and modern knowledge management on all dimensions of forest biodiversity and strengthening the motivation to implement management measures for the conservation and expansion of forest biodiversity.

The Austrian Biodiversity Strategy 2030+ (which followed the Austrian Biodiversity Strategy 2020+) is a further policy document which sets out targets and requirements with the objective of improving biodiversity conservation in Austria's natural habitats altogether. A variety of sectors with an association with biological diversity are addressed, including forest ecosystems. The strategy outlines measures relevant to forestry, including deadwood management, forest land fragmentation, invasive tree species and hunting.

For forests, listed objectives include:

- An increased naturalness of forest stands;
- An increased stability and resilience of protection forests;
- An increased proportion of forests with heterogenous age structures;
- The introduction of more natural tree species in reforestation;
- An increased, measurable biodiversity in the forests;

The integration of biodiversity conservation and enhancement in forest management adapted to climate change.

Regarding environmental regulation, since nature protection and conservation fall within the competence of the federal states, provincial law may apply in these matters.

6.3. Climate change and Forest carbon absorption

- Does your country have legislation/measures setting specific climate change targets or objectives for sustainable forest management at a national or regional level?

The Austrian Forest Strategy 2020+ considers the role of forests in the process of climate adaptation as one field of action. The chapter is divided into the following set strategic objectives:

- Active contribution of the forestry and timber sector to climate protection and the adaptation of forests to climate change;
- Best possible substitution of fossil fuels or raw materials with higher life cycle emissions;
- Expansion of the forest area in regions with low forest resources as far as ecologically, economically and socially justifiable;
- Improving the level of knowledge regarding the effects of advancing climate change and increasing extreme events on Austrian forests, their health, functions and effects;
- Increased information, motivation and promotion of measures for active climate protection;
- Stabilisation and long-term preservation of the functions of forest ecosystems with regard to emerging climate changes;
- Conservation, improvement or restoration of the carbon stock and carbon storage capacity of forest soils and forest vegetation, as well as peatlands, peatland edge forests and other forest wetlands.

Furthermore, under the Articles 13-19 of the Forest Act, forest owners must ensure the sustainable preservation and management of their forests. This includes a strict obligation to reforest cleared or damaged areas within the legally required timeframe, to maintain regeneration until it is fully secured, and to avoid any actions that could lead to forest devastation, soil degradation or increased erosion risk. In addition, they are responsible for ensuring that all management practices support the long-term stability of the forest ecosystem.

In Austria, carbon accounting under the LULUCF Regulation (Regulation (EU) 2018/841) is carried out exclusively at the national level by the federal government, which submits a single consolidated LULUCF inventory for the entire territory of Austria[37].

[37] The National Forestry Accounting Plan for Austria can be found here: https://www.bmluk.gv.at/dam/jcr%3Ae3d9c637-d45c-45e9-bdac-3d8152cfaf7b/Anrechnungsplan_Forstwirtschaft_ua.pdf

7. Forest land market

NOTE: The key objective is to identify and present information on the basic legal framework regulating market of forest land and inheritance processes.

- Are there specific legal requirements or limitations when selling and buying forest land?

In Austria, transactions involving forest land are not governed solely by federal law but are also subject to the provincial Land Transfer Acts (*Grundverkehrsgesetz*). Each Land (e.g., Tirol, Salzburg, Steiermark) requires administrative approval for the acquisition of agricultural and forest land, and may impose additional conditions such as residence requirements, obligations to personally manage the property, or proof of sufficient forestry qualifications. Furthermore, the protection status of a plot – particularly if it lies within a designated nature reserve or a Natura 2000 site – may restrict permissible uses and, in some cases, influence or delay approval of transfers.

The acquisition of forest land is subject to the approval of the Land Transfer Commission. In the event that the purchaser lacks the necessary training in forestry, the Land Transaction Commission may require attendance at training courses in this field. The objective is to equip prospective landowners with the knowledge required to manage their forests effectively and sustainably.

The training programme, which provides an overview of forest management, is a prerequisite for the purchase of up to two hectares of forest land. In the span of two days, the fundamental principles of forestry production and harvesting techniques are introduced, alongside an overview of the institutions and stakeholders involved in Austria's forestry industry. The scope of the training programme proposed by the Land Transaction Commission is also expanded in accordance with the size of the purchased areas[38].

This requirement is not applicable in instances of inheritance of forest land.

- Are there limitations to divide the land by selling or inheritances?

Limitations to the division of forest land can be found in federal state legislation. For instance, the division of forest into parcels less than 1 hectare in area and less than 40 metres wide is prohibited under the Oberösterreich Forest Division Act (*Waldteilungsgesetz*). However, under the Steiermark Forest Protection Act (*Waldschutzgesetz*), the division of forests into parts of land that do not have an area of at least 0,5 ha and a minimum width of 25 metres is not permitted.

