milieu
Law & Policy Consulting

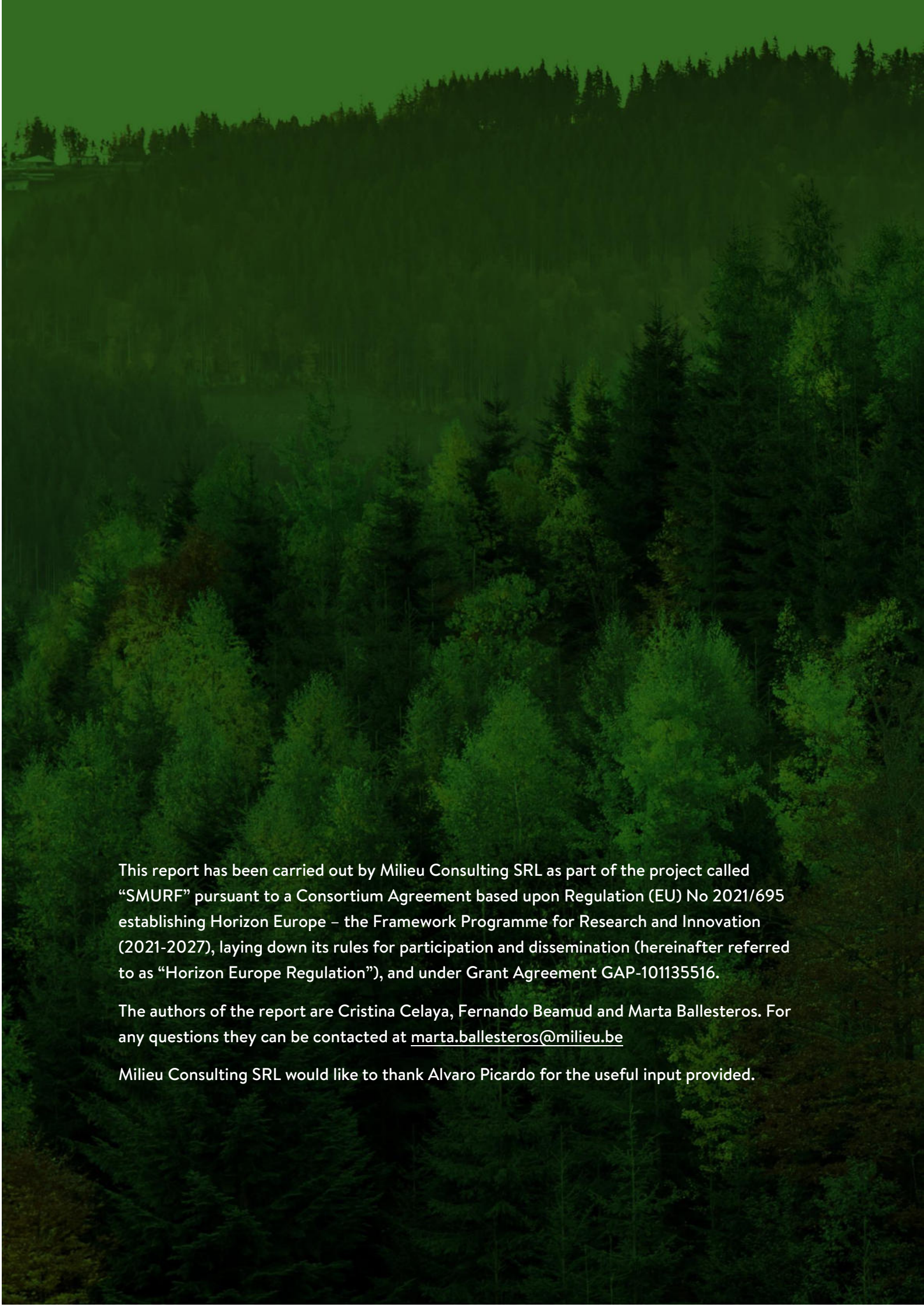
Legal and regulatory framework applicable to Small Forest Owners and Sustainable Forest Management

Country Fact Sheet
Spain

SMURF
THE FOREST OWNERS' PROJECT

Grant Agreement GAP-101135516.
June 2025

Funded by
the European Union



This report has been carried out by Milieu Consulting SRL as part of the project called "SMURF" pursuant to a Consortium Agreement based upon Regulation (EU) No 2021/695 establishing Horizon Europe – the Framework Programme for Research and Innovation (2021-2027), laying down its rules for participation and dissemination (hereinafter referred to as "Horizon Europe Regulation"), and under Grant Agreement GAP-101135516.

The authors of the report are Cristina Celaya, Fernando Beamud and Marta Ballesteros. For any questions they can be contacted at marta.ballesteros@milieu.be

Milieu Consulting SRL would like to thank Alvaro Picardo for the useful input provided.

Table of Contents

Executive Summary 4
Introduction 5
1. Basic legal and regulatory framework applicable to small forest owners 7
1.1. Context to the legislation 7
1.2. Basic legal instruments 7
1.3. Basic Regulatory framework 10
2. Governance and institutional framework 12
2.1. Distribution of competences between the State and Regional authorities. 12
2.2. Key representation organisations of the forest sector 18
3. Forest land ownership structure 22
3.1. Data of national forest ownership structure 22
3.2. Definitions of forest ownership in your country 24
3.3. Forest ownership types in your country 26
3.4. Proof of ownership: Land registry and Cadastre 29
4. Rights and obligations: forest owner/holder and forest contractor 34
4.1. Overview 34
4.2. Legal rights of the forest owner/holder 35
4.3. Limitations to the rights of forest owner/holder 37
4.4. Forest owner/holder obligations and requirements. 44
4.5. Forest manager/contractor obligations 51
5. Forest Management plans 53
6. Sustainable forest management. 62
6.1. Sustainable forest management definition and forestry practices 62
6.2. “Closer-to-nature” guidelines and practices 71
6.3. Climate change and Forest carbon absorption 72
7. Forest land market 74
8. Forest companies, Forest incentives and taxation. 78
Forest Companies 78
Forest incentives and taxation 80
9. Enforcement: Forest control and penalties. 83
10. Conclusions 85
10.1. Legal or regulatory barriers for SFM 85
10.2. Legal or regulatory gaps in national forest legislation 87
11. National experts on forest legislation and references 89

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

Executive Summary

Spain's forest legal framework applicable to forest owners is defined by a multi-level array of legal instruments that includes national legislation, notably the Forest Law 43/2003, as amended by Law 10/2006, and regional (autonomous community) laws and regulations. The Forest Law explicitly aims to ensure the sustainable management, conservation, protection, and enhancement of forest ecosystems, while also promoting their economic and social functions. The legal framework includes other sectoral legislation, including civil law, company law or taxation reflecting such forest multifunctionality. The Governance of forest management in Spain reflects the administrative structure with a high level of decentralisation, leading to legal differences in the regions, which exacerbate the challenges for forest owners to understand their applicable legal framework.

Forest ownership in Spain is fragmented and diverse, with 72% of forest land under private ownership and the remainder 28% in public hands. There is no official data on the number of forest owners and forest holdings nor a register covering all forest holdings, but it is estimated that there are around 6,0 million forest owners in Spain with an average forest holdings size of around 6,5 ha and more than 1,41 million forest owners in collective forest holdings.

Cadastral registration is obligatory for landowners and serves as a legal tool for clarifying ownership and resolving conflicts. However, ownership registration in the Property Registry is not mandatory and, in practice, forest property rights are often unclear or outdated, which complicates the enforcement of rights and obligations, especially for small forest owners. While land consolidation schemes were promoted at a national level between 1950 - 1990, and currently by some Autonomous Communities, land fragmentation remains high. Community owned forests have the possibility to register as limited liability companies or communal companies as recognised by Directive 2025/25 facilitating decision making processes through qualified majority voting.

Forest owners, holders, and managers are subject to a range of rights and obligations. These include the right to manage their land and benefit from its use or the right to subsidies or financial support. Key duties are related to fire prevention, compliance with relevant regional forest management plans, and obtaining permits for certain activities. Forest planning obligations vary by ownership size and region, with simplified management tools available for small forest holdings. Spain promotes sustainable forest management (SFM) through both regulatory and voluntary instruments. Regional forest plans, technical management instruments, and forest planning obligations underpin SFM implementation. Although forest certification remains voluntary, schemes such as PEFC and FSC are gaining ground, particularly in public forests.

A range of economic instruments supports forest management, including subsidies, tax incentives, and payments for ecosystem services. Public financial support is often provided

through regional rural development programmes. However, the forest land market in Spain is relatively inactive due to the low profitability of forest land and structural issues such as unclear property rights and the small size of holdings.

Key recommendations to support small forest owners include: promoting cadastral and ownership registration encouraging cooperation between forest owners through company registration and land consolidation; simplifying legislation and improving access to support measures for smallholders. Greater alignment and cooperation across regional and national authorities would also help streamline forest management and support implementation of sustainable practices.

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

Spain has one of Europe's largest forest areas with 28 million hectares in 2021 after Sweden and Finland, meaning that 37% of its territory is covered by forest[1]. More than 70% of the forest land in Spain is owned by private owners and the rest is publicly owned[2], and while 83% of privately owned forest are used commercially for timber and other forest products (such as cork) the majority of forest land in Spain is managed with the essential objective to ensure the conservation of biological diversity, the regulation of the hydrological cycle and the fight against desertification as well as providing space for leisure and enjoyment for society as a whole[3]. However, climate change, forest fires and forest abandonment with the consequent lack of management are major threats to Spanish forests.

In Spanish Autonomous Communities, the regional environmental authority is responsible for Regional Forest Programmes while the regional civil engineering authority is responsible for the land planning programmes[4].

1.2. Basic legal instruments

The legal system in Spain is based on the Rule of Law principle, including the separation of powers between the legislature, the executive, and the judiciary. The sources of law in Spain are:

- The Constitution
- Primary Law:
    - Organic Laws: require a more qualified majority than ordinary laws and refer to certain matters of special constitutional relevance.
    - Ordinary Laws.
    - Royal legislative decree and Royal decree-law: laws adopted by the government either by delegation of the legislature (royal legislative decree) or in case of extraordinary and urgent necessity (royal decree-law).
- Secondary law: Royal Decrees and Ministerial Orders.

[1] Eurostat Statistics Explained

[2] MITECO, Tipologia de la propiedad forestal

[3] Forest statistics report 2023, available at: https://www.miteco.gob.es/content/dam/miteco/es/biodiversidad/estadisticas/forestal-anuario-2023.pdf. Objectives can differ among regions. For instance, in Catalonia, as stated by a consulted forestry association, the main objective that motivates the implementation of forest management is the prevention of fires, the fight against pests and diseases and the extraction of forest products. To consider for the whole report: consultations with forestry associations from Spain took place in September 2025. Their input has been addressed and included within this report.

[4] This framework can differ in some regions. For instance, in Catalonia, as stated by a consulted forestry association, the agriculture authority (Department of agriculture, livestock and fisheries) is responsible for RFPs and the environmental authority (Department of Territory, Housing and Ecological Transition) is responsible for the land planning programmes.

Regarding the relevant legal and regulatory framework for forestry policy, the Spanish Constitution, approved on 27/12/1978, establishes in its article 45, accessible here, that everyone has the right to enjoy an environment suitable for the development of the person, as well as the duty to preserve it. Further it requires public powers to ensure the rational use of all natural resources, in order to protect and improve the quality of life and defend and restore the environment, relying on the indispensable collective solidarity. Finally, it requires the need to adopt criminal or, where appropriate, administrative sanctions for those who violate the provisions of the previous section, in the terms established by law, and establishes the obligation to repair the damage caused[5].

The basic national legislation for forests and the forest sector in Spain has been recently integrated in **4 national codes** and it is described below:

- Forest Code 1 (*Código Forestal 1*): Laws on forests and livestock trails (*Normas Generales Montes y Vías Pecuarias*)
- Forest Code 2 (*Código Forestal 2*): Laws on Forest planning and management and forest harvesting (*Normas sobre Ordenación y Aprovechamientos Forestales*).
- Forest Code 3 (*Código Forestal 3*): Laws on forest fires (*Incendios Forestales*).
- Forest Code 4 (*Código Forestal 4*): Laws on Forest policy and forest guards (Guardería Forestal).

The relevant laws and regulations are:

- Law 43/2003 of 21 November 2003 on Forest (*Ley de Montes*) as modified by laws 10/2006, Law 25/2009, Law 21/2015, Royal Decree-Law 15/2022, and Royal Decree-Law 17/ 2022, which is the basic law replacing the previous one of 1957 on forests to reflect to the new territorial organization of the State set by the Spanish Constitution.
- Decree 485/1962 of 22 February 1962, approving the Forest Regulation (*Reglamento de Montes*) which was not repealed by Law 43/2003 as it complied with the provisions of this law.
- Law 55/1980, of November 11, on neighbourhood forests[6] in common hands
- Decree 569/1970, of February 26, which approves the Regulation of Neighbourhood Forests in Common Hands.
- Royal Legislative Decree 1/2004, of March 5th, approving the Real State Cadastre Law.

[5] Art 45 Spanish Constitution: *1. Todos tienen el derecho a disfrutar de un medio ambiente adecuado para el desarrollo de la persona, así como el deber de conservarlo.*
2. Los poderes públicos velarán por la utilización racional de todos los recursos naturales, con el fin de proteger y mejorar la calidad de la vida y defender y restaurar el medio ambiente, apoyándose en la indispensable solidaridad colectiva.
3. Para quienes violen lo dispuesto en el apartado anterior, en los términos que la ley fije se establecerán sanciones penales o, en su caso, administrativas, así como la obligación de reparar el daño causado.

[6] **Neighbourhood forests** are an specific type of private forests, owned by the group of neighbours living in the village where the forest is located. These forests are particularly common in the Northwest of Spain, in Galicia, Asturias and the NW of Castilla y León. Galicia has its own Law 13/1989, of October 10th, on Neighbourhood Forests, In August 2023, the Xunta de Galicia published a White Book on Neighbourhood forests, to modify that law. These forests are close to the "Baldíos" of Portugal, described in Brouwer, 1995, regulated by Law 68/1989, of September, 4th, of Wastelands

- Royal Legislative Decree 7/2015, of October 30th, approving the revised text of the **Law on Soil** and Urban Rehabilitation, where Article 16th establishes the rights and obligations of the owners of rustic land, including the obligation to prevent forest fires.
- Royal Decree 1088/2015, on the legality of the marketing of wood and wood products.

Other relevant laws can be mentioned those regulating matters under the same competences:

- Law 42/2007, of December, 13th, on Natural Heritage and Biodiversity, regulating the conservation of biodiversity on forests and the rest of the land and oceans.
- Law 7/2021 on Climate Change and Energy Transition, integrates forests into Spain's climate policy by recognising them as key carbon sinks and biodiversity reservoirs and by requiring measures to reduce their vulnerability to climate change and promote sustainable forest management. It also provides for incentives and tools, such as support for sustainable forest management.
- Royal Decree 159/2022, on the conservation of forest genetic resources and wild flora. It establishes the basic standards for the in situ and ex situ conservation and sustainable use of forest genetic resources of national interest.
- Law 21/2013 of December 9, on environmental impact assessment where forest projects or projects affecting forest land are subject to environmental impact assessment.
- Law 30/2014 on National Parks, lays down the basic legal regime for Spain's national parks and the National Parks Network, with the core aim of ensuring the long-term conservation of their exceptional natural and cultural values, strictly limiting activities such as hunting, commercial logging and incompatible infrastructure.
- Royal Legislative Decree 1/2001 approves the consolidated Water Law, regulating the State's hydraulic public domain (surface and groundwater), water uses and concessions, hydrological planning and the organisation of river-basin authorities.
- Basic Law on Forest Agents and Environmental Agents, that refers to the conditions of forest and environmental guards as police authorities, adopted on 5th March 2024.
- The legislation on hunting is compiled under the Hunting Code, replacing the Law 1/1970, of April 4th, on Hunting, mostly repealed.

According to articles 148-150 of the **Spanish Constitution**, Spain is a highly decentralized country, and most of its 17 autonomous communities have approved their own legislation on forests and forestry,, beginning with the oldest that is the Law 6/1988, of March 30th, on Forests of Cataluña.

The list of the regional laws on forests is maintained by the National College of Foresters here, and can be found hereby covering all of them except for Canarias, Cantabria and Murcia which do not have a forest regional law:

- Andalucía: Law 2/1992, of June, 15th, on forests of Andalucía
- Aragón: Law 15/2006, of December, 28th, on forests of Aragón
- Asturias: Law 3/2004, of November, 23rd, on forests and forest planning of Aragón

- Baleares has no specific forest law, but there are references on forests at Law 3/2019, of January 31st, on Agriculture of the Balearic Islands
- Castilla la Mancha: Law 3/2008, of 12 June, on Forestry and Sustainable Forest Management of Castilla-La Mancha.
- Castilla y León: Law 3/2009, of 6 April, on Castilla y León forests.
- Cataluña: Law 6/1988, of March 30th, on Forests of Cataluña and Law 7/1999, of July 30th, of the Catalan Forest Centre (for private forests)
- Extremadura: Law 6/2015, of 24 March, Agrarian Law of Extremadura (Title VII on Forestry and forest use).
- Galicia: Law 7/2012, of 28 June, on Galician forests.
- La Rioja: Law 2/1995, of February 10th, on the Protection and Development of the Forest Heritage of La Rioja.
- Madrid: Law 16/1995 of 4 May 1995 on Forestry and Nature Protection of the Community of Madrid.
- Navarra: Foral Law 13/1990, of 31 December 1990, on the protection and development of Navarre's forest heritage.
- País Vasco: Described here, it has the forest competences transferred to the provincial level, and three provincial laws:
    - Foral Law 11/2007, of March 26th, on Forests of Alava
    - Foral Law 7/2006, of October 20th, on Forests of Guipuzcoa
    - Foral Law 3/1994, of June, 2nd, on Forests and Natural Protected Areas, modified by Foral Law 2/2022, of April, 13th.
- Valencia: Law 3/1993, of December 9th, on Forests of the Valencian Community.

1.3. Basic Regulatory framework

National Strategies setting the key objectives of the Spanish forestry policy are described below:

- The Spanish Forestry Strategy horizon 2050, which is the reference document establishing the Spanish forestry policy. It responds to the mandate of Law 43/2003, on Forestry to adopt the basic rules guiding the forestry action in Spain. It considers sustainable forest management as the best alternative for managing the forest land to guarantee the provision of ecosystem services, the conservation of biodiversity and adaptation to climate change. It is articulated in 5 strategic axes and 25 lines of action.
- Spanish Forestry Plan 2022-2032: It is the long-term planning instrument for Spanish forestry policy during the decade up to 2032, developing the Spanish Forestry Strategy 2050 horizon over the next decade. It contains a total of 289 measures to be developed in cooperation with other administrations and agents in the forestry sector, of which 86 have been identified as priorities during the process of preparing the Plan and should be reviewed every ten years. It is further developed by the Autonomous Communities, through their own autonomous forestry plans or equivalent strategic planning instruments, in accordance with their competences in forestry matters.

- The Common Basic Guidelines for Sustainable Forest Management are the national reference framework mandated by Law 43/2003 on Forestry to update and harmonise the basic rules for forest planning and management across Spain. Adopted by the Council of Ministers in December 2022, they adapt international sustainability criteria and indicators to Spanish forests, define the minimum content of sustainable forest management instruments and forest management/use instructions, covering the legal framework, the situation in the autonomous communities, monitoring and evaluation, and incentive tools such as land stewardship and territorial contracts to promote sustainable forest management.
- The strategic planning instruments of forest policy in the autonomous communities (autonomous forest plans) allow them to articulate their own forest policy in accordance with their competences, needs and interests, in accordance with the resolutions and international commitments ratified by the Spanish State. According to the Law 43/2003, on forests, the instruments of sustainable forest management in the area are:
  - Forest management projects (*Plan de Ordenación de Montes*) (POM), for public forests of more than 100 hectares in area or private forests of more than 200 hectares.
  - Technical forest management projects (*Plan Técnico de Gestion de Montes*) (PTGM), for public forests of less than 100 hectares or private forests of less than 200 hectares. Plan for forest resource management: The law establishes that the managing entities of public forests have to develop annual plans for the use and improvement of forest resources (PORF) to implement the strategic objectives (Art 31). For example, the law in Castilla La Mancha establishes their adoption in order to ensure the adequate development of the instruments of sustainable forest management. They are complemented with successive annual action plans for the exploitation and conservation of the forest resources. The above-mentioned plans will be communicated before the beginning of the year to the public administration responsible for forestry matters so that the actions to be carried out throughout the public forestry domain can be coordinated[7].

[7] Other kind of plans may be developed at regional level. For instance, in Catalonia, the following plans exist: Technical Plan for Forest Management and Improvement (*Plan Técnico de Gestión y Mejora Forestal*) (PTGMF) (Only in Catalonia), for private forests with more than 25 hectares; Joint Technical Plan for Forest Management and Improvement (*Plan Técnico de Gestión y Mejora Forestal Conjunto*) (PTGMFc) (Only in Catalonia), for large forest areas (approximately 3000 hectares) that sometimes affect a municipal territory or several municipalities. It is only a non-binding tool in which private and public (municipal) owners can adhere to it; Simplified Forest Management Plan (*Plan Simple de Gestión Forestal*) (PSGF) (Only in Catalonia), for private forests with less than 25 hectares.

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.

Spain is a decentralised State composed of seventeen Autonomous Communities and two autonomous cities (Ceuta and Melilla). The territorial distribution in Spain is divided in four levels: the central administration, the Autonomous Communities (AA. CC.), their provinces and the municipalities. Both the central administration and the AA.CC have legislative powers within the framework of their competences. The provinces and municipalities can adopt secondary laws.

The present Spanish model of political and institutional organisation as a federal state has been developed since the Constitution of 1978. The distribution of competences between the central administration and the Autonomous Communities is established under articles 148 to 150 of the Constitution. Up to that moment, Spain had an extremely decentralised forest policy leading to relevant territorial consequences.

The Constitution attributed to the ***regions political and administrative competences including land planning policy and forest management.***

Competences have been attributed exclusively or jointly to the central administration and the AA.CC. In some cases, the distribution of powers is not clear, which leads to interpretation problems that have been subject to review by the Spanish Constitutional Court. However, it is essential to bear in mind that national laws do not have a higher rank than laws adopted by the AA.CC. Consequently, if AA.CC act within the framework of their competences, these may prevail over national laws. Therefore, it is very important to clearly establish the competences.

National competences: Under Spain's legal framework, forest management responsibilities are distributed among different levels of government. The national government focuses on setting broad policies, coordinating with international bodies, and supporting regions through guidelines and emergency measures.

While Article 148 of the Constitution establishes that the AACC may assume responsibilities in matters related to forest and forestry use/exploitation, and environmental protection management, Article 149 allocates to the State the exclusive competence to adopt basic legislation on environmental protection, without prejudice to the powers of the Autonomous Communities to establish additional protection standards. The State has exclusive competence also for the adoption of the basic legislation on forests and forestry use/exploitation.

In line with the above, the Law 43/2003 on Forest recognises exclusive competence to the State for the definition of the general objectives of the Spanish forestry policy, the drawing up and approving the common basic guidelines for sustainable forest management, the establishment and management of the Spanish Forest Information System, guidelines on training in fire extinction and prevention, pest management and legislation on labour conditions, conservation and sustainable use of forest genetic resources and on the origin, production, use and marketing of forest reproductive materials and the maintenance of the Register and the National Catalogue of Basic Materials.

The national ministry competent in forests is the Ministry for Ecologic Transition and Demographic Challenge (MITECO), established by Royal Regulation 2/2020, with its structure defined by Real Decreto 503/2024, de 21 de mayo, por el que se desarrolla la estructura orgánica básica del Ministerio para la Transición Ecológica y el Reto Demográfico[8]. The department competent for forests and biodiversity is the **General Direction for Biodiversity, Forests and Desertification**, under the State Secretary for the Environment.

The legislative authorities in forest matters are the National Government, to define the basic rules, rights and obligations, and above all, the Autonomous Communities or regions, according to the distribution of competences defined by Law 43/2003, on its second chapter: "Competences of public administrations".

The Autonomous Communities are responsible for the design of the Regional Forest Programmes (RFPs), within the context of European policies which has provided an opportunity to reform the Spanish forest policy into a new decentralised administrative system. While regional governments are responsible for the definition of the RFPs and the land planning programmes, coordination difficulties exist due to the nature of the policies.

As stated in section 1, most of the 17 autonomous communities have approved their own legislation on forests and forestry.

The distribution of competences in forests, forestry and the forest sector among the different territorial level administration is set in the above legislation as follows:

- **National competences**

The State has general competence on forest issues and, thus, to adopt the necessary measures as set under Article 7 Law 43/2003 of 21 November 2003 on Forest:

> 1. The General State Administration has the following exclusive powers in matters related to this law: (...) b) The international representation of Spain in forestry matters.
>
> 2. Likewise, the General State Administration, in collaboration with the Autonomous Communities and without prejudice to its powers in these areas, shall have the following functions:

[8] Its organization chart is available here.

a) The definition of the general objectives of Spanish forestry policy through documents such as:

- Spanish Forestry Strategy.
- Spanish Forestry Plan.
- National Action Programme to Combat Desertification.
- National Plan of Priority Actions for Hydrological-Forestry Restoration.
- National Plan for the Control of the Legality of Marketed Timber.

b) The collection, preparation and systematisation of forestry information to maintain and update the Spanish Forestry Information.

c) The establishment of common guidelines on training in fire extinction and prevention, in the standardisation of material resources and equipment for forest fire extinction personnel throughout Spain, as well as the deployment of state resources to support the Autonomous Communities, to cover the forests against fires.

d) The exercise of the necessary functions for the adoption of urgent phytosanitary measures, as well as ensuring the adequate execution, coordination and monitoring of the same, in exceptional situations in which there is a serious danger of the spread of forest pests, in accordance with article
16 of Law 43/2002, of 20 November, on plant health.

e) The promotion of training and employment plans for the forestry sector.

f) The establishment of basic rules on the conservation and sustainable use of forest genetic resources and on the origin, production, use and marketing of forest reproductive materials and, in particular, the determination of their regions of origin and the maintenance of the Register and the National Catalogue of Basic Materials.

g) Drawing up and approving the common basic guidelines for sustainable forest management.

(...)

i) The promotion of scientific research and technological innovation in the field of forestry.

3. The **General State Administration** shall also be responsible for exercising such other powers as are conferred on it by law, and in particular:

a) Coordination of the keeping of the Catalogue of Forests of Public Utility, as well as that of the Register of Protected Forest and other registers provided for in this Act.

b) Collaboration in the design of the networks, the compilation and communication to Community bodies of the data obtained by the Autonomous Communities in their territorial scope and those obtained by the General State Administration in the supra-autonomous scope or in the scope of its competences, from the plots of the European networks for monitoring the state of the forests, and other general monitoring systems.

- **Regional competences**

The regions assumed forest competences in the early eighties, through the "***Transfer decrees in forest and nature conservation related issues***". The first one was "*Real Decreto 1950/1980, de 31 de julio, sobre traspaso de servicios del Estado a la Generalidad de Cataluña en materia de conservación de la naturaleza*" or "**Regulation 1950/1980, on the transfer of competences on nature conservation to Generalitat de Cataluña**", accessible here.

These "transfer decrees", together with the "**Regulations of autonomy**", define the competences in forests and nature conservation of Spanish regions. For example, the first one was approved for the Basque Country, by **Organic Law 3/1979, of December, 18th**, accessible here.

Law 43/2003 reflects the State organisation and competences established by the decrees and regional Regulations.

The competences for managing forests and forest use in Spain's Autonomous Communities vary, reflecting regional differences in governance and priorities.

Article 8 Law 43/2003 of 21 November 2003 on Forest establishes the competences of the Autonomous Communities in matters of forests and forest use, which are attributed to them in their Statutes of Autonomy.

The organization of competences on forests and the forest sector differs by Autonomous Communities and evolves continuously. There are 3 main models:

1. Regions where forests and the forest sector are under the department of agriculture and/or rural development.
2. Regions where forests and the forest sector are under the department in charge of environment,
3. Regions where forests and the forest sector are divided and under different departments. Particularly relevant is the authority competent on forest fire-fighting, which control most of the budget for forest issues. In several regions it has been transferred to the Interior Department.

- **Local/municipal competences:**

There are even some regions where the main competent administrations on forests and the forest sector are not the regions themselves, but local administrations. That's the case of:

Basque country, where Diputaciones or provincial administrations are competent in forests and the forest sector. There is not a regional law, but 3 provincial laws (Álava, Guipuzcoa and Vizcaya) that have been previously listed.

Canary Islands, where each island has a local administration that is the main competent body in forests, and there is not a regional law on forests and the forest sector.

According to Article 9 of Law 43/2003 on Forest, local entities, within the framework of basic State legislation and the legislation of the Autonomous Communities, exercise the following powers:

a) The management of the forests and other wooded lands (FOWL) of their ownership not included in the Catalogue of Forest of Public Utility.

b) The management of the catalogued forests under their ownership, when so stipulated and in the manner provided for in the forestry legislation of the Autonomous Community.

c) The disposition of the economic yield of the forest use of all the forests under its ownership, without prejudice to the provisions of Article 38 in relation to the fund for the improvement of catalogued forests or, where appropriate, to the provisions of the autonomous community legislation.

d) The issuing of a mandatory report in the procedure for drawing up management instruments relating to the forests under its ownership included in the Catalogue of Public Utility Forests.

e) The issuing of other mandatory reports provided for in this law, relating to the forests under its ownership.

f) Those others which, in the subject matter of this Act, are expressly attributed to them by the forestry legislation of the Autonomous Community or other applicable laws.

g) Collaboration with the forest fire surveillance and extinction services. To this end, they shall keep an updated map of the delimitation of the different nuclei and urbanisations existing in their municipal area, including among their main characteristics the proximity to the forest environment, the access routes and the location of hydrants and water points.

- Forest **coordination and advisory bodies**

According to Article 10 Law 43/2003 of 21 November 2003 on Forest: the following bodies are responsible for the coordination and development of Spanish forestry policy.

Coordination bodies

- The **Sectoral Conference on Agriculture and Rural Development** is responsible for coordination between the General State Administration and the Autonomous Communities for the preparation, study and development of matters pertaining to Spanish forestry policy. The internal regulations of all the sectoral conferences are described here.
- The **Sectoral Conference on the Environment** coordinates the policy on nature conservation. It is described in the Ministerial webpage here. The internal regulations of all the sectoral conferences on the Environment are described here.

However, there is not an easy and systematic access to the agendas and decisions of the Conferences. The available information is here. Nevertheless, the last ones on the Environment are accessible here, and for instance, it was not call in 2023.

The coordination is well organized at different levels of responsibilities. The **State Commission for Natural Heritage and Biodiversity**, where Forest Director Generals meet, is regulated by Royal Decree 1424/2008, composed of several specialized Committees in forestry matters, where the heads of the specific services meet:

- ✓ **Forest Fire Fighting Committee**,
- ✓ **Spanish Forestry Committee**, for forest management, planning, harvesting and general questions, and
- ✓ **Committee for Improvement and Conservation of forest genetic resources**.

While these technical committees work well, there is not a Committee for Small Scale Forestry or for Private Forestry.

Advisory bodies

- The **National Forest Council** was created by Law 43/2003 and regulated by Royal Decree 1269/2018, as a consultative body of the Ministry for the Ecological Transition and the Demographic Challenge in matters of forests and forestry policy that will inform, among others, the regulations and plans at the state level, related to forestry matters.

The Council has members who represent all the sectors directly involved in the definition of forestry policies, from the representatives of the regional governments and city councils to private owners, industries, technicians, businessmen, professionals, agricultural producers, non-governmental organizations, interested governments and universities.

The **National Forest Council** met in October 2019 for the last time, under the Ministry of Agriculture, and it was the first time in 14 years. But the present Ministry has not called for it in 5 years.

- **Regional Forest advisory councils** have also been established by some AACC, like the Forest Advisory Council of Navarre, established by Regional Decree 107/1996 as a consulting and participative body for the activity that the Regional Government of Navarre is promoting for protecting the development of the woodlands, forests and mountains of Navarre.
- There are **no public forest advisory and extension services**. The national agricultural extension service was created in 1953, covering forest extension, although with no specific forest unit. After the transference of competences to the Autonomous Communities in the '80, this task was almost abandoned.

In this respect, Article 58 of the Law 43/2003 requires the Public Administration to perform, within the scope of their powers, the following extension, police and forest nursery functions:

a) Police, custody and surveillance for compliance with applicable regulations on forestry matters, especially those on prevention, detection and investigation of the causes of forest fires, issuing the pertinent technical reports.

b) Optional advice on forestry extension and management and nature conservation tasks.

Those services, including the advisory extension service, may be carried out by representative social agents based on specific agreements.

For instance, article 78 of the Law 3/2008, on Forests and Sustainable forest management of Castilla-La Mancha[9] establishes that it is the responsibility of the Consejeria (regional government) to carry out the functions of police, custody, surveillance and inspection for compliance with the applicable regulations on forestry matters, especially those of prevention, detection and investigation of the causality of forest fires, as well as **providing optional advice on extension, forest management and nature conservation tasks, being able to promote these advisory tasks, through agreements with social agent representatives.**

2.2. Key representation organisations of the forest sector

The **primary forest sector**, that produces wood and other forest products, like cork, resin, nuts, fruits, mushrooms and other wild products, is considered part of the Agrofood sector, dependent on the Ministry of Agriculture, as stated in Law 2/2000, of September, 7th, regulating the contracts type of agrifood products, but their rules are generally defined for agricultural and food products and do not suit forest products and in general are not applied nor even applicable.

Forest industries are in general outside the competence of the forest authorities. There is traditional differentiation between:

- ***primary forest industries***, that only take care of the first transformation of wood, like sawmills, board mills and pulp mills dependent on the agrarian authorities, like the Ministry of Agriculture and the regional agrarian authorities; and
- ***secondary forest industries***, that transform wood products, like paper mills, carpentries or furniture mills, that depend on the industrial authorities, like the Ministry of Industry and Tourism and the regional industrial authorities. The Ministry of Industry and Tourism differentiates among 3 subsectors and has recently presented their national reports:

Forest trade is under the scope of the Ministry for the Ecological Transition (MITECO) and the related information on FLEGT and EUDR and the previous EUTR is accessible here.

There are **other entities that are support the adequate functioning of Small Forest Holdings**.

1. **Forest owners**: COSE, integrated in CEPF, is the Spanish Federation of Silviculture Organisations, legally founded on 6 November 1987. It operates on a national scale and it's a non-profit, non-partisan professional agro-forestry organisation. The list of its 15 regional associations appears here, with the oldest, the *Consorci Forestal of Cataluña*, created in 1948. There are no associations in Aragon, Baleares and Canary Islands. BASOA is the partnership of forest owners from the Basque Country.

[9] Law 3/2008 of 12 June 2008 on Forestry and Sustainable Forest Management in Castilla-La Mancha, *(Ley 3/2008, de 12 de junio, de Montes y Gestión Forestal Sostenible de Castilla-La Mancha)*, https://www.boe.es/eli/es-cm/l/2008/06/12/3/con.

There are other regional associations not integrated in COSE, like:

a. ASEFOGA, from Galicia, a non-profit sectoral association created in 1996, bringing together more than 9,000 small forest owners, wood industry operators and forestry professionals. It promotes sustainable forest management in rural Galicia through training, technical advice and awareness-raising on the economic, environmental and social functions of forests.
b. ASFOSA, from Salamanca, an association of forest owners that provides technical advice, training and information on grants, tenders and forest operations (harvesting, pruning, replanting, etc.). It aims to improve forest conservation and to maximise the economic, social and environmental value of forests through projects, publications and active participation in policy and regulatory debates.
c. BOSCAT, from Cataluña, created in 2011 to bring together local forest owner associations and promote joint forest management. It coordinates technical support, projects and representation for its member associations in order to revitalise a sector that has long suffered from neglect and underinvestment.

2. **Forest municipalities**: ESMONTAÑAS represents 274 municipalities (out of the 8.132 existing ones, accessible here) and 8 provincial administrations (Out of the 41 existing ones, accessible here). In Cataluña, ELFOCAT, and in Valencia, AMUFOR

3. **Forest organisations:**

ICIFOR is the present national centre for forest research, integrate at INIA and CSIC. In several regions there are other centres, like in Cataluña (CTFC and CREAF), Basque Country (HAZI and NEIKER), Galicia (CIF-Lourizan), Asturias (CETEMAS), Castilla y León (CESEFOR) and others.

SECF is the Spanish Society of Forest Science, created in 1992.

AITIM is the association for research in wood products and wood industry, created in 1962.

AIDIMA was the first regional innovation centre for wood products and furniture, established in Valencia in 1984.

4. **Forest industry**:
   - ASPAPEL integrated in CEPI, is the main association of pulp and paper industries,
   - UNEMADERA, is the main national association of wood and furniture industries.
   - AVEBIOM, integrated in AEBIOM, is the main national association of bioenergy promoters.
   - ASECOR, the main national association of the cork industry.
   - AEIM, is the association of the main wood trade and importers and some wood industries.
   - ANFTA, the national association of board producing industries.

- ARESCAT, brings together the region's forest business and industrial fabric, representing over 75% of the primary wood-processing, logging and forest-works sector and providing employment to more than one thousand forestry professionals in rural areas of Catalonia.
- AEFCON, the national association of plywood producing industries, integrated in PROPOPULUS and EPF, the European Pannel Federation.
- FEIM, the Federation of wood industries.

5. **Forest clusters**: There are no national forest clusters, but several regional ones, like (non-exhaustive list, only examples):
   - Cluster Madeira da Galicia: Wood cluster from Galice
   - Cluster ECCO: wood cluster from Asturias,
   - Agrupació Moble Innovador de Catalunya (AMIC),
   - Asociación Cluster del sector del Hábitat, Madera, Oficina (HABIC)
   - AMBIT, Living Space Cluster of Cataluña,
   - Gremi Fusta I Moble of Cataluña
   - CBC, Bioenergy Cluster of Cataluña
   - Catalan Packaging cluster
   - Cluster Innovacion Envase y Embalage: the Packaging cluster from Valencia

6. **Forest contractors**: ASEMFO, ASERPYMA and FEEF are the main national associations representing enterprises working in forestry and forest works and services. In general, they do not harvest wood.

7. **Forest Professionals**: COIM is the association of forest engineers and COITF the association of foresters with a basic university degree.

8. **Forest Agents or rangers**: AEAFMA

9. **Forest Sciences**: SECF is the national association of forest science and forest scientists.

10. **Forest certification:**
    a. PEFC
    b. FSC

11. **Public enterprises** assume a large part of the public forest works and have a great influence in the sector in Spain. The main national one is TRAGSA, created in 1977, but there are many regional ones, like GAN-NIK in Navarra, the oldest regional one (1982), or Forestal Catalana in Cataluña, VAERSA in Valencia, GEACAM in Castilla la Mancha, SOMACYL in Castilla y León, SARGA in Aragon, IBANAT in Baleares or EGMASA and then the Environmental Agency in Andalucia.

12. **Forest cooperatives** are almost not developed in the country. Several dozens were established in the '80s, by resin workers, with the crisis of the resin production and some public support, but the competence of public and private enterprises made them disappear after around 20 years. They appeared in Castilla y León, Castilla la Mancha, Andalucía and other few regions. They integrated forest workers more than forest owners. Successful examples are the Catalan Forest Cooperative, UCOFO, the Union of Forests Cooperatives from Asturias, or AGRESTA, mostly forest consultants.

13. **There is not an interprofessional organization for the forest sector** in Spain. Law 38/1994, of December 30th, regulating the Interprofessional Agrofood Organizations provides the general framework, but the forest sector has not been able to organize itself, like 26 other sectors have done. The complete list is available here. There is only one relatively related interprofessional organization, for hunting meat, called ASICCAZA.

In 2016, Juntos por los Bosques (Together for Forests) was created as the main national partnership representing the sector, but it still does not have legal form.