- Are there institutions/bodies providing information related to the forest land market?

Although there is no public body that is specifically tasked with providing information on the forest land market, those who are interested in acquiring forest land may wish to seek out private consulting services in this regard. Furthermore, the Chambers of Agriculture at the Land Level

[38] More information to be found here: https://www.waldwissen.net/de/waldwirtschaft/betriebsfuehrung/recht-und-gesetze/walderwerb

provide services related to land and stock value estimation, issuing expert opinions at the request of interested forest owners[39].

Private businesses offering consulting services regarding forest land purchase include, for example, Kohlross or Forstberatung DI Robert Kretz.

- Are there institutions/bodies contributing to dynamize that market, like forest land banks or advisory bodies (similar to the CAP advisory bodies) and others? Is there regular information on the amount of forest land transferred and the prices of transmissions? (Information on this market is usually missing)

In general, banks do not play a significant role in the forest land market, beyond providing financing for purchases. No specific advisory bodies have been identified in this regard. Furthermore, information on transactions related to forest land is not publicly available.

- Are there regulations of forest land leasing? Are they common with agricultural land or independent and with specific requirements?

There are no specific regulations governing the leasing of forest land in Austria. However, the applicable lease contract, as set forth in Article 1090 of the General Civil Code, encompasses the transfer of agricultural and forestry land and premises for the purpose of utilisation in exchange for payment.

The leaseholder is bound by the terms of the lease to manage the leased property in a responsible manner and to pay the rent in a timely fashion. Furthermore, the leaseholder bears responsibility for the routine repair of the property, provided that the costs can be recovered from the business. The lessor is responsible for maintenance of the land.

- Are there obligations and or access to insurances for forest land or forest activities?

While forest insurance is not a mandatory requirement in Austria, a number of insurance providers offer such services. The forest is typically covered by an agricultural insurance scheme, which may provide protection against a range of risks, including fire, storm and water damage, as well as accidents and legal liabilities, hail damage and specific coverage for cultivated plants.

Some forest associations, like the Oberösterreich Forest Association (*Waldverband OÖ*) or Kärnten Forest Association (*Waldverband Kärnten*) offer a collective forest fire insurance in co-operation with insurance providers for its members, which offers a special, favourable rate.

Furthermore, the federal government grants subsidies for insurance companies which offer insurance against forest fires in Austria. The funds in question are to be used exclusively to reduce the premiums payable by policyholders for insurance against forest fires. Territorial authorities and their operations are not subject for receiving premium subsidies. The subsidy is set equally for all policyholders as a percentage of the premiums for insurances. The percentage of the subsidy and the details for carrying out the proceedings are set out in an ordinance issued in

[39] See for example the Chamber of Agriculture in Oberösterreich or Niederösterreich.

consultation with the Federal Minister of Finance. The Minister of Agriculture, Forestry, Regions and Water Management oversees the use of the subsidies in accordance with their dedication and on request, insurance companies must provide the necessary information together with relevant documents for inspection.

- Are there specific regulations providing, facilitating or limiting access to financial credits for forest activities or mortgages on forest land?

There is no specific regulation on financial credits for forest activities or mortgages on forest land. However, together with the Länder, the federal government of Austria provides support in the form of an interest subsidy when farmers and foresters apply for an agricultural investment loan from their responsible bank in connection with an investment in agricultural production. The interest subsidy on the outstanding loan volume is 50% of the gross interest rate charged. The duration of the agricultural investment loans is between a minimum of five and a maximum of twenty years. These loans are intended to facilitate larger individual investments, such as the construction of livestock buildings in agriculture[40].

[40] More information can be found here: https://transparenzportal.gv.at/tdb/tp/leistung/1068196.html

8. Forest companies, Forest incentives and taxation.

Forest Companies

- Is there a register of forest industries? Is there a register of forest contractors?

There is no register of forest industries or forest contractors in Austria, however, companies are registered in the commercial register. The commercial register (*Firmenbuch*) is a public register kept by the regional courts (in Vienna by the Vienna Commercial Court, in Graz by the Graz Regional Court for Civil Matters). The purpose of the register is to record and disclose facts that must be entered in accordance with commercial law. Each legal entity is assigned a number in the company register.

- Is there any specific regulation on forest ownership, forest cooperatives or other types of forest companies or are they all regulated under the Company Law?

There is no specific regulation of forest companies in Austria, but general company law applies. The Austrian Commercial Code (*Unternehmensgesetzbuch*) regulates the rights and obligations of companies. This includes, for example, information requirements, the procedure for the sale of a company, accounting, registration in the commercial register, and company-related transactions.