There are also regional partnerships like:

- BASKEGUR, from the Basque Country
- ARUME foundation, from Galicia, the region that produces more than half of the national wood harvest, out of their 2 mill.ha of forests.
- FORESCyL and MIMCyL, the Wood roundtable from Castilla y León

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 of national forest ownership structure

National forest area has changed considerably in the late 30 years and it is defined, according to Article 28.6 of Law 43/2003 by the National Forest Map, prepared and maintained by the Ministry for the Ecologic Transition, as the base for the National Forest Inventory (Ending its fourth cycle and begun in 1961). The data is not easy to find but it is published in the Annual Report on the Situation of Natural Heritage and Biodiversity, also published by the Ministry.

The most recent data (from 2021) sets that Spain has **28.435.396 hectares of forests and other wooded land (FOWL),** which according to **forest ownership types** is distributed as follows:

• **Total public forests**	**28%**	7.704.722 ha
• State		321.575 ha
• Regional		1.147.719 ha
• Municipal		6.222.667 ha
• Communal		
• Other public entities		12.762 ha
• **Total private forests**	**72 %**	20.103.358 ha
• ***Family and enterprises***		***17.989.047 ha***
• Private Person		17,663,692 ha
• Private company		325,354 ha
• ***Collective private forests***		***2,122.755 ha***
• Neighbourhood forests in common hands		622,755 ha
• Shareholders forests (“Montes de socios”)		around 1,500,000 ha
• Other private entities		325,000 ha
• Public-private		N/A
• Cooperative-based ownership		N/A (Not very relevant)
• Church		N/A (Not very relevant)
• Schools		N/A (Not very relevant)
• Organisations/NGOs		N/A (Not very relevant)

Note: Data from Spanish Ministry of Ecological Transition, "Tipología de la propiedad forestal," accessed May 2, 2024 and July 1, 2024, https://www.miteco.gob.es/es/biodiversidad/temas/politica-forestal/planificacion-forestal/patrimonio-forestal/pf_tipologia_propiedad_forestal.html.

There is no official data[10] on the number of forest owners and forest holdings nor a register covering all forest holdings[11]. Based on the information shared with us from forest experts, the average size of the forest holdings is around 6,5 ha, in other words between 5 and 10 hectares. Therefore, the number of forest holdings would be around 4.37 Mill holdings. Considering that there are 2,12 Mill ha. of collective forests, that might have an average of 150 ha and more than 100 forest owners per holding, the number of collective forest holdings would be around 14,152, with more than 1,41 Mill. forest owners of that type of forests. The number of forest owners is estimated to be around 6,0 million forest owners.

Only 3 regions have published the structure of their forest ownerships:

- Castilla la Mancha, in 2009, published "Structure of forest ownership in Castilla la Mancha, based in the Cadastre"
- Castilla y León, in 2014, published "Structure of forest ownership in Castilla y León, based in the Cadastre". The report was presented on the 18/08/2014, and a summary presentation can be downloaded from here.
- Cataluña, in 2012 published "Structure of forest ownership in Cataluña, based in the Cadastre"

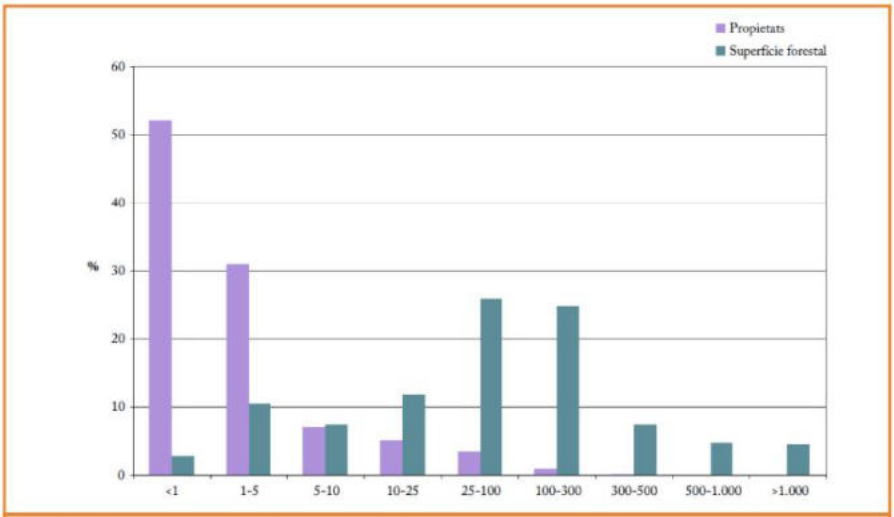
According to those studies: the 3 regions represent one third of the national FOWL area: 10,26 Mill.ha, distributed in 1,23 Mill. forest holdings, with an average size of 8,34 ha.

Nevertheless, in the northwestern regions and the islands, the fragmentation is much higher. The case of Galicia is probably the most extreme, since there are:

- 11,10 mill. cadastral plots of rustic land (agricultural and forest area) in 2,80 mill. ha of rustic land
- 1,73 mill. landowners
- 1,62 ha/land holding with 6,42 plots per holding and an average of 0,25 ha/plot.

[10] A consulted forestry association raised that IFN-4 is expected to refine them (pending publication).
[11] Spain did not respond to criteria 6.1 (tables 41 and 42) of State of European Forests SOEF-2020 (Forest Europe, 2021)

The following graph, for Cataluña, shows extremely small holdings, where 52% of holdings have less than 1 ha per holding, representing 2.8% of the forest area of the region. Further, only 1,2% of the private holdings have more than 100 ha, representing 41.5% of the forest area.



Gràfic 3. Distribució de la superfície forestal privada i de les propietats forestals privades en intervals segons la seva fracció forestal (en ha), en percentatge a Catalunya.

3.2. Definitions of forest ownership in your country

Guidelines for researchers:

Please provide the definitions identified in the legislation applicable in your country following the guidelines shared with you.

- **Forest owner**

According to Law 43/2003 on Forests, the forest owner of a piece of land legally considered as forest is the one who takes the decisions on the destiny of the land.

The forest owner usually owns both the land ant the vegetation covering it, although in certain – and rare – cases the rights and obligations attached to the land are separate from those over the vegetation cover, for instance in some riparian areas where the owner holds the vegetation but the riverbed forms part of the public hydraulic domain[12]. The owner might by public or private and single or collective.

Forest ownership generally refers to "the legal right to freely and exclusively use, control, transfer, or otherwise benefit from a forest. Ownership can be acquired through transfers such as sales, donations, and inheritance".

[12] Other example: It is relatively common in Northern Spain that the neighbours of a village owning a forest land, are allowed to plant chestnuts and the tree is owned by the planter and his in-heirs.

- **Forest holder**

Article 2(4) of Law 19/1995 on Modernisation of Agricultural Holdings[13], defines forest holder as "the natural or legal person who carries out a forest economic activity, organizing the assets and rights of the forest with business criteria and assuming the risks and civil, social and fiscal responsibilities that may arise from the management of the forest."

Forest holding: is not defined in Spanish law.

- **Forest manager**

In Spanish legislation, Article 6(c) of Law 43/2003 of 21 November 2003 on Forests establishes that management is: "the set of activities of a technical and material nature relating to the conservation, improvement and use of the forest". However, no further definition of forest manager appear in the Spanish legislation.

The forest managers in Spain may also be the forest owners. According to Law 43/2003 on Forests:

- Private Forests (Article 23): Private forests are managed by their owners.

  The owners may also entrust the management of these forests to public or private legal entities, or to the forestry authorities of the autonomous communities where the forests are located.

  The management must comply with any existing forest management or planning instruments, under the supervision of the Autonomous Community's forestry authority.

  Management of protected forests (Article 24 bis): The management of protected forests [forests or forest areas with specific environmental, protection or conservation values] is the responsibility of their owners, without prejudice to provisions in specific legislation.

- Local management (Article 9): Local entities manage forests that are not included in the Public Utility Forest Catalogue and those that are, according to regional forest legislation. They also handle the economic returns from forestry activities of all the forests under their ownership, maintain cooperation with forest fire monitoring and extinguishing services, and are involved in the development of management tools for these forests.

- **Forest contractor**

No definition of forest contractor has been found in Spanish legislation.

[13] Law 19/1995 of 4 July 1995 on the Modernisation of Agricultural Holdings (*Ley 19/1995, de 4 de julio, de Modernización de las Explotaciones Agrarias)*, available at https://www.boe.es/eli/es/l/1995/07/04/19/con.

- **Forest**

In Spanish legislation, Article 5(1) of Law 43/2003 of 21 November 2003 on Forests defines forests as: "any land on which trees, shrubs, bushes, bush or herbaceous forest species grow, either spontaneously or as a result of sowing or planting, and which fulfil or are likely to fulfil environmental, protective, productive, cultural, landscape or recreational functions".

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?

Considering ownership and according to Article 11 of Law 43/2003, forests can be public or private.

- **Public forests** are those belonging to the State, the autonomous communities, local entities and other public law entities. Managed according to national and regional laws, with compulsory registration of Forests of public utility in the Land Register. Subject to sustainable management principles and conservation obligations.
- **Private forests** are those belonging to natural or legal persons under private law, either individually or under co-ownership. Managed by owners under the guidelines of national and regional laws. Owners can contract management to public or private entities or forestry bodies of the Autonomous Communities (Article 23 of Law 43/2003).
- **Neighbourhood forests in common hands** are private forests that have a special nature derived from their common ownership without assignment of quotas, the ownership of these being the neighbours who at any given time make up the community group in question and subject to the limitations of indivisibility, inalienability, imprescriptibly and non-seizure. In Spain, the management of collective, communal, vicinal or neighbourhood forests is regulated by Law 55/1980, on Common Forests, and Decree 569/1970, on the regulation of Common Forests. Law 55/1980 defines these communal forests as indivisible, inalienable and imprescriptible, ensuring that they cannot be sold or claimed through adverse possession. The law allows temporary transfers for projects that benefit the community, subject to community approval, and requires that major decisions be made with the broad consent of the members. This law emphasises the exclusive rights of the community to manage and benefit from these forests, thereby strengthening local governance and sustainable management practices.
  Decree 569/1970 provides detailed regulations for the classification and management of these forests. It specifies the procedures for their classification, the role of the provincial councils and the administrative procedures involved. The decree also deals with the demarcation and marking of forest boundaries to prevent disputes and protect community interests.

- Article 27 bis of Law 43/2003 recognizes a different type of private forests, called "**Montes de Socios**" or "Shareholders' forest" or "Partners' forests", that are owned jointly and undivided by a group of people, with some of them unknown. Most of them have their origin in the sales of municipal forests during the second half of the XIX century, according to **Law of Disentailment of May 1, 1855 (Law Madoz**, by the name of the Ministry that prepared it). At least 1,5 Mill.ha of forests were sold by the State and rebought by some of the neighbours of the villages that previously owned them. The present owners are the heirs of those buyers, but after so many inheritance process and years, many of them are unknown. The Law allows to set up "Management Boards" by the known owners and to take management decisions (but no major decisions on the disposition or selling of the forest). An innovative project called "Montes de Socios", by ASFOSO the Forest Association of Soria (Castilla y León), accessible here, has got to organize around 150 Management Boards and recover the management of those forests, previously abandoned, by the legal restrictions on their use. In May 2024, a Law Project to regulate Partnership Forests (*Montes de Socios*) begun its parliamentary procedure.
- A very frequent type of family forests is the "**In heirs' forest**", occurring when a group of siblings receives forest land by inheritance and they do not organize their distribution. The lack of value of many small forests justify that their new owners do not care to register the new holders, since the cost of the act may not be worth in relation to the value of the property. According to Title III and Article 392 of the **Civil Code**, approved by Royal Decree of July 24th, 1889, any decision on these forests require unanimous approval, what explains that most of them are abandoned. Only when a great business opportunity appears, like to install a wind mill, owners worry enough to take the proper decision.

Public forests include:

- Forest in the **Catalogue of Public Utility Forests**: According to Article 13 of Law 43/2003, they should have certain characteristics that provide high natural value and for the control of soil erosion, deserving an special status. They become domanial forests. These are public forests that can be declared of public utility and included in the Catalogue of Forests of Public Utility. The criteria for declaring forests of public utility include forests essential for soil erosion protection, those at watershed headwaters and key to hydrological regime regulation, forests that mitigate landslides, rockfalls, and wind damage, and those designated for reforestation or forestry improvement. Additionally, forests that support biodiversity conservation, protect flora and fauna, preserve genetic diversity, and are part of legally protected natural areas, as well as other forests as defined by autonomous community legislation, are included.
- **Communal forests**, belonging to local entities, as long as their use corresponds to the common use of the neighbours.
- Forest **for public use** or service and public heritage forest, which publicly owned but are not of public domain.

- **Protected Forests** or Forests with Other Special Protection Figures: These are forests or forest lands that have certain environmental, protection, or conservation values similar to those of catalogued forests. When these are privately owned, the limitations established in their management due to their ecological, protective, or social functions may be compensated economically through subsidies, incentives, and credits.

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

  In the second half of the XXth century, Spain went through very strong programs of land consolidation, mainly covering agriculture land. In those 50 years, more than 6 million hectares were consolidated, that is close to 40% of the agriculture cultivated area in the country[14]. That solved a great part of the problem of farmland fragmentation and also provided ownership documents to small farmers to formally justify their rights. Forest land was excluded of those processes, as well as some marginal agricultural land, that in many cases was abandoned and became forest land, exacerbating the problem of forest land fragmentation.

  In this century most autonomous regions have developed or maintained their programs on land consolidation, with minimum changes in procedures, although with higher cooperation from private sector and consolidating land, especially in irrigated areas. Forest land has been included in some pilot projects and example of forest land consolidation are found in Galicia, Asturias, Cantabria and Aragon.

  Article 27 of the Forest Law urges public administrations to promote the grouping of forests associating small owners in order to facilitate their joint planning and integrated management through appropriate forest management instruments. Furthermore, its fifth Additional Provision of the Forest Law contemplates the grouping of forestland owners through the transfer of forest use and management rights to a formally constituted Forestry Association or Company, although forest owners may be subject to certain limitations on the transfer of uses derived from the application of the law applicable to forest grouping figures[15].

  Some literature[16] points that in certain areas, particularly in the Atlantic and Basque provinces where commercial forestry is important, there has been some consolidation of forest land and ownership as entrepreneurs known as "rematantes" buy forest land along with timber from smaller, often urban landowners. This provides additional income for the landowners. Forest owners' associations are aware of this trend, but there hasn't been any detailed measurement of how widespread this practice is.

[14] J.Pemán García, I. Iriarte Goñi, F. Lario Leza, Ministerio de Agricultura, Pesca, Alimentación y Medio Ambiente and SECF, 'La restauracion forestal de España : 75 años de una ilusión' 2017.
[15] Estrategia Forestal Española Horizonte 2050, p.154.
[16] Quiroga, S., et al, *Forest Land Ownership Change in Spain*. (2015) COST Action FP1201 FACESMAP Country Report, European Forest Institute Central-East and South-East European Regional Office, Vienna. 40 pages. Online publication.

Land consolidation programs in the Atlantic Cantabrian region are also being applied to forest areas because the amount of agricultural land is very low and forestry is highly productive below 900 or 1,000 m. of elevation. Forest fragmentation in those regions is extreme. As a matter of fact, in some Provinces, minimum-plot rules also seek to avoid further fragmentation: segregations of holdings cannot be authorised in parcels smaller than 25 ha in forest areas or 5 ha in agricultural areas. In addition, provincial councils have, in certain cases, purchased forest properties, including some of considerable size, in order to restructure highly fragmented ownership and facilitate active management.

In the rest of the country there is still a lot to do in agriculture land consolidation programs and they are still not looking at forest areas. There are no national estimates of the forest area with extreme fragmentation (land in forest holdings below 5 hectares), but experts consider that it might well be more than 5 Million hectares.

The forest area needing land consolidation processes or grouping or aggregation of holdings might be around 10 Million hectares. A call for forest land consolidation programs was included in the Declaration of Valladolid signed by Small Forest Owners and Holdings on 22 October 2022, at the first National Congress on Forest Ownership held in October 2022.

3.4. Proof of ownership: Land registry and Cadastre

- How is ownership proved?

One of the tools to proof ownership of forest land, public or private, in addition to a private contract or a deed signed before Notary, is the registration in the National/Regional Property Register (Chapter 5 and Article 69 of Decree 485/1962 of 22 February 1962, approving the Forest Regulations). However, in Spain registration of private property in the National Property Register is not mandatory. The Property Registries of Spain depend on the Ministry of Justice (currently the Ministry of Presidency, Justice and relationships with the Parliament). Its main webpage is accessible here. The entire territory of Spain is divided into territorial constituencies, with a Property Registry each, and run by a property registrar. The National Land Registry is regulated by Decree of February 8th, 1946, approving the Mortgage Law. Land registers are not public servants, bur private professionals, under strict supervision of the Ministry and their College of Registers.

The National Cadastre is an administrative land registry, dependent on the Ministry of Finance, which records the description of the different land or real estate properties, including its physical characteristics such as its location, cadastral reference, surface or dimension, use or cultivation, delimitation and geographical representation by means of cadastral cartography, cadastral value and eventually its cadastral owner. Where the owner in the cadastre and the owner in the property registry do not match, the error has to be corrected if errors represent more than 10% of the information and only then the property can be registered in the national Property

Registry[17]. It works as an inventory of both rural and urban properties. All properties must be registered in the cadastre and it is not necessary to pay a fee for this procedure. It is regulated by Royal Legislative Decree 1/2004, of March 5th, approving the revised text of the Law on the Cadastre. The Spanish national cadastre was established in the '70s and after joining the EU in 1985, the cadastral administration updated and digitalized its information. Urban and agricultural states were well revised, but not forest areas and particularly the small and very small forest areas. The Cadastre is maintained by the Direction General of the Cadastre, dependent on the Ministry of Treasury. The Cadastre is highly digitalized with an online webpage providing access to the public to interact through it.

Since 2015, Law 13/2015 amending the mortgage Law, has sought to improve the alignment between the Cadastre and the Registry by allowing each plot to be registered with a georeferenced graphical representation, based on INSPIRE-compliant cadastral parcels, so that the registered property can be precisely located on a map. In practice, however, coordination remains largely voluntary and progresses mainly when properties enter the property market or undergo significant changes. In this regard, most rural and forest plots are still not fully coordinated, so discrepancies in boundaries and areas persist and continue to affect small forest holdings in particular.

The National Forest Inventory contains information on the situation, ownership, legal status, foreseeable development and productive capacity of all types of assets of the Spanish forests, as well as their biodiversity. According to Article 28 of the Forestry Law, it is of a continuous nature and should be updated at least every ten years. However, after 50 years, according to MITECO, the Inventory is at its 4th cycle started in 2008[18], which means that since then, it has not really been updated.

Public ownership is linked to the Catalogue of Public Utility Forests which is the public administrative registry in which all forests declared of public utility are registered. The inclusion and exclusion of forests in the Catalogue of Public Utility Forests and its management corresponds to the autonomous communities in their respective territories.

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

Under the Law 43/2003 of 21 November, on Forests (Article 11), forests are classified as either public or private based on ownership. The registration of private forest land in the National Land Registry in Spain is not compulsory.

Article 13 of Law 43/2003 of 21 November, on Forests provides for the categorisation of certain public forests as forest of public utility, enabling autonomous communities to include such

[17] A consulted forestry association from Cataluña noted that discrepancies between the cadastre and the property register are common. In cases of inconsistency, the description in the simple register extract prevails when determining property boundaries. Where discrepancies arise, a request must be submitted to amend the cadastre, supported by evidence such as the property register, boundary markers, or a map reflecting an agreed delineation of limits between properties. A change of land use must also be requested when an area is converted from agricultural to forestry use or vice versa.

[18] https://www.miteco.gob.es/es/biodiversidad/temas/inventarios-nacionales/inventario-forestal-nacional/cuarto_inventario.html

forests in the Public Utility Forest Catalogue. Article 69 of the Decree 485/1962, of 22nd February, approving the Forest Regulation requires all forests classified [as Public Utility] forests to be compulsorily registered in the National Property Registry, in favour of the entity to which their ownership corresponds, according to the Catalogue of Public Utility Forests. In the same way, all registrable acts or contracts relating to a listed forest shall be registered, including the demarcation of the same.

While the Property Registry is a voluntary registry where the owner, land characteristics and the charges on a property are recorded for legal recognition, the Cadastre is a mandatory registry that geographically locates the properties for the purpose of fiscal control. The involvement of a third-party independent register attesting the veracity of the registered property provides legal certainty which could act as an incentive to register. However, a high percentage of forest land in Spain is not registered[19]. As the forest land in the cadastre is not updated, there is no obligation to register ownership in the Property Registry and there is no registry of forest owners, it is difficult to determine the exact percentage of forest land not registered in the Property Registry.

One of the issues affecting the registration of forest land ownership relates to community-owned forest land composed of small forest parcels belonging to different owners. In that sense, the Digital Tools Directive 2017/1132 (as amended by Directive 2019/1151 and Directive 2025/25) provides a solution facilitating online registration of community-owned forests as a limited responsibility company where different landowners are shareholders according to their land ownership. As mentioned above, the fifth Additional Provision of the Forest Law contemplates the grouping of forestland owners through the transfer of forest use and management rights to a formally constituted Forest Association or Company. In this sense, a forest land constituted as 'shareholders forest' ('*montes de socios')* or neighbours' forest in common hands or in any other way could register such community owned land as a limited liability company, or limited partnership (Sociedad colectiva o comanditaria simple) as recognised in Annex II, IIA and IIB of Digital Tools Directive 2017/1132 modified by Directive 2025/25. Such companies have easier decision-making processes requiring qualified majority of votes and not unanimity, facilitating the management in those cases where the owners are not known, not present or not active. Further such companies have easier access to funding schemes[20].

- Is there a registration fee?

Forest ownership is subject to an Immovable Property Tax or wealth tax (Immovable Property Tax Law) and has to be presented to the Property Registration Office, once the appropriate note has been taken by the competent Property Rights Tax Liquidation Office (Art. 73 of Decree 485/1962).

[19] Interview with forest-owners organisation, September 2024
[20] Interview with representatives of Spanish Property Registry, November 2024

In addition, the applicable fees to register the forest land in the Property Registration Office are those established in Article 2 of Royal Decree 1427/1989, of 17 November, which sets the Fees of Property Registrars:

1. For the registration, annotation or cancellation of each property or right, the amounts established in the following scales shall be charged:
   a) If the value of the property or right does not exceed 6,010.12 euros, the fee is about 24 euros.
   b) For the excess between 6,010.13 and 30,050.61 euros, 1.75 euros additional per 1,000.
   c) For the excess between 30,050.62 and 60,101.21 euros, 1.25 euros additional per 1,000.
   d) For the excess between 60,101.22 and 150,253.03 euros, 0.75 euros additional per 1,000.
   e) For the excess between 150,253.04 and 601,012.10 euros, 0.30 euros additional per 1,000.
   f) For the value exceeding 601,012.10 euros 0.20 euros additional per 1,000.

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

There is no specific, separate register for forests owners, different from the property register. Forest property is recorded in the same system as other types of property.

However, there are some examples of regional registries of forest land. A regional register can be found in Andalusia, where the Decree 190/2018, of 9 October, establishes the Register of Agricultural and Forestry Exploitations of Andalusia (RAFEA). This register includes all agricultural and forestry holdings and activities, contractors and operations. There is also a regional registry at a regional level in the Basque Country which includes a Registry of forest contracts named REVASCON.

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

As previously mentioned, while registration in the Property Registry is voluntary, the Cadastre is a mandatory registry that geographically locates the properties for the purpose of fiscal control. The Cadastre may show the cadastral description of the real estate, including its location, surface, cadastral reference, type of use or cultivation, geographic representation, cadastral value and eventually its cadastral owner. Where the owner in the cadastre and the owner in the property registry do not match, the error has to be corrected and updated if errors represent more than 10% of the information and only then the property can be registered in the national Property Registry.

Some literature observes a change in forest owners in Spain where new private hands become forest owners, either for inheritance or purchase, and consider the forests not as a productive good but as a second residence, investment for patrimony or leisure. While most of the forest land in larger holdings (larger than 100 ha) are registered, small and fragmented areas are not always registered, and owners do not always know the dimensions or locations of their own properties. This shows that the registers are not updated or do not reflect all the information.

This was confirmed also by a consulted forestry association. The size of the problem is not trivial, for example, in Catalonia figures show that forest private property covers 87% of which 70-90% is considered small forest areas[21].

The registration for public property forests of public utility is compulsory, and the National Forest Inventory contains information on the situation, ownership and protection regime, nature, legal status, foreseeable development and productive capacity of all types of assets of the Spanish forests, as well as their biodiversity, and, as established in Article 28 of the Forestry Law, it is of a continuous nature and is updated at least every ten years. However, the Inventory has not been updated since 2008.

[21] Quiroga, S., et al, *Forest Land Ownership Change in Spain*. (2015) COST Action FP1201 FACESMAP Country Report, European Forest Institute Central-East and South-East European Regional Office, Vienna. 40 pages. Online publication] referring to Navarro et al, *Prospects for the market supply of wood and other forest products from areas with fragmented ownership structures*. (2010)

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

- Decision on Forest Management Practices:
  Forest management is at the owner's discretion but must comply with management or planning instruments. The management of private forests (Article 23 of Law 43/2003) is determined by the owner, and if no instrument exists, the owner's management requires prior authorization for forest use by the Autonomous Community.
- Harvest Rights:
  Owners of forests are the owners of the forest resources produced on their forest, including spontaneous fruits, and have the right to use them in accordance with the law and regional regulations (Article 36 of Law 43/2003).
- Financial Support/Tax Exemptions/Subsidies:
  According to Law 43/2003, activities related to sustainable forest management may receive financial public support or subsidies as per the terms in respective calls for proposals (Article 64).
  Additionally, public administrations regulate mechanisms and conditions for incentives to positive externalities of managed forests (Article 65).
  Article 66 states that public administrations shall encourage the creation of subsidized credit lines for forestry investments targeting forest owners.

Obligations:

- Sustainable Management:
  Forests must be managed sustainably, integrating environmental, economic, social, and cultural activities with the aim of preserving the natural environment while generating jobs and contributing to the increase in the quality of life and development expectations of the rural community (Article 32 of Law 43/2003). Public utility Forests and protected forests must have a forest management plan, or equivalent instrument (Article 33).
- Registration:
  Ownership of forests, particularly public utility forests, must be registered in the National Property Register (Article 69 of Decree 485/1962).
- Prevention of Forest Fires and Other Risks:
  Owners must adopt measures conducive to the prevention, detection, and extinction of forest fires (Article 43 of Law 43/2003). Owners are also obligated to communicate the atypical appearance of harmful agents (Article 53).

- Restrictions on Land Use Changes:
  Changes in forest use require authorization (Article 40 of Law 43/2003). A change of forest use in burned lands is prohibited for at least 30 years (Article 50).
  The administration has adopted certain measures to limit the cutting of trees for historical reasons (abuse of forest cutting due to the needs from WWII).
- Authorisations:
  Timber harvesting requires the corresponding logging license, its execution being governed by technical specifications (Art 90 of Law 7/2012, on Forest of Galicia)
  Limitations on Non-Forest Activities: The administration may require authorization for activities due to their intensity, danger, or profitability (Article 15 and 44 of Law 43/2003).

4.2. Legal rights of the forest owner/holder

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

According to Law 43/2003 of 21 November 2003 on Forest, activities linked to sustainable forest management may be subsidised under the terms set out in the respective calls for proposals (Article 64). It also establishes that: The public administrations shall regulate the mechanisms and conditions for providing incentives for the positive externalities of sustainably managed forests.

Right to these incentives require compliance with certain conditions and factors related to the sustainable forest management objectives established in Law 43/2003 (Article 65):

> a) The conservation, restoration and improvement of biodiversity in forest ecosystems and species and of the landscape according to the measures specifically adopted for this purpose.
>
> b) The fixation of carbon dioxide in forests as a contribution to the mitigation of climate change, depending on the amount of carbon fixed in the forest biomass of the forest, as well as the energy recovery of its usable forest biomass.
>
> c) The conservation of soils and the hydrological regime in forests as a measure to combat desertification, depending on the degree to which vegetation cover and silvicultural practices contribute to reducing soil loss or degradation and the improvement of surface and groundwater resources.
>
> (d) improvement of air quality and noise abatement.

Finally, article 66 of the same Law 43/2003 refers to the European Union regulations which requires public administrations to encourage the creation of subsidised credit lines to finance forestry investments. These credits may be compatible with subsidies and incentives.

In addition, Law 42/2007 on Natural Heritage and Biodiversity allows the declarations of protected natural areas to establish Areas of Socio-economic Influence, with a specific economic regime and "compensation appropriate to the type of limitations" arising from conservation measures (Article 39). In these areas, the competent authorities may grant targeted subsidies,

incentives or compensations to local populations and landowners, including forest owners, in order to support rural development that is compatible with conservation objectives and to offset, at least partially, the land-use restrictions imposed by the protected status of the area.

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

The management of private forests needs to comply with certain rules established by article 23 of Law 43/2003 on Forest. While private forests are managed in the manner established by their owner, they have to respect the provisions of specific legislation and the Civil Code.

Forest owners may contract their forest management with natural or legal persons under public or private law or with the forestry bodies of the Autonomous Communities where the forest is located.

The management of private forests shall comply, if available, with the mandatory corresponding forest management or planning instrument. The application of these instruments shall be monitored by the forestry body of the relevant autonomous community. In the absence of such a planning instrument, the owner's management decision will require prior authorisation for any activity implying forest use under the terms established by the Autonomous Community in accordance with the provisions of articles 36 and 37 of the Forests Law 43/2003.

Regarding both private and public forests, their management should comply with Article 32 of Forests Law 43/2003, that states that forestry must be managed in a **sustainable manner**, integrating environmental aspects with economic, social and cultural activities, with the aim of conserving the natural environment while generating employment and helping to increase the quality of life and development prospects of the rural population.

In other words, forest management is at the owner's discretion, but must be in accordance with sustainable practices, taking into account environmental aspects and economic, social and cultural activities. In case that a forest does not have a forest management plan, an authorisation for forest use is needed.

Spain has a problem of a high number of small forest properties, and the legislation attempts to provide a solution by establishing certain provisions to limit the possibility of further dividing the land in smaller properties. On that basis, Article 26 of the Forest law considers forest indivisible when its surface is smaller than a minimum established legally by the relevant Autonomous Communities. Public authorities are encouraged by law to promote the creation of public or private forest groupings of small owners with the aim of facilitating the proper and integrated management of the forest[22].

Article 247-250 of the Forest Regulation (Royal Decree 485/1962) refer to forest grouping of public or private forests within forest districts or units aiming to a comprehensive reorganization or reforestation. These forest groupings may be voluntary or compulsory. Voluntary measures

[22] For instance, as raised by a consulted forestry association, in Catalonia, since the fires of 1994 and 1998, the Barcelona Provincial Council has encouraged the creation of owners' associations to facilitate the forest management of small properties.

may be taken for economic integration in order to coordinate the interests of the members, of the grazing land, in the case of reforestation and, in addition, when the owners of forest lands ensure that they comply with the requirements of the law. The forest groupings may also be compulsory when the forests are located in a protected area or, where necessary, in designated areas for safety reasons and improvements for other economic and social reasons. A different limitation to the right of property and/or of decision on how to manage a forest lies in the forest concentration under Article 263 of the Royal Decree 485/1962 stating that when the better protection of the forests units located in the same area or county requires changes in the regime of its property, the relevant State Directorate General in charge of Forests and Forestry, together with the corresponding Town Hall, may request the concentration of land ex-officio, which, in its case, will be carried out in accordance with the procedure established in the Law of 10 August 1955.

- **Is there a right to harvest:**

As previously mentioned, article 36(1) of Law 43/2003 of 21 November, on Forests, with regard to forest uses, establishes that the owner of the forest shall in all cases be the owner of the forest resources produced on his forest, including spontaneous fruits, and shall have the right to use them in accordance with the provisions of this law and the regional regulations.

In Galicia, Article 90 of Law 7/2012 on Forest requires timber harvesting to be subject to corresponding logging license and its execution to be governed by technical specifications.

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)?**

Land use changes are limited in scope and time. Any forest land use change or change in forest use requires an administrative authorisation. When the change aims to revert temporary forest plantations to prior non-forest uses a simplified procedure should be followed.

Regarding the change of forest use and modification of vegetation cover, Article 40 of Law 43/2003 of 21 November 2003 on Forests states that:

> "1. The change of forest use when not motivated by reasons of general interest, and without prejudice to the provisions of article 18.4 and the applicable environmental regulations, shall be exceptional in nature and shall require a favourable report from the competent forestry body and, where appropriate, from the owner of the forest.
>
> 2. The competent forestry administration may regulate a more simplified procedure for the authorisation of the change of use in those temporary forest plantations for which a reversion to previous non-forest uses is requested.

3. The competent forest administration shall regulate the cases in which, without a change of forest use, authorisation is required for the substantial modification of the vegetation cover of the forest."

In addition, article 50 of that same law 43/2003, requires Autonomous Communities to ensure the restoration of the forest nature of burned land, guaranteeing the conditions and prohibiting the change of forest use for at least 30 years.

When the change in forest use is associated with projects subject to environmental impact assessment (EIA), the report of the forest body of the regional authority (*Consejería*) will be mandatory in the consultations with the affected Public Administrations that are contemplated in said procedure. In such report, the appropriateness of the change in forest use and the restoration conditions of possible conditions will be evaluated. The environmental impact assessment will make express mention of said report and will include the conditions established therein (Article 46 of Law 3/2008, on Forest and Sustainable Forest Management of Castilla-La Mancha).

In addition, Law 21/2013 of December 9, on environmental assessment (Annex I, title II, chapter II, section 1. Group 9 Other projects) requires the development of an ordinary impact assessment prior to the authorisation of projects related to:

- Reforestation with non-native species, which characterize the pre-existing vegetation, separating from the natural plant dynamics or **changing the type of functionality or use** of the land, **on surfaces greater than 10 hectares**.
- Cutting down forest vegetation to **change the type of functionality or use of the land** in areas greater **than 10 ha**.

Further Law 21/2013 (Annex II - title II, chapter II, section 2) requires the development of a simplified environmental impact assessment prior to the authorisation of the following projects:

- Land concentration projects.
- Reforestation with **non-native species**, which characterize the pre-existing vegetation, separating from the natural plant dynamics or **changing the type of functionality or use of the land**, as long as they have **25 or more hectares**, as well as below this surface when they meet the criteria 1 or 2, or use alien species at a local scale and their use has not been previously authorized in Forest Resources Management Plans subject to strategic environmental evaluation.
- Mass felling or destruction of forest vegetation to **change the type of functionality or use of the land of 10 or more hectares, as well as those between 1 and 10 h**, that meet general criteria 1 or 2, or that involve the elimination of trees in more than 1 ha, are developed in areas with water erosion levels >10 t/ha*year (National Soil Erosion Inventory, INES) or are carried out in areas where natural or semi-natural vegetation occupies less than 5% of the surface (1 km radius circle).

In addition to these national rules, several regions have adopted specific regulations for the wildland–urban interface that introduce further limitations on land-use change and new building in forest-adjacent areas.

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

At a national level Article 202 of the Decree 485/1962 of 22 February 1962, approving the Forests Regulation at State level, established a limitation for the uses of forest products in public and privately owned forests in the interest of their conservation and in accordance with the provisions of this regulation." However, this provision has been repealed but the requirement to manage forests according to sustainable development principles is still applicable.

In this sense, Article 89 of the Law 2/2011 on Sustainable Economy on Sustainable Economy requires the relevant authorities to promote the increase and improvement of carbon sinks linked to sustainable forest use, which will be assessed, among other sources, from the National Forest Inventory. To this end, different actions will be promoted to give value to both immediate production and the positive externalities that forest areas bring about, in particular, the following:

a) Forest planning and management through sustainable forest management plans and projects.

b) Forest owners groupings for the development of forestry operations as units of sustainable planned management.

c) The production and marketing of forest products from national forests with sustainable forest management certificate, as well as forest-derived products with certification in their national production process.

d) The conservation and improvement of genetic forest resources.

e) The prevention of forest fires and other damages, such as pests, storms, floods and others, and their impact on natural heritage and biodiversity.

f) Initiatives and projects aimed at preventing damage to forests, especially forest fires, and at bringing together economic and social actors, rural inhabitants, forest owners, companies and public bodies.

g) The development and use of new technologies for the prevention and fight against damage to forests, especially forest fires.

h) The use of forest biomass within the framework of energy generation from renewable sources.

Article 90 of the same law also limits the harvesting rights by promoting the compensation of CO2 emissions. Companies and individuals may offset their CO2 emissions through investments in the increase and maintenance of forest masses, carbon farming, emission reduction programs

and other programs established by the State General Administration in collaboration with the Autonomous Communities.

With regard to clear-cutting and afforestation and reforestation to enlarge forest areas, Article 67 of Law 43/2003, of 21 November, on Forests, establishes as infractions the

> "c) Cutting, burning, uprooting or rendering useless of tree or bush specimens of forest species, except in exceptional cases specifically authorised or those expressly provided for and controlled in the corresponding administrative intervention instrument of management, authorisation, responsible declaration or notification, and justified for reasons of forest management." and
>
> "g) Afforestation or reforestation with reproductive material that does not comply with the requirements established by the legislation in force in this area."

- **Are there limitations to carry out non-forest activities in forest land (like mining, energy plants, etc.)?**

The Forest Law 43/2003 recognises that the owner of the forest is also the owner in all cases of the forest resources produced on it, including spontaneous fruits, mushrooms or honey, and will have the right to use them in accordance with the provisions of the law and the regional regulations. The use of forest resources needs to comply with provisions and forest management rules established in the relevant forest resource management plans, when they exist. The competent body of the autonomous community will regulate non-timber uses.

Regarding mining activities in **private forests**, Article 16(1) of Law 22/1973, of 21 July, on Mining[23], states that the exploitation of resources classified in Section A [resources of low economic value and geographically limited commercialisation, as well as those used directly in infrastructure works and construction with minimal processing] on privately owned land belongs to the landowner. However, Article 28(1) of Royal Decree 2857/1978 on General Regulation for Mining[24], requires the landowner to obtain the necessary exploitation licence for the use of these resources before starting any work. They are delivered by the relevant provincial delegation of the Ministry of Industry and Energy.

Article 15(2) of Law 43/2003 of 21 November 2003 on Forests establishes, with regard to the regime of uses in the **public forest domain**, that the administration managing the public forests shall submit for authorisation those activities which, in accordance with the autonomous community regulations, require authorisation due to their intensity, danger or profitability. In the case of catalogued forests [public forest designated by Autonomous Communities as being of

[23] Law 22/1973 of 21 July 1973 on Mining, (*Ley 22/1973, de 21 de julio, de Minas*), available at https://www.boe.es/eli/es/l/1973/07/21/22/con.

[24] Royal Decree 2857/1978 of 25 August 1978, approving the General Regulation for Mining (*Real Decreto 2857/1978, de 25 de agosto, por el que se aprueba el Reglamento General para el Régimen de la Minería*), https://www.boe.es/eli/es/rd/1978/08/25/2857/con

public utility due to its essential roles in soil protection, hydrological regulation, preventing natural hazards like landslides, and conserving biodiversity, among other criteria], a favourable report from the forestry body of the Autonomous Community is mandatory.

The management authority of **publicly owned forests** must grant a concession or licence for any activities that involve exclusive use of the public forest domain. In catalogued forests, this concession is subject to a favourable compatibility report from the regional forestry body to ensure that the activities do not harm the natural values of the forest.

Article 44(3), at the same time establishes, with regard to the **prevention of forest fires**, that: "The Autonomous Communities shall regulate in woodlands and adjoining areas the exercise of all those activities that may give rise to fire risk, and shall establish safety standards applicable to buildings, works, electrical installations and transport infrastructures in forest lands and their surroundings, which may involve fire danger or be affected by fire (...)". This provision is applicable to public and private forests.