Forest cooperatives and companies are subject to agricultural and forestry specific regulations in addition to general commercial law.

- Do small forest owners have access to the status of forest companies?

In principle, this could be done by setting up a company. When setting up a company, the prospective entrepreneur must decide on a legal form, choose a company name, clarify the financing and complete the formalities, including with the tax office.

Forest incentives and taxation

Along with providing consulting services, some forest associations provide their members with the option to purchase insurance against forest fire damage at a favourable price as part of a bundled insurance policy[41].

- Are there effective subsidies for forest owners and managers to implement SFM? And/or to carry out biodiversity conservation measures? If it does exist, please compare the total amount paid at national level in the last 3 years with available information with the amount defined as necessary at the Prioritised Actions Framework.

As already mentioned under 'Forest Management Plans', the Austrian Forest Fund (*Waldfonds*) was established with the aim of developing climate-resilient forests, promoting biodiversity in forests and increasing the use of wood as a raw material as an active contribution to climate

[41] For example, https://www.waldverband-ooe.at/ueber-uns/waldbrandversicherung.html, https://waldverband-ktn.at/neu-guenstige-waldbrandversicherung-nur-fuer-mitglieder/

protection. Among other things, reforestation, maintenance measures, the construction of wet and dry storage facilities for damaged wood and mechanical debarking as a forest protection measure are subsidised.

The Forest Fund includes important measures to promote biodiversity in forests. The main focus is on areas of high conservation value, the creation of scientific or practical bases, and the management and development of protected areas. If the landowner decides to do so, external use is possible in the form of natural forest reserves, natural forest areas or stepping stone biotopes.

The Austrian government has allocated EUR 450 million for financing through the Forest Fund.

- What taxes are applicable to Forest companies and forest owners?

Agricultural and forestry property is subject to property tax like any land owned in Austria. There are state-specific property tax exemptions in the Länder. The assessment basis for property tax is the standardised assessed value for the assessment period.

The annual amount is determined by the municipality in a tax assessment notice. However, the tax authorities are responsible for valuing the property and determining the property tax assessment amount.

Furthermore, legal entities in Austria are subject to corporate income tax. Corporation tax is calculated on income determined in accordance with the regulations on income tax, whereby, in the case of corporations, all income is classified as income from business operations.

Corporation tax is 23% of taxable income, irrespective of the amount of income. Unlike personal income tax, corporation tax is a flat rate tax, rather than a progressive rate.

9. Enforcement: Forest control and penalties.

- Are there specific measures in place to enforce compliance with the legal requirements on forest management?

  Please list only the legislative measures including the responsible body that are specific to forest management requirements.

Article 174 of the Forest Act contains comprehensive provisions on penalties for violations of forest law. It lists the administrative offences, such as failure to comply with the prohibition of deforestation, failure to carry out reforestation or illegal logging, etc., and the related fines and imprisonment as penalties.

The offences are categorised into three groups (a), (b) and (c), which correspond to the most serious offences, with the most significant penalties, and those with the least severe penalties. The sanctions are established as follows:

- in cases of point (a), a fine of up to EUR 7,270 or with detention of up to four weeks,
- in cases of point (b), a fine of up to EUR 3,630 or with detention of up to two weeks,
- in cases of point (c), a fine of up to EUR 360 or with detention of up to one week.

Additionally, Paragraph (3) of the Article lists other types of administrative offences, including the unauthorised use of forests for recreational purposes, littering in the forest, and participation in mushroom or berry picking events. For these, the applicable fines range from EUR 150 to EUR 3,630, with the potential for a detention penalty of up to two weeks.

Forest Protection Officers and Forest Engineering Officers of the authorities have the power to issue penal orders.

In addition to the general penalty provisions in Article 174, the Forest Act classifies unauthorised fellings and clearings as administrative offences. Under Articles 17-19 and Articles 80-82 of the Forest Act, the removal of forest without approval, failure to comply with reforestation obligations, or conducting clear-cutting beyond permitted limits constitutes a breach subject to administrative sanctions. Besides fines, the competent authority may also issue binding reforestation or restoration orders to remedy the unlawful clearing. Administrative proceedings are carried out by the district authority (*Bezirksverwaltungsbehörde*), and penal orders may be issued by Forest Protection Officers or Forest Engineering Officers. Decisions may be appealed to the provincial governor (*Landeshauptmann*), who acts as the appellate authority under the Forest Act.