Law 21/2013 of 9 December on Environmental Assessment requires the development of ordinary impact assessment for infrastructure projects listed in Annex I which includes projects related to energy and mining. In particular, construction of power lines with a voltage equal to or greater than 220 kV and a length greater than 15 km, facilities for the use of wind power for energy production (wind farms) under certain conditions; facilities for the production of electrical energy from solar energy, which are not located on roofs; installations for hydroelectric energy generation; exploitation of extractive industry whose area of affected land exceeds 25 hectares or that have a total earth movement greater than 200,000 cubic meters per year.

Further the impact assessment should take into account the forest land affected by those projects subject to impact assessment as the law requires to take into account the soil and land to be occupied, and other natural resources whose elimination or impact is considered necessary for the execution of the project, and description of the main characteristics of the exploitation phase of the project (in particular any production process), with indications, for example, of energy demand and energy used, the nature and quantity of materials and natural resources used (including water, land, soil and biodiversity). Further those projects affecting forest land part of the Natura 2000 Network in the terms provided for in Law 42/2007, require an impact assessment.

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

The same provisions as for the previous questions related to land use may apply. Further, Law 21/2013 on Environmental Assessment requires the development of ordinary impact assessment of those projects entailing the transformation of uncultivated areas or natural or semi-natural areas for agricultural exploitation on an area greater than 50 hectares.

Simplified impact assessment is required for land concentration projects.

Article 89 of the Law 2/2011 on Sustainable Economy requires the public administration authorities to promote specific measures to reduce emissions from agricultural systems through the promotion of sustainable and ecological farming practices.

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

Article 16 of Law 1/1970 of 4 April 1970 on hunting establishes the conditions that need to be met to for the owners or holders of hunting land to constitute private hunting reserves, in terms of size of the land and other requirements.

In Law 43/2003 of 21 November 2003 on Forests, hunt is included in the definition of forest uses, and article 36(1), with regard to forest uses, establishes that the owner of the forest shall in all cases be the owner of the forest resources produced on his forest, including spontaneous fruits, and shall have the right to use them in accordance with the provisions of this law and the regional regulations – thus hunting is linked to ownership. However, article 23(3) of the same law also establishes that forest management is subject to the corresponding forest management or planning instrument, and in the absence of such an instrument, the owner's management shall entail the necessary prior authorisation for forest uses under the terms established by the Autonomous Community.

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

The definition of forest uses under Article 36(1) of Law 43/2003 of 21 November 2003 also includes "fruits, mushrooms, aromatic and medicinal plants, beekeeping products and other products and services with market value that are characteristic of forests" (defined in Article 6(i)), so as mentioned above, the owner of the forest is considered the owner of the forest resources produced on it, including spontaneous fruits, and will have the right to use them in accordance with the provisions of this law and the regional regulations. Thus, there is no general national citizens' right to collect wild products in forest land (even though this happens sometimes in practice, as explained by a consulted forestry association): collection is, in principle, subject to the forest owner's consent, with only limited recreational collection possibilities where these are specifically defined by the different Autonomous Communities (see further below). In addition, the use of the forest resources, including the non-timber products, is regulated by the forest resource management plans, the forest management project, the PORF or any applicable forest management instrument.

On the other hand, nature conservation legislation provides a complementary framework where collecting wild species is forbidden. The Biodiversity Conservation Law 42/2007 as modified in 2015, prohibits to intentionally kill, harm, disturb or disturb wild native animals, regardless of the method used or the phase of their biological cycle (Article 54). This prohibition includes their collection such as retention and live capture, the destruction, damage, collection and retention of their nests, their young or their eggs, the latter even when empty, as well as the possession,

transportation, trafficking and trade of live or dead or their remains, including foreign trade. However, this prohibition is not applicable to those species that are not specifically protected, in other words that are not in the list of List of Wild Species in Special Protection Regime or in the List of Spanish Threatened Species when they are subject to specific legislation such as forest legislation.

For those species in the List of Wild Species under Special Protection Regime the prohibition of collecting them is much stronger and if they are plants, fungi or algae, Article 57 prohibits collecting them, cutting them, mutilating them, uprooting them or intentionally destroying them in nature. In the case of animals, including their larvae, offspring, or eggs, Article 57 prohibits any action taken with the purpose of killing them, capturing them, persecuting them or disturbing them, as well as the destruction or deterioration of their nests, vivariums and places of reproduction, wintering or rest.

Autonomous Communities may however recognise and regulate the collection of certain wild products by third parties, usually for personal, non-commercial use. A common approach is to allow small-scale "episodic" collection on unfenced and unsigned land, while giving landowners the possibility to reserve or lease out the use of these resources. For example, in Castilla y León, Decree 31/2017 regulates the wild mycological resource: landowners hold the "mycological title" and may either collect mushrooms themselves, reserve the resource exclusively, or constitute a mushroom harvesting area and issue permits directly or through third parties. On land that is neither fenced nor signposted as reserved or as a designated harvesting area, the decree allows any person to collect mushrooms on an occasional basis up to a maximum of 3 kg per person and day, strictly for self-consumption and without the possibility of sale[25].

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

Article 54 bis of Law 43/2003 on Forests recognises the competence of Public Administrations to regulate public access to forest. The Autonomous Communities define the conditions under which the circulation of motor vehicles is permitted on forest roads located outside the road network and through forest land, outside the existing roads for this purpose. Under no circumstances may circulation be restricted on rights for agroforestry management and the surveillance and fire-fighting work of the competent Public Administrations. Access by persons not involved in surveillance, extinguishing and management may be limited in the high fire risk areas provided for in Article 48, when the fire risk so advises, and this shall be made public in a visible manner.

In addition, article 48(4)(i) of the same law establishes that the annual forest fire prevention, monitoring and extinguishing plans shall be applied continuously throughout the year and shall

[25] Palencia Regional Environmental Service. Rules for mushroom picking. https://www.diputaciondepalencia.es/system/files/publicacion-pdf/20191216/normas_recoleccion_setas_2019.pdf#:~:text=No%20se%20podr%C3%A1%20recolectar%20m%C3%A1s%20de%20tres,No%20cuenta%20con%20se%C3%B1alizaci%C3%B3n%20de%20ning%C3%BAn%20tipo.

include (...) Prohibitions or limitations on the circulation of motor vehicles on forest tracks where there are no rights of way located outside the road network and through forest land and on access by persons not involved in fire monitoring, extinguishing and management.

4.4. Forest owner/holder obligations and requirements.

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

As mentioned above, Article 32(1) of Law 43/2003 of 21 November 2003 on Forests states that **forests must be managed in a sustainable manner**, integrating **environmental aspects** with **economic, social and cultural activities**, with the aim of conserving the natural environment while generating employment and helping to increase the quality of life and development prospects of the rural population. Furthermore, Article 33 of the same law establishes that:

> "1. The **public administrations shall technically and economically promote the management of all forests**.
>
> 2. Forests declared to be of **public utility and protective forests** must have **a forest management project, forest management plan** or other equivalent management instrument.
>
> 3. These instruments shall be drawn up at the request of the owner of the woodland or of the forestry body of the autonomous community and must in all cases be approved by the latter.
>
> 4. The minimum content of the forest management projects, and forestry plans shall be determined in the common basic guidelines for sustainable forest management and the use of forests established in article 32. The drawing up of these instruments shall be directed and supervised by professionals with university forestry qualifications and shall have as a reference, where appropriate, the PORF in whose area the forest is located.
>
> 5. The competent body of the Autonomous Community shall regulate the cases in which it may be **compulsory to have a management instrument for non-protected private and non-catalogued public forests**."

It is also stated in article 34 that:

> "1. The classified public utility forests and protective forests (...) shall be **managed with the aim of achieving maximum stability of the forest mass**, avoiding, where appropriate, the ecological fragmentation of the forests and applying silvicultural methods that give priority to the control of erosion, the danger of fire, damage by snow, gales, floods and floods or other risks to the protective characteristics of the forest.
>
> 2. Listed forests and protective forests (...) shall be **managed to ensure their maintenance in a favourable conservation status** or, where appropriate, the restoration of the values on

which they were declared, without prejudice, as far as possible, to the purposes specified in paragraph 1".

In addition, forest owners who place timber or timber products from their own forests on the market act as "agents" under the EU timber-trade rules and their Spanish implementation (Royal Decree 1088/2015). In this role they must comply with due-diligence and basic reporting obligations, including an annual declaration, which is incorporated into **LIGNUM/SIFo**, the state timber-traceability information system managed by MITECO[26].

- Is there a **tax** imposed on forest ownership?

In Spain, the **ownership of immovable property** is subject to Immovable Property Tax, as established in article 61 of the Royal Legislative Decree 2/2004, of 5 March, approving the revised text of the Law Regulating Local Treasuries[27], which includes forests.

However, article 62 of the same law establishes the **exemptions** from this tax including the one related to **neighbourhood forests in common use** [forests belonging to neighbourhood groups as social groups and not as administrative entities and which are customarily used in common use by their members in their capacity as neighbours], as well as the exemption related to the area of **woodlands planted with slow-growing species** determined by regulation, the main use of which is timber or cork, provided that the density of the trees is typical or normal for the species in question.

The exemption is also applied during 15 years to the forest land where reforestation or regeneration of wooded areas is carried out, subject to management projects or technical plans approved by the Forestry Administration.

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

The following types of permits are needed to manage a forest land:

- Harvest permits
- Other products permits
- Forest plantation permits

Regarding permits, article 15(2) of Law 43/2003 of 21 November, on Forests establishes that the administration managing the public forests will submit for authorisation those activities which, in accordance with the autonomous community regulations, require it due to their intensity, danger or profitability. In catalogued forests, a favourable report from the forestry body of the Autonomous Community shall be mandatory. Article 37 of the same law states that:

[26] MITECO. https://www.miteco.gob.es/es/biodiversidad/temas/politica-forestal/madera-legal-productos-libres-defor/madera-legal/sistema.html

[27] Royal Legislative Decree 2/2004, of 5 March, approving the revised text of the Law Regulating Local Treasuries. (*Real Decreto Legislativo 2/2004, de 5 de marzo, por el que se aprueba el texto refundido de la Ley Reguladora de las Haciendas Locales), https://www.boe.es/eli/es/rdlg/2004/03/05/2/con.*

"1. Timber and woody uses shall be regulated by the forestry body of the Autonomous Community.

2. In forests not managed by that forestry body, such harvesting shall be subject to the following basic conditions: (...)

b) In the absence of such instruments, these harvests shall require prior administrative authorisation, except in the case of short rotation timber or ligneous harvests or domestic harvests of a smaller amount, in which case a new responsible declaration must be made stating that the circumstances exist for which such authorisation is not necessary".

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

As above mentioned, the control of the forest harvest is determined by every Autonomous Community in their regional legislation (article 37 Law 43/2003 of 21 November, on Forests). For example, in the Autonomous Community of the Balearic Islands a forest harvesting authorisation (tree cutting) must be requested when harvesting any forest tree on rural land, in those cases where there is no management project, forest plan or equivalent management instrument.

- **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?**

Article 36(6) of Law 43/2003 of 21 November, on Forests states that: In the contracts concluded by the Administrations managing or owning public forests to carry out improvement actions on these forests, in which forest products with a market value are generated, these may remain at the disposal of the successful bidder for the work and the estimated price of their sale may constitute an element within the budget of the action to be carried out.

The Law on rural development promotes territorial agriculture aiming to rural sustainable development. Under Article 16 the public authorities are required to promote the maintenance and improvement of forest (and agriculture) activities compatible with the rural sustainable development by providing preferential treatment to agricultural professionals, primarily owners of a territorial holding which is translated in the allocation of single payment rights from the national reserve or derived from other Community or national funds, and in the perception of incentives for sectoral restructuring of the Common Agricultural Policy. The signing of territorial contracts is a necessary requirement to benefit from those incentives. **The territorial contract** is the instrument that establishes the set of commitments to be signed between the Public Administrations and the owners of agricultural holdings that guide and encourage their activity for the benefit of sustainable development of the rural environment.

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

Article 43 of Law 43/2003 of 21 November, on Forests states that the **competent public administrations are responsible for the organisation of the defence against forest fires**. To this end, they shall adopt, in a coordinated manner, measures conducive to the prevention, detection and extinction of forest fires, **regardless of the ownership of the forests.**

Further Article 16 of the Soil Law approved by Legislative Decree 7/2015, of 30 October, on Land and Urban Rehabilitation[28], establishes the content of the rights and duties of owners of rural land which includes the duty to 'conserve it paying for and carrying out the works necessary to maintain the land and its forest mass in conditions to avoid risks of erosion, **fire,** flooding, as well as damages or harm to third parties or to the general interest, including environmental risks'.

Article 44 of Law 43/2003, on Forests establishes the obligation for the **General State Administration and the Autonomous Communities** to organise in a coordinated manner specific **programmes for the prevention of forest fires** based on investigations into their causation and, in particular, into the motivations that may be responsible for the intentional origin of the fires. (...)

Likewise, the Public Administrations shall develop **awareness and sensitisation programmes** for the prevention of forest fires, encouraging social participation and favouring the co-responsibility of the population in the protection of the forest.

Article 45 of Law 43/2003 of 21 November extends to **any person** who notices the existence or start of a forest fire, the obligation to notify it to the competent authority or to the emergency services and, where appropriate, to collaborate, within their means, in extinguishing the fire.

In its article 50, the Law 3/2003 prohibits the forest land use change for at least 30 years after a forest fire, as well as "any activity incompatible with the regeneration of the vegetation cover, during the period determined by regional legislation.

Article 53 of Law 43/2003 of 21 November, on Forests establishes the **obligation for the owners** of the forests to **communicate the atypical appearance of harmful agents** to the competent bodies of the Autonomous Communities and to execute or facilitate the execution of the compulsory actions determined by them. On a mandatory basis, the owners of forests, as well as the owners of forest nurseries, will notify the Administration of the atypical presence of any harmful agent in forest masses or isolated specimens that are located on their properties or facilities.

The Ministry may create observatories and networks for the surveillance, monitoring and, where appropriate, treatment and control of the main agents harmful to the forests, defining the sampling systems, levels and frequency of prospecting, with the distribution and adequate density and integrated into other national and international networks with similar purposes and

[28] Royal Legislative Decree 7/2015, of 30 October, approving the revised text of the Law on Land and Urban Rehabilitation, *(Real Decreto Legislativo 7/2015, de 30 de octubre, por el que se aprueba el texto refundido de la Ley de Suelo y Rehabilitación Urbana)*, available at https://www.boe.es/eli/es/rdlg/2015/10/30/7/con.

that, on a periodic basis, allow the evaluation of the health status of the forest masses in the region.

The **Autonomous Communities shall regulate in forests and adjoining areas the exercise of all those activities that may give rise to fire risk**, and shall establish safety standards applicable to buildings, works, electrical installations and transport infrastructures in forest lands and their surroundings, which may involve fire hazards or be affected by them. In particular, they shall specifically regulate forest fire prevention and safety measures in forest-urban interface zones. They may also establish restrictions on traffic in the forest, including the abolition of traffic when the danger of fire makes it necessary.

For example, the Law 3/2008 on Forest and forest sustainable management in Castilla-La Mancha establishes in its article 68 that the Autonomous Community Consejeria when adopting the forest management agreements, may require forest owners to carry out prevention and control activities related to forest pests and diseases. In the treatment of pests, priority will be given to the application of integrated control techniques, minimizing their environmental impact. To the extent possible, treatment against pests will be carried out punctually and exclusively with previously authorized products, as well as adopting the necessary measures to preserve people's health and not cause significant ecological damage. Only on an exceptional basis, a massive and non-selective method may be authorized, with the administrative authorization being limited to the existence of health risks for the biocenosis and, furthermore, only in those cases in which they cannot be other means of control may be used, or they do not provide the minimum necessary effectiveness. In the event that an express resolution is not issued within a period of one month from when the authorization request was received, it will be considered denied. The treatment of forest pests and diseases of plants and seeds in nurseries will be carried out with products that do not deteriorate their vegetative development or affect their genetic quality.

Following the legislation of the Autonomous Community in Castilla la Mancha, the forest owners will have the obligation to eliminate or extract the products resulting from silvicultural treatments and forestry exploitation that pose a risk due to the possible appearance of forest pests or diseases.

- **Is fencing or the use of forest roads regulated?**

Article 384 of the Spanish Civil Code establishes that every property owner has the right to demarcate his property, with the consent of the owners of the adjoining properties.

Articles 54 and 48 of the Forest law, apply. article 54 bis of Law 43/2003 of 21 November, on Forests establishes that:

"1. Public access to forests shall be regulated by the competent Public Administrations.

2. The Autonomous Communities shall define the conditions under which the circulation of motor vehicles is permitted on forest roads located outside the road network and through forest land, outside the existing roads for this purpose.

3. Under no circumstances may circulation be restricted on rights of way for agroforestry management and the surveillance and fire-fighting work of the competent Public Administrations.

4. Access by persons not involved in surveillance, extinguishing and management may be limited in the high fire risk areas provided for in Article 48, when the fire risk so advises, and this shall be made public in a visible manner."

Further the Law 43/2003 considers administrative infringement the construction of trails, tracks, paths or any other work when it is not provided for in the corresponding forest management plan or, where applicable, PORF, or without being expressly authorized by the forestry body of the autonomous community.

It is also considered administrative infringement the transit or permanence on roads or forest areas where there is an express prohibition in this regard or failing to comply with the conditions established in this regard, as well as the circulation of motor vehicles crossing land outside of roads, paths, tracks or any infrastructure for this purpose, except when expressly authorized.

And article 48(4)(i) of the same law establishes that the annual **forest fire prevention**, monitoring and extinguishing plans shall be applied continuously throughout the year and shall include (...) "Prohibitions or limitations on the circulation of motor vehicles on forest tracks where there are no rights of way located outside the road network and through forest land and on access by persons not involved in fire monitoring, extinguishing and management".

The Forest Law considers administrative infringement the non-compliance with the provisions aimed at the **restoration and repair of damage** caused to forests and, in particular, those caused by actions classified as infractions by law. Serious infringements are those determined by the law when the facts constituting the infraction have caused damage to the forest with replacement costs equal to or greater than 10,000 euros and less than 1,000,000 euros or whose deadline repair or restoration is less than 10 years and more than six months (Art 75).

The law considers very serious violations the infractions determined by the law, when the facts constituting the infraction have caused damage to the mountain with replacement costs equal to or greater than 1,000,000 euros or whose repair or restoration period is longer than 10 years (Art 76).

The law establishes an obligation to repair of damage and compensation as well. Without prejudice to the criminal or administrative sanctions that may apply in each case, the offender must repair the damage caused in the manner and conditions established by the sanctioning body. The objective of the repair will be to restore the forest or forest ecosystem to the situation prior to the facts constituting the sanctioned infraction. For the purposes of this law, restoration is understood to be the return of the forest to the state prior to the damage, and repair is

understood to be the measures adopted to achieve its restoration. The person causing the damage will be obliged to compensate for the part of the damage that cannot be repaired, as well as the damage caused.

Compensation may also be required in cases where the economic benefit of the offender is greater than the maximum sanction provided. This compensation will be a maximum of double the amount of the said benefit.

The damage caused to the forest and the period for its repair or restoration will be determined according to technical criteria duly motivated in the sanctioning resolution.

Article 21 of the Law 45/2007 on rural sustainable development related to nature conservation and management of natural resources establishes an obligation to preserve and improve the quality of the rural environment and, in particular, the Natura 2000 Network, protected natural spaces, habitats and threatened species, through the adoption of measures aiming to the conservation and restoration of habitats and threatened and priority species naturally occurring in priority rural areas.

The use of forests affected by areas of easement, or by road or railway domains will not require authorization from the competent bodies of said domains, as long as such forests have management instruments whose approval by the forestry body of the autonomous community has been favourably informed by the management bodies of the mentioned public domains.

Law 21/2013 of 9 December on Environmental Assessment requires the development of ordinary impact assessment for infrastructure projects listed in Annex I which includes the construction of newly laid out highways, highways and multilane roads; the expansion or conditioning of existing conventional roads that involve their transformation into highways, highways or multilane roads, in such a way that the expanded and/or conditioned section of road reaches or exceeds 10 km, in a continuous length. Further a simplified environmental impact assessment is required for Annex II projects that include projects to widen existing conventional roads, which involve their transformation into highways, dual carriageways or multi-lane roads, not included in Annex I, and the construction of newly laid out conventional roads. not included in Annex I.

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

No, there is no general obligation to do so but there is a legal framework encouraging forest authorities to promote and provide support to forest associations. There is certain level of support but very far from the support for agricultural organizations.

The Forest Law also encourages forest authorities to promote forest aggregation and forest grouping, but not much is actually done.

Article 60 of Law 43/2003 of 21 November, on Forests states that the public administrations shall actively promote existing or newly created foundations, associations and cooperatives of social initiative, which have as their object the matters dealt with in this law and, in particular, the

sustainable and multifunctional management of forests, and which may collaborate with the Administration in the exercise of its competences, but it does not establish limits.

4.5. Forest manager/contractor obligations

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

Article 32(1) of Law 43/2003 of 21 November, on Forests establishes the general obligation that forests must be managed in a sustainable way, integrating environmental aspects with economic, social and cultural activities, with the aim of conserving the natural environment while generating employment and contributing to an increase in the quality of life and development prospects of the rural population.

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

As mentioned above, the main right of the forest manager in Spain is precisely the management of the forest (art. 23 Law 43/2003 of 21 November, on Forests) and their obligation is the mentioned by article 32, that its management is sustainable.

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

Article 33 of the Law 43/2003 of 21 November, on Forests lays down the obligation for public utility forests and protective forests to have a forest management project, forest management plan or other equivalent management instrument.

However, this national legal obligation does not extend to privately owned forests, which nevertheless constitute almost 64% of Spanish forests.

At a regional level, however, the situation may differ. Article 5(b) of Order 140/2022[29] of Castilla-La Mancha establishes that to get access to forest subsidies, private forest holdings larger than 100 ha need to have a management plan. In Catalonia, an owner has a higher score to obtain subsides if they have a forest management plan[30].

- 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?

[29] Order 140/2022, of 11 July, of the Regional Ministry of Sustainable Development, which establishes the regulatory bases for aid for the implementation of silvicultural treatments in the framework of the Rural Development Programme of Castilla-La Mancha 2014-2020 *(Orden 140/2022, de 11 de julio, de la Consejería de Desarrollo Sostenible, por la que se establecen las bases reguladoras de las ayudas para la ejecución de tratamientos selvícolas en el marco del Programa de Desarrollo Rural de Castilla-La Mancha 2014-2020)*, at: https://docm.jccm.es/portaldocm//descargarArchivo.do?ruta=2022/07/19/pdf/2022_6712.pdf&tipo=rutaDocm

[30] Consultation with a forestry association from Spain carried out in September 2025.

No specific legislation has been identified. However, the product of the forest manager should be subject to income tax under national legislation.

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

There is no tax imposed on the forest manager at national level.

However, the region of Andalusia establishes under article 200 of the Law 10/2021, of 28 December, on fees and public prices of the Autonomous Community of Andalusia, a fee for administrative activities for inventory and measurement of stocks in forestry exploitation of wood, biomass, cork or pine cone in private forests without an approved and valid project or technical plan for forest management.

5. Forest Management plans

- Are forest management plans required in the legislation of your country?
  - ☒ Yes (only public or private forests declared of public utility and protective forests)
  - ☐ No

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

Article 16 of Law 42/2007 of 13 December 2007 on Natural Heritage and Biodiversity[31] establishes that natural resources and, in particular, the natural areas to be protected, shall be subject to planning. Article 20 of the same Law establishes that the Natural Resource Management Plans shall, at a minimum, include the following content:

a) Delimitation of the territorial scope subject to management, and a description and interpretation of its physical, geological, and biological characteristics.

b) Inventory and definition of the conservation status of the components of natural heritage and biodiversity, ecosystems, and landscapes within the territorial scope, providing a diagnosis and forecasting their future evolution.

c) Determination of criteria for the conservation, protection, restoration, and sustainable use of natural resources, particularly the components of biodiversity and geodiversity within the Plan's territorial scope.

d) Specification of general and specific limitations on uses and activities based on the conservation of natural heritage and biodiversity components.

e) Application, if applicable, of one of the protection regimes for natural spaces.

f) Establishment of guiding reference criteria in the formulation and implementation of various sectoral policies affecting the Plan's territorial scope to ensure compatibility with conservation objectives of natural heritage and biodiversity.

g) Identification of measures to ensure ecological connectivity within the managed territorial scope.

h) An economic report on the costs and financial instruments planned for its implementation.

In Spain, in 2022, 6.701.415 hectares of forest area were subject to forest management instruments, i.e. 23.6% of the total forest area[32].

[31] Law 42/2007 of 13 December 2007 on Natural Heritage and Biodiversity, (*Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad)*, available at https://www.boe.es/eli/es/l/2007/12/13/42/con.

[32] Forest Statistics Yearbook 2022 (Advance. Version 2), Ministry for Ecological Transition and the Demographic Challenge. Available: https://www.miteco.gob.es/content/dam/miteco/es/biodiversidad/estadisticas/avance-estadistica-forestal-2022-v2.pdf

- Are there other type of plans required such as

  ☒ Technical Plan
  ☐ Financial Plan
  ☐ Exploitation Plan
  ☒ Fire prevention Plan
  ☒ Hunting Plan

In specific areas, a natural resources management plan (PORN) is required under Law 42/2007, on Natural Heritage and Biodiversity, covering the same forest territory as the delimited for the Forestry resources Management Plan (PORF). In those cases, the forestry part of these plans may have the character of PORF, provided that a favourable report from the competent forestry body is issued (Art 31).

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

Public or private forests declared of public utility and protective forests must have a forest management project, technical plan, or other equivalent management instrument (Article 33 Law 43/2003 on Forests).

At a regional level the situation may differ. For example, in Galicia the Law 7/2012, on the Forests of Galicia, establishes in its article 77 that public forests, protective forests, and those under public management must be equipped with a management plan, as well as all private forests over 25 hectares within a single property boundary. In Catalonia, no minimum holding size is required for the preparation of a forest management plan, although such plans are never mandatory. Holdings with less than 25 hectares of forest may adopt a simplified management plan (PSGF), while those exceeding 25 hectares require a technical plan, which must be signed by a registered engineer and contains more detailed information[33].

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

It is a regional law, legally binding. At national level there is no legal provision.

- **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.

In relation to forests of State ownership, those Forests of Public Utility and Protective Forests fall under the responsibility of the forestry bodies of the Autonomous Communities which oversee the implementation of forest management plans (Article 33 of Law 43/2003).

In relation to forests of private ownership, private forest owners are responsible for managing their forests in accordance with any existing forest management or planning instruments, under the supervision of the forestry body of the Autonomous Community (Article 23 of Law 43/2003).

[33] More information is available at: https://cpf.gencat.cat/ca/cpf_03_linies_actuacio/planificacio-forestal/

There is no specific mention of national level responsibilities in the implementation of forest management plans, except for the adoption of the overarching policy and strategy guidelines. At a regional level, the Autonomous Communities are responsible for implementing forest management plans or equivalent strategic planning instruments according to their competencies and the mandates of Law 43/2003 (Article 8). Further, article 31 of the law requires Autonomous Communities, at the proposal of the forestry body, to prepare and approve the forest resources management plan (POFR). This includes the need to plan the actions necessary to fulfil the objectives set in the plan, incorporating provisions for repopulation, hydrological-forest restoration, prevention and extinction of fires, prevention and fight against pests, regulation of recreational uses and forest management, including, when appropriate, hunting, fish farming and mycological management.

- Are forest management plans being enforced?

Forest management plans, particularly for forests of public utility and protective forests, are required by law (Article 33 of Law 43/2003). The Autonomous Communities have the responsibility to oversee and ensure the implementation and enforcement of these plans. The effectiveness of enforcement can vary by region, depending on the competencies and actions of the local forestry bodies and the broader policies set by the Autonomous Communities.

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

Not in national legislation.

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

Article 30 of Law 43/2003 of 21 November 2003 on Forests states that the Spanish Forestry Plan shall be reviewed every ten years, or at shorter intervals when circumstances require it.

At a regional level, Article 32(5) of the Castilla La-Mancha Forest law 3/2008 modified in 2023 requires the review of the forest management instrument at the end of the validity period. Failure to carry out the actions planned in the forest management instrument, may prevent its renewal and access to aid of subsidies in the field of sustainable forest management. Furthermore, article 36 of Decree 119/2022, approving the instructions for the planning and use of forests in Extremadura and regulating the procedure for the approval of forest planning and management instruments and the Register of Managed Forests in Extremadura, establishes the periods of validity of forest management instruments:

> "1. The period of validity of the General Plan of the forest management instruments shall be **determined therein** and shall preferably coincide with the turn of the main species.
>
> 2. The period of validity of the special plan for forest management instruments shall be **ten years**, as a general rule. Notwithstanding the above, a different period of validity may be agreed in the following cases:

- In the case of cork oak groves or other temporary productions with shifts that differ from the ten years.
- In exceptional cases that are duly justified on the basis of technical criteria.

In Catalonia, according to Order ARP/122/2017, forest management instruments have an initial validity period of between 15 and 30 years. At the end of this period they must be revised and may be extended following the same approval procedure, and, upon request from the owner, the Forest Property Centre can exceptionally grant an additional extension of up to half of the initial validity period to complete pending planned actions.[34].

- 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?

Article 32 of Law 43/2003, of 21 November, on Forests, establishes the general obligation of sustainable forest management. Article 31(7) of the Law 43/2003 requires that for the preparation of these plans, a mandatory consultation is carried out covering local entities and, through their representative bodies, private forest owners, other legitimate affected users and other interested social and institutional agents, as well as public information procedures. Further, consistency between the PORF and the Natural Resources Management Plan according to the Law 42/2007 on Natural Heritage and Biodiversity, or another equivalent plan in accordance with regional regulations that cover the same territory, and the forestry part of these plans may have the character of PORF, provided a favourable report from the competent forestry body. That includes the development of environmental impact assessment or appropriate assessment when required by law, as well as the necessary stakeholder consultation.

In addition, section 2(a) states that "2. The Government, after consulting the Autonomous Communities through the Sectoral Conference of Agriculture and Rural Development, shall approve the basic common guidelines for sustainable forest management with regard to the following aspects: a) Adaptation to Spanish forests of the criteria and indicators of sustainability, their evaluation and monitoring, in accordance with the criteria established in the international resolutions and conventions to which Spain is a party and, in particular, those required for forests included in the Natura 2000 network".

At the same time, these basic common guidelines for sustainable forest management[35] include as part of the minimum content of the forest management and exploitation instructions to be approved by the Autonomous Communities, provisions relating to the management plans provided for in the regulations on natural heritage and biodiversity: **management plans for protected areas of the Natura 2000 network**, the **natural resources management plan** and the **master plan for use and management and other management instruments for protected**

[34] https://cpf.gencat.cat/es/cpf_03_linies_actuacio/planificacio-forestal/cpf_vigencia_prorroga_revisio/
[35] Directrices Básicas Comunes de Gestión Forestal Sostenible, https://www.miteco.gob.es/en/biodiversidad/temas/politica-forestal/planificacion-forestal/politica-forestal-en-espana/directrices-gfs.html

natural areas, **recovery and conservation plans for endangered species** and the management plans of the Natura 2000 network.

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

In recent years, forestry legislation has sought to promote the development of forestry planning documents that ensure the sustainable management of our forest lands. To consider that Article 20 of Law 42/2007 of 13 December 2007 on Natural Heritage and Biodiversity establishes the minimum content that Natural Resource Management Plans shall include (see above, first question under this section).

The autonomous communities, at the proposal of their forestry body, are responsible to prepare and approve the PORF and will determine the planning documents and their content which, regardless of their name, may include the following elements:

a) Delimitation of the territorial scope and characterization of the physical and biological environment.

b) Description and analysis of the mountains and landscapes existing in that territory, their current uses and exploitations, particularly traditional uses, as well as existing protection figures, including livestock trails.

c) Legal-administrative aspects: ownership, cataloged forests, associations, groups of owners, planning projects or other current management or planning instruments.

d) Socioeconomic characteristics: demographics, availability of specialized labor, unemployment rates, forestry industries, including those dedicated to the energy use of forest biomass and those intended for the development of rural tourism.

e) Zoning by uses and vocation of the territory. Objectives, compatibilities and priorities.

f) Planning of the actions necessary to fulfill the objectives set in the plan, incorporating provisions for repopulation, hydrological-forest restoration, prevention and extinguishing of fires, prevention and fight against pests, regulation of recreational uses and management of forests, including, where appropriate, hunting, fish farming and mycological management.

g) Establishment of the framework in which agreements, agreements and contracts may be signed between the Administration and the owners for the management of the mountains.

h) Establishment of guidelines for the management and use of forests, guaranteeing that the persistence of ecosystems is not endangered, and the productive capacity of the forests is maintained.

i) Basic criteria for control, monitoring, evaluation and deadlines for reviewing the plan

The basic national common **guidelines for sustainable forest management** state that regardless of the complexity of the various forestry management tools, and the structure each Autonomous

Community establishes for forest management projects and technical plans, it is **recommended** to consider, at a minimum, the following aspects:

Inventory: Background, characterisation, and analysis of the forest state.

- Legal status and effects.
  - Ownership, area, and boundaries of the forest property.
  - Registry, cadastral, and subdivision data.
  - Constraints, enclaves, easements, and other usage limitations.
  - Regulations, instruments, sectoral plans, and special protection regimes (ENP, Natura 2000 Network, protected species) affecting the forest, either fully or partially.

- Natural state, physical and biotic environment, natural and anthropogenic risks.
  - Biogeographical, geomorphological, and hydrological situation.
  - Bioclimatic or phytoclimatic position and characteristics.
  - Physical, chemical, and biological nature and characteristics of the soil.
  - Vegetation description: forest habitats of community interest; characteristic or ecologically important vegetation formations; community-interest, protected or threatened wildlife present in the forest.
  - Abiotic and phytosanitary damage from harmful or pathogenic agents.
  - Analysis of erosive and hydrological risks. Other disturbances.
  - Characterisation and analysis of the risk of forest fires.
  - Ecosystem and environmental services provided by the forest or land.

- Forest State:
  - Inventory of timber and non-timber forest resources using the benefits of technological advancements like continuous inventory and management systems.
  - Calculation, estimation, or evaluation of the stock and growth of timber and non-timber forest resources. Carbon retention. Biodiversity indices.
  - Formation of inventory units. Stand book. Silvicultural report.

- Socioeconomic State:
  - Background of management conducted: Summary and economic balance.
  - Economic valuation of the uses, goods, and services of the forest.
  - Infrastructure for accessing the forest, prevention, and defence against forest fires.
  - Analysis of the socioeconomic environment and forecast of demands on the forest. Production potential and objectives of the business plan. Contribution to the bioeconomy, employment, and rural development.

Planning of the Forest (General Plan) and Forest Management (Special Plan): Spatial and temporal organisation. Provision of goods and services.

- General Plan: Governance model of the forest. Silvicultural itineraries.
  - General objectives.
  - Zoning of the forest space. Organisation of the regime of uses and activities in the forest. Priorities and compatibilities. Conditions derived from management instruments of protected areas (natural resources management plan, master plan for use and management, Natura 2000 Network management plans) and plans for the recovery and conservation of protected species.
  - Silvicultural characterisation. Zoning of forest management.
  - Choice of method of benefit and silvicultural itineraries.

- Special Plan: Forest management models.
  - Definition of specific and operational objectives.
  - Action programme for the period considered.
    - Programmes of uses and utilisation.
    - Improvement and defence programmes.
  - Estimation of the environmental effects of the planned actions, in cases considered in the applicable environmental assessment regulations.
  - Economic study and balance of actions.

Validity, Review, and Monitoring:

- Duration of validity. Periodic reviews of the plan.
- Evaluation, monitoring, and compliance indicators.

This is further developed at a regional level. For example, article 35 of Law 3/2004, of November 23, on Forest and Forest Management of the Principality of Asturias, establishes that, together with the Forest Management Plan, the following forest management and planning instruments should be developed: Forestry Plan or Project, the Technical Forest Management Plans and Simplified Technical Plans. The law itself briefly establishes the minimum content of these documents, which require further development.

A similar provision and structure if followed by the other Autonomous Communities. While the Regional Forest Management Plans need to be adapted regularly, not all Autonomous Communities systematically undertake that revision. The Autonomous Communities typically adopt directives/instructions to determine the structure and content of sustainable forest management documents are developed, with the aim of achieving their standardization; applying the principles of sustainability and multifunctionality, which are the basis for any action in the forest environment. For example the Forestry instructions of the Principality of Asturias.

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

Further to the Guidelines we have not identified any additional supporting mechanisms. However, as mentioned above, Law 43/2003 of 21 November 2003 on Forests, establishes that certain activities linked to sustainable forest management may be subsidised under the terms set out in

the respective calls for proposals (Article 64). It also establishes that: The public administrations shall regulate the mechanisms and conditions for providing incentives for the positive externalities of sustainably managed forests.

Right to these incentives require compliance with certain conditions and factors related to the sustainable forest management objectives established in Law 43/2003 (Article 65):

a) The conservation, restoration and improvement of biodiversity in forest ecosystems and species and of the landscape according to the measures specifically adopted for this purpose.

b) The fixation of carbon dioxide in forests as a contribution to the mitigation of climate change, depending on the amount of carbon fixed in the forest biomass of the forest, as well as the energy recovery of its usable forest biomass.

c) The conservation of soils and the hydrological regime in forests as a measure to combat desertification, depending on the degree to which vegetation cover and silvicultural practices contribute to reducing soil loss or degradation and the improvement of surface and groundwater resources.

(d) improvement of air quality and noise abatement.

As an example, the subsidies for the implementation of sustainable forest management measures in the framework of the Rural Development Programme of the Valencian Community 2014-2020, with subsides from 1.500 to 400.000 euros[36]. In Catalonia, there are dedicated support mechanisms for both private and public forests: private owners can receive grants for the drafting and revision of forest management instruments (such as PTGMF, joint PTGMFc and PSGF) with the explicit objective of increasing the area under approved management plans[37]. Likewise, local authorities and other public entities benefit from aid for sustainable forest management in publicly owned forests and other actions of general interest under the CAP Strategic Plan 2023–2027 (including the preparation and revision of management instruments, silvicultural and environmental measures, fire prevention, restoration of damage and productive forest investments)[38]. Beneficiaries of these Catalan schemes can also access preferential loans through a collaboration agreement between CaixaBank and the regional agriculture and forestry administration.

[36] Generalitat Valenciana. (2024). Aid for the implementation of sustainable forest management measures under the Rural Development Programme for the Valencian Community 2014-2020. https://www.gva.es/es/inicio/procedimientos?id_proc=18518
[37] Generalitat de Catalunya. Grants for sustainable forest management on privately-owned estates for 2025, for the drafting and revision of forest management plans. https://web.gencat.cat/ca/tramits/tramits-temes/24206-Ajuts-redaccio-IOF-2025
[38] Generalitat de Catalunya. Grants for sustainable forest management on publicly owned estates. https://web.gencat.cat/ca/tramits/tramits-temes/9653-ajuts-gestio-forestal-finques-titularitat-publica?moda=3

- 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.

No, at national level, there is no general legal requirement to subject forest management plans themselves to environmental or strategic impact assessment. The Common Basic Guidelines for Sustainable Forest Management, however, set out a very detailed minimum content for management instruments, so that sustainability and environmental compatibility are built into the plan's diagnosis, objectives and prescriptions.

In addition, general environmental assessment rules apply where plans or the works they authorise fall within their scope, and some Autonomous Communities go further in specific cases. For example, certain regions require an environmental report when forest management instruments affect protected areas or are integrated into Natura 2000 management, and in Castilla-La Mancha Law 3/2008 (Article 46) obliges the forest authority to issue a specific report on ecological impacts and restoration conditions when a change of forest use is associated with a project subject to environmental impact assessment.

- 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?