10. Conclusions

10.1. Legal or regulatory barriers for SFM

- What are the main legal and regulatory barriers and enablers affecting the implementation of SFM in your country?
    - Forest law is the responsibility of the federal government, while environmental and nature conservation law is the responsibility of the federal states. This can lead to discrepancies in implementation between the federal states themselves and depends on how the federal states enforce the federal forest law. A lack of coordination may manifest, for example, in duplicative permitting procedures or insufficient alignment with Natura 2000 requirements.
    - Most of Austria's forests are privately owned, and the plots are small and fragmented. As the number of small forest owners has increased significantly in recent years, most of them don't have a background in forestry and may lack the skills and knowledge to manage the forest land in a sustainable and efficient way. Although it is compulsory for people who buy forest land to attend courses to improve their knowledge of forestry, people who inherit forest land are exempt from this obligation, although they still account for a significant number of forest owners.
    - The land transfer regulations (*Grundverkehr*) governing the acquisition of forest land are determined at the provincial level. Consequently, the applicable rules vary across the federal states, which can result in legal uncertainty and interpretative complexity.There are no specific provisions on the role of forest owners and managers, and although the law lists certain obligations and prohibitions, it would be useful to define their tasks and functions in more detail.
    - There is no legal requirement for forest management plans, their preparation is voluntary for forest owners and can be carried out by private service providers. The lack of such a requirement may lead to less structured forest management.
    - A consulted forestry association mentioned that despite the well and strictly regulated forestry law, a very high bureaucratic effort is still necessary[42].
    - An industry association affirmed that complex procedures, provincial differences, and limited capacity are barriers encountered.

[42] Consultations with forestry associations from Austria took place in September 2025. Their input has been addressed and included within this report.

- Are there specific legal and regulatory barriers or challenges to implement a closer-to-nature approach in forest management in your country?

Austria has not incorporated the "closer-to-nature" guidelines so far in its legal or regulatory framework, however, some of the objectives are being realised in the Nature Forest Reserves Programme. It should be noted that the implementation of measures to safeguard biodiversity in forest ecosystems depends on the willingness and cooperation of forest owners. This could also prove to be a challenging task since, as mentioned above, the current forest ownership structure has a large majority of small private forest owners who may not have much specific forestry knowledge.

- What are the main legal drivers for implementing a closer-to-nature approach in forest management for relevant actors?

Austrian law enshrines sustainable forest management in the Forest Act and requires forest owners and managers to put this principle into practice when carrying out forest activities. While no specific obligations are linked to the principle itself, Austria supports related objectives through policy documents such as the Forest Strategy and the Biodiversity Strategy, which are aligned with EU strategies and policies. Also important are the established subsidies under the Forest Fund to encourage and support forest owners in implementing measures to improve forest health and ecosystem protection.

10.2. Legal or regulatory gaps in national forest legislation

Please provide key conclusions based on the information referred to in previous sections.

- Divergent competences with regard to forest law and environmental issues. Forest law remains the responsibility of the federal government, while nature conservation and environmental protection are the responsibility of the federal states, which may result in a weak coordination between the respective regulations.
- Fragmented forest ownership. A significant amount of forest land is privately owned, with small parcels. This can be a challenge for coherent management.
- Lack of requirement for forest management plans. The preparation of forest management plans is voluntary for forest owners and is more likely to be driven by economic considerations that would benefit the owners, rather than a focus on sustainable practices.
- Forest owners and managers. Forest owners and managers are not explicitly mentioned in the law. Rather, their activities are regulated by provisions requiring or prohibiting certain actions.

National experts on forest legislation and references

- Please provide the names and contacts of 3 to 5 experts in forest legislation in your country,
    - Dipl.-Ing. Mag. Peter Herbst, lawyer and forestry expert, peter.herbst@waldrecht.at
    - DI Dr. Katharina Lapin, head of the Department for Forest Biodiversity and Nature Conservation at the Austrian Research Centre for Forests (BFW), katharina.lapin@bfw.gv.at
    - DI Johannes Wall, Head of department of the forestry advisory team of the Upper Austrian Chamber of Agriculture, forst@lk-ooe.at
    - Dipl.-Ing. Franz Lanschützer, Head of department of the forestry advisory team of the Salzburg Chamber of Agriculture and Executive Board of Waldverband Salzburg, franz.lanschuetzer@lk-salzburg.at
    - Prof. Dr. Rupert Seidl, Professor for Ecosystem Dynamics and Forest Management in Mountain Landscapes at the Technical University of Munich, rupert.seidl@tum.de

- Provide key books or articles analysing the national and/or regional forest legislation in your country, particularly if they compare it with other countries, if they analyse the effect in actual management of SFM.
    - Nichiforel, L., et al., 'Two decades of forest-related legislation changes in European countries analysed from a property rights perspective'. *Forest Policy and Economics*, (2020), 115, 102146. https://www.sciencedirect.com/science/article/pii/S138993411930526X
    - Jäger, F., '*Forstrecht. Kommentar*', (2003), Verlag Österreich -- the only commentary on forestry law published to date in austrian law

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