Natura 2000 sites and forest management plans are generally well-coordinated, with an emphasis on integrating biodiversity conservation with traditional forest management. Traditional forest activities are recognized and incorporated within Natura 2000 plans. Traditional silviculture is often compatible with and contributes to the conservation goals of Natura 2000.

For example, article 31 of the Castilla la Mancha Forest Law establishes that when a forest management instrument affects land included in the Regional Network of Protected Areas, a prior report will be required from the managing body of the area in question, in order to ensure the compatibility of the project with the existence of the protected area.

Finally, there are protocols and guidelines in place to help small forest owners and managers align their activities with the conservation objectives of Natura 2000. While specific adaptations may be necessary for certain activities, there is a structure to ensure that forest management does not adversely affect conservation targets. Additionally, mechanisms like compensations are possible for those impacted by restrictions due to conservation needs.

6. Sustainable forest management.

6.1. Sustainable forest management definition and forestry practices

- Is sustainable forest management (SFM) defined in your country?
  If yes, please provide the definition, the legal basis and the source (legislation, guidelines, etc) where it has been included in.

  ☒ Yes,

  ☐ No

  Sustainable Forest Management in Spain is defined under Article 6(e) of Spanish Forests Law 43/2003 of 21 November as "The organisation, management and use of forests in a way and at an intensity that enables them to maintain their biodiversity, productivity, vitality, potential and regenerative capacity, to serve, now and in the future, locally, nationally and globally relevant ecological, economic and social functions, and without damaging other ecosystems".

- Does the definition of SFM include specific objectives?

  ☐ Yes,

  ☒ No

  If yes, please describe and state on which level (national, regional or other)

  The Spanish Forest Strategy 2050 and the National Forest Plan include specific objectives related to SFM, (see below).

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

  ☒ Yes, can be found here: The Spanish Common Basic Guidelines for Sustainable Forest Management[39] refers to the definition of SFM set out in the Resolution H1 of the Second Ministerial Conference on the Protection of Forest in Europe, which is effectively the same definition of SFM as the one provided in Article 6(e) of the Spanish Law on Forests.

  ☐ No, this is the source: .....

  Furthermore, Article 31(1) of Law 43/2003 on Forests establishes that the Autonomous Communities may draw up forest resource management plans (PORF) as forest planning instruments, constituting a tool in the framework of land use planning.

  Some of the regions that have incorporated PORFs are: Navarre, Valencian Community, Catalonia, Galicia, Basque Country.

[39] Ministry for the Ecological Transition and the Demographic Challenge (2022). "Common Basic Guidelines on Sustainable Forest Management". p. 6. Available: https://cpage.mpr.gob.es/producto/directrices-basicas-comunes-de-gestion-forestal-sostenible/

- Does your country have a Forest Strategy and/or Forest Management Policy setting policy priorities that implement a SFM approach?
  - ☒ Yes, can be found here: Ministry for the Ecological Transition and the Demographic Challenge (2022). "Spanish Forest Strategy Horizonte 2050". Available: https://www.miteco.gob.es/content/dam/miteco/es/biodiversidad/temas/politica-forestal/estrategiaforestalespanolahorizonte2050_tcm30-549806.pdf
  - ☐ No.

The regional plans or Forest Management Plans for the Autonomous Community are the most relevant for forest management but not all of them have developed them; those already adopted include the Basque Country, Galicia, Asturias, Navarra, Castille and Leon and Andalucia has adopted the revised plan towards 2030.

The "Spanish Forest Strategy Horizonte 2050" published by the Ministry for the Ecological Transition and the Demographic Challenge in 2022 sets the following priorities:

- Promote and strengthen forest management, progressively reducing and removing barriers to its implementation.
- Improve the social visibility of the forestry sector and boost its socioeconomic development, focusing on the bioeconomy and promoting value chains.
- Ensure sustained public investment programming to strengthen the role of forests and the forestry sector and promote mechanisms to incorporate and channel private investment in forestry management.
- Develop a Spanish forest governance framework that allows adequate coordination and monitoring of the policies developed by the Autonomous Communities, the participation of the agents involved and the improvement of collaboration with those responsible for policies that interact with the forestry sector.
- Promote education in the forestry sector and encourage research and innovation.
- Strengthen international cooperation and representation.

- Which requirements/obligations result from the legally binding requirement for SFM?
  - For forest owners
  - For forest managers

As above mentioned under Forest Law, forests must be managed sustainably, integrating environmental, economic, social, and cultural activities (Article 32 of Law 43/2003). Public utility Forests and protected forests must have a forest management plan, or equivalent instrument (Article 33).

Article 32 of the Forest Law 43/2003 sets the mandatory requirement to ensure Sustainable forest management. The forests must be managed in a sustainable manner, integrating environmental aspects with economic, social and cultural activities, with the aim of preserving the natural environment while generating jobs and contributing to the increase in the quality of life and development expectations of the rural community.

The State Government has the responsibility to adopt the basic common directives and guidelines for the sustainable forest management, having consulted the autonomous communities, through the Sectoral Conference of Agriculture and Rural Development. They cover the following aspects:

- Adaptation of the Spanish forest to the sustainability criteria and indicators, their evaluation and tracking, in compliance with the criteria established in international agreements to which Spain is party and, in particular, the requirements for the forest areas in the Natura 2000 network.
- The minimum content of the instructions for the use of forests to ensure their sustainable management.

The competent body of the Autonomous Communities may adopt forest management models for those forests whose characteristics may require them and set those procedures to ensure the appropriate follow up by the forest owners. The State will cooperate with the AC in the establishment of these forest management models.

Public Administrations will promote the development of voluntary, transparent and non-discriminatory forest certification systems. The public authorities when acting on public contracts, may include among the environmental considerations established in the procedure of contracting, those related to the conditions of legality of the use of wood and its derived products at origin as an exclusive factor in case of not being accredited, and those related to its sustainability, which may be accredited, among other ways, through the defined forest certification.

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

  ☒ Yes, can be found here: at the regional level, the Autonomous Communities have the competence to elaborate forest resource management plans (PORF) (*planes de ordenación de los recursos forestales*), whose content is considered legally binding. The Galician PORF can be found here: https://mediorural.xunta.gal/es/temas/forestal/planificacion-e-ordenacion-forestal/plan-forestal

  ☐ No

The following objectives and targets are included in the Forest Strategy 2050 relevant for SFM.

- Increase the forested area through afforestation by at least 0.6 million hectares (20 000 ha/year).
- Increase the area of managed forests: achieve a substantial increase in private forests, so that at least half of them have a forest management plan.
- Increase the carbon sink capacity of forest areas, specifically an increase of: 7.04 MtCO2eq of net uptake by creating wooded land areas,

    - 4.34 MtCO2eq from the promotion of forest management and,
    - 0,54 MtCO2eq from the promotion of agroforestry systems and pasture regeneration.
- Increase the percentage of forest habitats of Community interest that are in a good state of conservation and ensure that there are no habitats of unknown conservation status.
- Achieve a maximum of 0.2% of forest area affected by fires each year.
- Promote, through forest management, fire prevention in the fight against forest fires. To this end, investment in forest fire fighting must not exceed 15% of total investment in forestry by 2050.
- Increase sustainable timber harvesting in forests. Achieve a harvesting rate of no less than 50% in relation to annual growth.
- Increase the contribution of the forestry sector to the Spanish economy, reaching at least 1% of GDP by 2050.
- Increase investment in forestry: exceed €100 per hectare of forest per year, integrating all public and private investments.

In order to implement those goals, the Strategy establishes following objectives:

- OG2: Improve the state of conservation of selected forest ecosystems, their biodiversity, their connectivity and their role in green infrastructure, through their protection, conservation and ecological restoration and through the ecosystem approach to sustainable forest management, including the conservation and sustainable use of forest genetic resources and the protection of mature forests.
- OG3: Strengthen the protective role of forests and other wooded land in the water cycle for the conservation and restoration of degraded land and soils, as well as their resilience to risks from forest fires, pests and diseases.
- OG4: Mitigate the effects of climate change by strengthening the role of forest systems as a unique manageable natural carbon sinks, increasing their carbon sequestration capacity through well-planned and executed silviculture and new afforestation, using adapted forest reproductive materials and integrating into the necessary ecosystem restoration from a territorial perspective.
- OG5: Promote the circular bioeconomy, recognising the leading role of the forestry sector, which bases on the use of raw materials of biological origin, providing ecological products for the construction sector and in a multitude of industrial and food applications, replacing the use of coal, gas, steel, concrete, plastics and other synthetic materials.

- OG6: Modernise and enhance the value of forest production chains, improving their knowledge and promoting innovation and digitisation of processes, as well as strengthening the transparency of the entire chain of custody.
- OG7: Participate in energy transition and decarbonisation policies, promoting the sustainable use and exploitation of forest biomass as a source of renewable energy under the principle of cascade use, especially in rural areas close to forests, as well as extensive livestock farming as a tool for landscape management, forest fire prevention and climate change mitigation in agroforestry environments.
- OG8: Contribute to the sustainable socioeconomic development of the rural environment, taking advantage of the high employment-generating potential of investments in forests and forestry activities, as well as tourism and recreational activities, boosting the growth of the sectoral value chain, while favouring the settlement of the population in rural areas in the face of the demographic challenge.
- OG11: Develop a governance framework for Spanish forest policy that allows for adequate coordination and monitoring of the policies developed by the Autonomous Regions, as well as the participation of all public and private agents in the forest sector and interest groups

There are other specific objectives at a regional level. An example is the Galician Forestry Plan (2021) (Plan Forestal de Galicia) which refers to the adoption, on a voluntary basis, of forest certification to certify sustainable forest management. The plan refers to the adoption, on a voluntary basis, of forest certification to certify sustainable forest management. To this end, an indicator is used relating to the forest area certified by any of the accredited forest certification systems. In the case of Spain, the FSC accreditation system is used.

At the regional level, the Galician PORF sets out objectives of forest area that has to be certified under the FSC accreditation system to promote sustainable forest management. To this end, a target is set for 2040 to reach an area of 650,000 hectares covered with FSC accreditation and a series of mid-term targets to be met every five years.

- 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.

Yes, there are forest owners who voluntarily implement sustainable forest management practices, through associations such as Foresna Zurgaia, an association that brings together small forest owners and public bodies that own forests, with the aim of representing, defending and looking after the interests and rights of forest owners and managers in Navarre. One of its objectives is to inform society about the importance of sustainable forest management through environmental education, the media and certification.

Further, article 35 of the Forest Law 43/2003 establishes, with regard to forestry certification, that public administrations shall promote the development of voluntary, transparent and non-discriminatory **forestry certification systems**. They are voluntary schemes that require forest owners to manage their land according to specific Sustainable Forest Management principles. Forest owners complying with these principles, have the right to use their label to inform consumers on the environmentally minded practices. However, progress on performance is not reflected in the label for consumers to take it into account. Both certifications are used in Spain.

FSC certification is present in 742.451 hectares[40] in Spain (June 2024).

PEFC certification is present in 2.805.379 hectares[41] in Spain (May 2024).

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

Article 32(3) and 32(4) of Law 43/2003 stipulates that the implementation of the Common Basic Guidelines for Sustainable Forest Management will be conducted by means of the approval of the instructions for the management and use of forests, and the forest management models adopted by the Autonomous Communities, in order to guarantee the sustainable management of their forests.

The Common Basic Guidelines for Sustainable Forest Management recommend the integration of measures in the assessment of the sustainability of the management of the instructions for the management and use of forests of the Autonomous Communities, which should incorporate a competent body for the control and monitoring of the implementation of the actions included in the forest management instruments.

- 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
  - ☒ Clear-cutting
  - ☒ Shelterwood system
  - ☒ Selective logging
  - ☒ Afforestation and reforestation to enlarge forest areas
  - ☐ Controlled burn
  - ☒ Mandatory salvage logging
  - ☐ Other .....

[40] https://es.fsc.org/es-es/newsfeed/la-superficie-forestal-certificada-fsc-crece-en-espana-hasta-las-742451-hectareas
[41] https://cdn.pefc.org/pefc.es/media/2024-05/405ad446-600b-4359-a74a-e328220e76b8/53fb9d5c-61f4-5391-82ba-070339c29169.pdf

- Are there limitations on the management models to be applied, like clearcuttings or their sizes?

While there is no specific national legislation banning clear cutting, there is a general obligation requiring authorisations for tree cutting or felling. For example, the Law of Castilla La Mancha considers the following as administrative infractions, *inter alia*:

- The change of forest use without authorization.
- The use of public domain forests without the corresponding concession or authorization for those uses that require it.
- Felling, uprooting, burning and any action that entails or may entail the disabling or destruction of tree or shrub specimens of forest species, except in exceptional authorized cases or administrative intervention justified for reasons of forest management.
- The use of fire in the mountains and surrounding areas under conditions, times, places or for unauthorized activities.
- The carrying out **of forestry exploitation without administrative authorization** or, where applicable, notification from the owner and, in general, the carrying out of any unauthorized or notified activity, when such requirements are mandatory.
- With regard to clear-cutting and afforestation and reforestation to enlarge forest areas, Article 67 of Law 43/2003, of 21 November, on Forests, establishes as infractions the "c) Cutting, burning, uprooting or rendering useless of tree or bush specimens of forest species, except in exceptional cases specifically authorised or those expressly provided for and controlled in the corresponding administrative intervention instrument of management, authorisation, responsible declaration or notification, and justified for reasons of forest management." and "g) Afforestation or reforestation with reproductive material that does not comply with the requirements established by the legislation in force in this area."

- Is there a defined/legal target for forest land to be managed for conservation and species protection objectives in your country or region?
  - ☐ Yes ..... % with a national scope
  - ☐ Yes .....% with a regional scope in:
  - ☐ Yes but no target for a % at national level
  - ☐ Yes but no target for a % at regional level
  - ☒ No

The Forest Strategy 2050 includes the following relevant General Objectives (GO) related to forest conservation:

> **OG2:** Improve the state of conservation of selected forest ecosystems, their biodiversity, their connectivity and their role in green infrastructure, through their protection, conservation and ecological restoration and through the ecosystem approach to

sustainable forest management, including the conservation and sustainable use of forest genetic resources and the protection of mature forests.

OG3: Strengthen the protective role of forests and other wooded land in the water cycle for the conservation and restoration of degraded land and soils, as well as their resilience to risks from forest fires, pests and diseases.

OG4: Mitigate the effects of climate change by strengthening the role of forest systems as a unique manageable natural carbon sinks, increasing their carbon sequestration capacity through well-planned and executed silviculture and new afforestation, using adapted forest reproductive materials and integrating into the necessary ecosystem restoration from a territorial perspective.

The relevant general targets related to the above-mentioned biodiversity conservation objectives are:

- Increase the forested area through afforestation by at least 0.6 million hectares (20 000 ha/year).
- Increase the area of managed forests: achieve a substantial increase in private forests, so that at least half of them have a forest management plan.
- Increase the carbon sink capacity of forest areas, specifically an increase of 7.04 MtCO2eq of net uptake by creating wooded land areas,
    - 4.34 MtCO2eq from the promotion of forest management and,
    - 0,54 MtCO2eq from the promotion of agroforestry systems and pasture regeneration.
- Increase the percentage of forest habitats of Community interest that are in a good state of conservation and ensure that there are no habitats of unknown conservation status.

Royal Decree 159/2022[42] establishes basic norms for the conservation and sustainable use of forest genetic resources in Spain. It introduces measures for both in situ and ex situ conservation of genetic material from wild flora, sets up the National Plan for Conservation of Forest Genetic Resources, and forms a network of genetic conservation units managed by autonomous communities.

[42] Royal Decree 159/2022 of 1 March on the conservation of forest genetic resources and wild flora and amending Royal Decree 1424/2008 of 14 August, which determines the composition and functions of the State Commission for Natural Heritage and Biodiversity, lays down the rules governing its operation and establishes the specialised committees attached to it, and Royal Decree 1269/2018 of 11 October, which determines the composition, functions and rules of operation of the National Forestry Council, (*Real Decreto 159/2022, de 1 de marzo, sobre conservación de los recursos genéticos forestales y de la flora silvestre y por el que se modifica el Real Decreto 1424/2008, de 14 de agosto, por el que se determinan la composición y las funciones de la Comisión Estatal para el Patrimonio Natural y la Biodiversidad, se dictan las normas que regulan su funcionamiento y se establecen los comités especializados adscritos a la misma, y el Real Decreto 1269/2018, de 11 de octubre, por el que se determinan la composición, las funciones y las normas de funcionamiento del Consejo Forestal Nacional)*, available at https://www.boe.es/eli/es/rd/2022/03/01/159.

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

The Forest Law establishes a restoration obligation after a forest fire covering all burnt land but not after harvest. Article 50 of the Forest Law 43/2003 establishes the obligation to maintain and restore burnt forest land. However, it is forbidden to change land use due to forest fire.

Autonomous Communities are responsible for regulating the conditions for restoration of burned forest land. The competent body of the autonomous community will establish measures aimed at removing the burned wood and restoring the vegetation cover affected by the fires, which, in any case, will include temporary fencing. The law requires the Autonomous Communities to ensure that the following activities are prohibited:

a) The change in forest use for at least 30 years.

b) Any activity incompatible with the regeneration of the vegetation cover, during the period determined by the regional legislation.

Autonomous Communities may agree on exceptions to these prohibitions provided that, prior to the forest fire, the change of use was foreseen in:

- A previously approved planning instrument.
- A planning instrument pending approval, if it has already been subject to a favourable environmental assessment or, if this is not required, if it has already been submitted to the public consultation process.
- An agroforestry policy guideline that contemplates the extensive agricultural or livestock use of non-wooded forests in a state of abandonment.

Likewise, on an exceptional basis, the autonomous communities may agree to change forest use when there are reasons of overriding public interest that must be considered by law, provided that the necessary compensatory measures are adopted to recover a forest area equivalent to the one burnt. Such compensatory measures must be identified prior to the change of use in the law itself along with the origin of the change of use.

State law will determine the conditions for change of forest use in the event that these reasons of overriding public interest correspond to a State general interest. However, this exception is not applicable to catalogued forests.

This situation needs to be considered within the following historical context provided for in the Spanish Forest Strategy towards 2020 document:

'The 1877 Act on the Improvement and Reforestation of Public Forest Excluded from Dissolution, which made it obligatory for 10% of forestry income to be devoted to replanting and improvement and suitable silviculture to be applied, initiated reconstruction of tree cover and reversed the trend towards regression in forest cover. The process was complemented with the setting up in 1901 of the Hydrological-Forest Divisions, and the Act of 24 of June of 1908 on protective or buffer woodland, the Act of 9 October 1935 creating the State Forest Heritage and the drawing up in 1939 of Spain's National Plan for

Reforestation. Within about 40 years after 1940 over three million hectares were replanted in Spain. The work done by the State Forest Heritage at that time had its positive and negative elements which left their mark on the Spanish countryside in the form of either exemplary measures and reforestation or as assaults on, and ill-advised management of the forest heritage. The use of pine species is justified by the fact they are frugal, xerophilous and pioneers in the potential progress of vegetation. Helyophilous, light demander and pioneering tolerance they can grow in deteriorated and poor soils and withstand prolonged droughts and extreme temperatures, all very positive characteristics for initiating the recovery of the deteriorated areas where they were used. They sometimes had good results and sometimes bad. Some of today's best forests are the result of those years of reforestation, and the hydrological restoration works often prevent intense erosion. [...]

Analysis of the reforestation carried out **by public authorities** between 1945 and 1985 reveals that 84% of the land surface with tree cover was public property and the remaining 16% private property. Reforestation on land without tree cover accounted for 67% of land surface, while the rest corresponded to reforestation on clearings or areas that had been felled or burnt. In contrast to the distribution of forest property in Spain, according to which 66% of the land surface is privately owned, the low percentage of reforestation on private land is no doubt due to the unfavourable contract conditions for private owners of the consortia stipulated in the **National Forest Heritage Act of 10 March 1941** *(currently not in force)*. Even so, reforestation of public and private land by consortia also caused problems regarding the financial balance of the investments made at that time.

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?
  - ☒ Yes: in the Spanish Forestry Strategy horizon 2050
  - ☐ No.

- Has your country recognized under law 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: The Spanish Forestry Strategy horizon 2050
  - ☐ No

- 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://www.miteco.gob.es/content/dam/miteco/es/biodiversidad/temas/politica-forestal/DBC-Web.pdf p. 36.

  ☐ Yes, at regional level – they can be found here: .....

  ☐ No

  Please describe them and elaborate:

  The Ministry for the Ecological Transition and the Demographic Challenge (MITECO) issues the Common Basic Guidelines for Sustainable Forest Management (Directrices Básicas Comunes de Gestión Forestal Sostenible) refers to the Ministerial Conference on the Protection of Forests in Europe and includes the group of six criteria for European forests to achieve Sustainable Forest Management (SFM), setting the target of conservation or qualitative increase of biodiversity in alignment with the conservation objectives of the management plans in the Natura 2000 Protected Areas.

6.3. Climate change and Forest carbon absorption

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

Regarding silviculture practices the Law 7/2021, of May 20th, on Climate Change and Energetic Transition and the measure 1.17 of the National Integrated Energy and Climate Plan 2021-2030 focuses on forest sinks. This measure includes actions to create forest areas, promote sustainable forest management and increase the organic carbon content of forest soils. These actions include silvicultural measures to prevent forest fires and increase carbon sequestration.

The Royal Decree 163/2014, of 14 March[43], establishes the Registry of Carbon Footprint in Spain enabling to offset or compensate emissions through carbon dioxide absorption projects. Any natural or legal persons who voluntarily carry out CO2 absorption projects (such as tree planting, afforestation or reforestation) located anywhere in the national territory may be included in the register.

Article 67 of the Law 3/2008, on Forests and Sustainable Forest Management in Castilla-La Mancha states that specific guidelines will be established for the optimization of the carbon absorption and long-term retention capacity of forest masses, as well as the adaptation of forest vegetation to foreseeable climate changes.

[43] Royal Decree 163/2014, of 14 March, creating the registry of carbon footprint, offsetting and carbon dioxide absorption projects, (*Real Decreto 163/2014, de 14 de marzo, por el que se crea el registro de huella de carbono, compensación y proyectos de absorción de dióxido de carbono)*, https://www.boe.es/eli/es/rd/2014/03/14/163.

Article 30(6) of the Forestry Law 3/1993, of the Valencian Community as amended by Law 13/2018, requires the regional government to promote CO2 absorption projects in forestry areas to compensate the carbon footprint.

The protection of forests against harmful agents will preferably be preventive in nature, based on the correct management of the forests and the development of silvicultural practices that favour their vitality, and the use, where appropriate, of biological agents that prevent or stop the increase in populations of harmful agents.

7. Forest land market

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

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

Yes, since Article 25 of Law 43/2003 of 21 November, on Forests states that:

> 1. The **Autonomous Communities shall have the right of preferential acquisition**, subject to the provisions of paragraph 2, in the following cases of transfers for valuable consideration:
>
> a) Of **woodlands with an area greater than a limit to be set** by the corresponding Autonomous Community.
>
> b) Of **forests declared as protective forests** in accordance with Article 24.
>
> 2. In the case of woodlands located in or adjoining a public woodland, the right of preferential acquisition shall correspond to the Administration owning the adjoining woodland or the one containing the enclaved woodland. In the case of woodlands adjoining other woodlands belonging to different Public Administrations, priority in the exercise of the right of pre-emptive acquisition shall be given to the one whose woodland has the longest common boundary with the woodland in question.
>
> 3. There shall be no right of pre-emptive acquisition in the case of a capital contribution in kind to a company in which the transferring owners must have held a majority shareholding for at least five years.
>
> 4. In order to enable the exercise of the right of pre-emptive acquisition by means of the pre-emption action, the transferor must give reliable notification to the public administration holding this right of the data relating to the price and characteristics of the planned transfer, which shall have a period of three months from said notification to exercise said right, by means of the payment or consignment of the amount thereof under the aforementioned conditions.
>
> 5. The notaries and registrars shall not authorise or register, respectively, the corresponding deeds without prior accreditation of the practice of said notification in an irrefutable manner.
>
> 6. If the transfer is carried out without the aforementioned prior notification, or without following the conditions set out therein, the Administration holding the right of pre-emptive acquisition may exercise a right of withdrawal within a period of one year from the registration of the transfer in the Land Register or, failing this, from the time the Administration has had official knowledge of the actual conditions of the said transfer.

7. The right of withdrawal referred to in this Article takes precedence over any other right.

In addition, Article 182 of Decree 485/1962, of 22 February 1962, approving the Regulation on Forests stipulates that the State may acquire, by sale, exchange or expropriation, those privately owned forests, or rights over them, which can best contribute to the fulfilment of the purposes of the State Forest Heritage. However, article 2 of Law 13/1989, of 10 October, regulating forests jointly owned and management by neighbours (*Montes Vecinales en Mano Común* or '*Forest in Common Hand*') considers the forest land indivisible, inalienable, imprescriptible and unseizable property.

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

Further Article 26 of the Forest Law 43/2003 establishes that forest plots with a surface area less than the minimum established by the autonomous communities shall be indivisible, except for reasons not attributable to the owner.

Article 24 of the Law on Modernisation of Agricultural Holdings[44] stipulates that the division or segregation of a rural property is only valid if it does not result in parcels of land smaller than the minimum cultivation unit.

As it is competence of the Regional governments to determine the minimum surface of forests plots, different rules have been adopted from 1.5 ha in the islands of Ibiza and Formentera, to 10 ha in Asturias, 15 ha in Galicia, 25 ha in Castilla y León and Catalonia, or 100 ha in Castilla-La Mancha.

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

While there are no dedicated bodies providing information related to the forest land market in Spain, the Land Prices Survey[45] managed by the Ministry of Agriculture, Fishing and Food, in collaboration with the Autonomous Communities provides a tool to measure the evolution of the average price of the most significant types of agricultural land; that is, land that is for sale and whose economic aim is agricultural exploitation.

There are other market information tools such as the cadastral reference value, the minimum taxable value when buying or inheriting a property, which can be consulted through the IBI (Property Tax – *Impuesto sobre Bienes Inmuebles*) receipt or at the Cadastre (cadastre offices or town hall, at the electronic headquarters of the cadastre[46] or by telephone). In the electronic headquarters of the Cadastre, the cadastral reference is the only information required to get the descriptive data of the property.

[44] Law 19/1995 of 4 July 1995 on the Modernisation of Agricultural Holdings (*Ley 19/1995, de 4 de julio, de Modernización de las Explotaciones Agrarias)*, https://www.boe.es/eli/es/l/1995/07/04/19.
[45] https://www.mapa.gob.es/en/estadistica/temas/estadisticas-agrarias/economia/encuesta-precios-tierra/
[46] https://www1.sedecatastro.gob.es/accesos/secaccvr.aspx

In contrast, the Spanish Mortgage Association (AHE) generates statistics and reports on mortgage activity[47], while the Ministry of Agriculture, Fisheries and Food also publishes reports on agricultural and livestock markets[48], with updated information on prices, trade, production, surface area, balance sheets of the different agricultural and livestock markets.

- 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)

Forest land banks in the form of registries have been created in different autonomous communities, to facilitate contacts between the supply and demand of rural land for their acquisition, leasing, renting or transfer, helping private forest landowners to manage their properties more effectively. For example,

- The Galician Land Bank[49] is an instrument created by the Regional Ministry of Rural Affairs with the dual aim of preventing the abandonment of agricultural land and making it available to all those who need it for agricultural, livestock, forestry, nature and heritage conservation or other uses of social interest. The main function of the Land Bank is to dynamise and mediate between landowners and those who need land, as well as to provide guarantees, confidence and security in the management and use of the land.
- The Land Bank of the Principality of Asturias[50] also constitutes the real estate patrimony of the Autonomous Community, made up of farms of agricultural interest, whose purpose is to promote modernisation and rural and social development. It promotes renting of the land for a more rational, direct and personal cultivation of the land.
- Similarly, the Land Bank in Gran Canaria was created with a focus on acquisition or renting of land purposes.
- The Bierzo Land Bank[51], an intermediation centre created by the Regional Council with the financial support of the Provincial Council of León. Its purpose is the mobilisation of land with agricultural, livestock or forestry vocation, putting in contact the owners of vacant land with those who wish to exploit it by means of a lease or transfer.

In Spain, information on the amount of forest land transferred and the prices of these transactions is generally not centralised or uniformly available. There are no official statistics specifically on forest-land prices, as the agricultural statistics institute only publishes data for agricultural land.

[47] https://www.ahe.es/informes/ahe/
[48] https://www.mapa.gob.es/es/ganaderia/estadisticas/mercados_agricolas_ganaderos.aspx
[49] https://agader.xunta.gal/es/banco-de-tierras
[50] https://www.asturias.es/general/-/categories/606912
[51] https://ccbierzo.com/servicios/banco-tierras/

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

Law 49/2003, of 26 November, on rural leases, establishes that rural leases are contracts by which one or more properties or parts thereof are temporarily leased for agricultural, livestock or forestry use in exchange for a price or rent. Thus, there is a regulation on the lease of forest land, and it is the same as for agricultural land.

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

As previously mentioned, insurance for forest owners is compulsory as stated by Article 11(2) of Royal Decree 2329/1979, of 14 September, approving the Regulations for the application of Law 87/1978, of 28 December, on Combined Agricultural Insurance. It requires forest owners to have one stating that 'Insurance shall be **compulsory for forest owners**, in accordance with the provisions of Article 90 of the Forest Fire Regulations".

The Law 87/1978, of December 28th, on Combined Agricultural Insurances, requires the establishment of a national entity for agricultural insurances, which was created by Royal Decree 2650/1979, of 11 October as the autonomous State Entity of Agricultural Insurances, ENESA. There is a National Plan of Combined Agricultural Insurances, accessible here, that for 2024 approved the 45th Annual National Plan, accessible here. There is a line of Forest Insurances, accessible here, but whose conditions are not well adapted to the basic conditions of the sector and it is almost not subscribed.

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

Article 66 of the Law 43/2003 on Forests states that in accordance with European Union regulations, public administrations shall promote the creation of subsidised credit lines to finance forestry investments. These credits may be compatible with grants and incentives. Article 151 of Decree 485/1962, which approves the Forests Regulation establishes that by exception, a mortgage guarantee may be established on the uses of the listed forests [as of public utility], and the enforcement can only be directed against the income or use of the encumbered forest.

8. Forest companies, Forest incentives and taxation.

Forest Companies

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

The Spanish Forest Strategy 2050 includes the following General Objectives related to the promotion of the forest value chains. They are the following:

> OG5: Promote the circular bioeconomy, recognising the leading role of the forestry sector, which bases on the use of raw materials of biological origin, providing ecological products for the construction sector and in a multitude of industrial and food applications, replacing the use of coal, gas, steel, concrete, plastics and other synthetic materials.
>
> OG6: Modernise and enhance the value of forest production chains, improving their knowledge and promoting innovation and digitisation of processes, as well as strengthening the transparency of the entire chain of custody.
>
> OG7: Participate in energy transition and decarbonisation policies, promoting the sustainable use and exploitation of forest biomass as a source of renewable energy under the principle of cascade use, especially in rural areas close to forests, as well as extensive livestock farming as a tool for landscape management, forest fire prevention and climate change mitigation in agroforestry environments.
>
> OG8: Contribute to the sustainable socioeconomic development of the rural environment, taking advantage of the high employment-generating potential of investments in forests and forestry activities, as well as tourism and recreational activities, boosting the growth of the sectoral value chain, while favouring the settlement of the population in rural areas in the face of the demographic challenge.

There is not a national registry of forest contractors nor regional registries in each region. A registry of contracts exists in the Basque Country named REVASCON.

Further, article 6 of Royal Decree 1088/2015 to ensure the legality of the marketing of wood and wood products, details the requirements for forest contractors to ensure the legality of wood commercialization. Contractors must implement a due diligence system, as required by the European Union Timber Regulation (EUTR), to verify the legality of wood products. This system includes maintaining and periodically evaluating the due diligence process, either independently or through recognized supervision entities. Additionally, contractors must be capable of identifying suppliers and customers within the supply chain and retain this information for five years.

There is no functioning register of forest industries at the national level. Some regions, like Galice, Cataluña or the Basque country might have it, but only recently.

As above, there is a register of forest industries in Spain at State and regional level.

A regional example can be found in the Comunitat Valenciana. According to the Generalitat Valenciana's forestry management regulations, the forestry sector is organized under the "Register of Forestry Industries". This register includes all companies involved in forestry operations, ensuring they comply with sustainable management practices and legal requirements.

In parallel, small forest owners can also organise themselves through *Sociedades Agrarias de Transformación* (SAT), civil-law entities with legal personality used to jointly produce, transform and market agricultural, livestock or forest products and to provide shared services. SATs must be constituted and entered in the corresponding SAT Register and can also form groupings, offering an additional route to participate in forest value chains.

- Is there any specific regulation for forest cooperatives or other forest companies or societies? Is the Code of societies well adapted to forest ownership and forest activities?

Forest cooperatives, like other businesses in Spain, must adhere to the general framework set out in the Spanish Corporate Enterprises Act[52], which governs the formation, operation, and management of companies. This includes regulations on corporate governance, financial reporting, and legal responsibilities.

In addition to general business laws, forest cooperatives and companies are subject to agriculture and forestry-specific regulations. These regulations are often established at the regional level due to the decentralized nature of forestry governance in Spain.

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

Forest owners can create cooperatives, that according to Article 1(1) of Law 27/1999 of 16 July 1999 on Cooperatives[53] are: "a society composed of persons who associate, on the basis of free membership and voluntary withdrawal, to carry out business activities aimed at satisfying their economic and social needs and aspirations, with a democratic structure and functioning, in accordance with the principles formulated by the international co-operative alliance".

Article 60 of that same Law states that: "The public administrations shall actively promote foundations, associations and cooperatives of social initiative, whether existing or newly created, which have as their objective the matters dealt with in this Law, and in particular the sustainable and multifunctional management of forests, and which can cooperate with the administration in the exercise of its powers."

According to fifth additional provision (4) of Law 43/2003 of 21 November 2003 on Forests, the Autonomous Communities shall determine, within the scope of their powers, the additional

[52] Real Decreto Legislativo 1/2010, de 2 de julio, por el que se aprueba el texto refundido de la Ley de Sociedades de Capital, retrieved from https://www.boe.es/buscar/act.php?id=BOE-A-2010-10544

[53] Law 27/1999 of 16 July 1999 on Cooperatives, (*Ley 27/1999, de 16 de julio, de Cooperativas)*, available at https://www.boe.es/eli/es/l/1999/07/16/27/con.

requirements to be met by forestry companies, the name they shall have and the incentives they shall enjoy.

Forest incentives and taxation

In Spain, incentives for forest management are detailed in Law 43/2003 of 21 November on Forests and regional legislation. Article 63 of Law 43/2003 prioritises incentives for managed forests, protected forests and catalogued forests and promotes market-based conservation instruments. Article 64 provides for subsidies for sustainable forest management activities. Article 65 provides incentives for environmental benefits such as biodiversity conservation, carbon sequestration, soil and water conservation, provided through subsidies, contractual agreements or direct investment. Article 66 supports the creation of credit lines for forest investments, compatible with other incentives.

Similarly, at regional level, Law 3/2008 on Forests and Sustainable Forest Management in Castilla-La Mancha promotes incentives for managed forests, especially in protected areas, and includes provisions for subsidies and credit lines to support sustainable management and environmental conservation (Articles 76-79). In Catalonia, specific subsidy schemes further promote sustainable forest management on private land, including aids that remunerate ecosystem services and biodiversity-oriented silviculture in privately owned forests with an approved management instrument[54], as well as grants for forest fire prevention operations in strategic fuel-reduction areas and along key forest road networks defined in those instruments[55].

Under the 2023–2027 CAP Strategic Plan, first-pillar eco-schemes apply only to eligible agricultural land (cropland, permanent grassland and certain woody crops), so pure forest land is not covered. Forests are mainly supported through rural development interventions co-financed by the EAFRD (FEADER) – notably measures for silvicultural investments and other forest-related operations – for which Spain has earmarked a substantial share of its rural development budget (around EUR 0.8 billion) for afforestation, agroforestry, fire prevention, restoration and climate-adaptation measures in forests. In addition, ERDF programmes for 2021–2027 provide funding under climate-adaptation and biodiversity objectives that can be used for nature-based solutions and sustainable forest management in selected regions.

Article 90 Law 2/2011 of sustainable economy regulates emissions offsetting establishing that both companies and individuals may offset their CO2 emissions through investments in the increase and maintenance of forest masses, carbon farming and emission reduction programs and other programs established by the General Administration of the State, in collaboration with the Autonomous Communities.

[54] Generalitat de Catalunya. Grants to incentivise ecosystem services for sustainable forest management on privately-owned estates. https://web.gencat.cat/ca/tramits/tramits-temes/24229-Ajuts-serveis-ecosistemics-per-a-la-gestio-forestal-sostenible-en-finques-de-titularitat-privada-2025

[55] Generalitat de Catalunya. Ajut per a la prevenció d'incendis forestals en boscos de titularitat privada. https://web.gencat.cat/ca/tramits/tramits-temes/24179-Ajuts-prevencio-incendis-2025

Further, the Royal Decree 875/1988, of July 29th, on the regulation of the compensation of expenditures on forest fire suppression, provides financial support to forest owners when carrying out the obligation of preventing and fighting against forest fires.

In Spain, forest owners are encouraged to join forest owner associations through various incentives, including access to financial support and technical assistance. These associations also provide training, facilitate networking, and represent owners in policy discussions, enhancing the sustainability and profitability of their forestry operations. An example of incentives for forest associations from the Principality of Asturias is a program named "Aids for associations of the forestry sector for the financing of current expenses". This program offers economic assistance under a competitive scheme to forestry sector associations for the financing of their current operational expenses.

- Are there effective subsidies for forest owners and managers to implement 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 (See: https://environment.ec.europa.eu/topics/nature-and-biodiversity/natura-2000/financing-natura-2000_en)

Yes, the European Agricultural Fund for Rural Development (EAFRD), through the Common Agricultural Policy (CAP), supports these efforts. However, they are not well known or promoted and, therefore, not very much used. The schemes introduced to support agro-forestry measures have been used in less than 5%.

- What taxes are applicable to forest companies and forest owners

The forest economic activity is considered as an agricultural activity with a basic system similar to farmers. The official webpage of the Ministry of Agriculture presents the regime here, although forestry not being under their competences, is not mentioned.

According to Law 19/1995, of July 4th, on Modernization of Agricultural Holdings, forest holdings are an specific type of agricultural holdings, defined in article 2 of the Law.

Navarre and the Basque country have their own regional regime, but the rest of the country are under the same common regime defined by the Ministry of Treasure. Specific guides on forest taxation for Navarre (2003) and Guipuzcoa (2021) can be accessed here and here (in Spanish). The webpage of the Catalan Forest Center describes the common regime, for each specific tax type.

To estimate the financial needs of the different types of agricultural holdings, the Ministry of Agriculture maintains ECREA, the **Studies on Costs and Profitability of Agricultural Holdings**, based on the Spanish version of FADN. But there are no forest holdings in the network and there is no financial analysis of the different types of forest holdings.

The Ministry of Agriculture has several **lines of financial support for agricultural holdings**, accessible in their webpage here, but they are conceived for farmers or fishers and are not adapted to the specificity of forest holdings. There is a National Society for Endorsements in the agricultural sector, called SAECA, and a national bank for official credit, called ICO.

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 or regulatory measures including the responsible body that are specific to forest management requirements.

Article 58 of Law 43/2003 sets out measures for enforcing compliance with forest management requirements. Public administrations are responsible for policing, custody and surveillance to ensure compliance with forestry legislation, with a focus on the prevention, detection and investigation of forest fires. Forest officers, who receive special training, are authorised to monitor compliance, conduct inspections and take samples, and their findings are presumed to be correct unless challenged. They can enter premises for inspection without prior notice and carry out necessary investigations. These measures are enforced by regional and local forestry authorities.

On regional legislation, Article 74 of Ley 3/2008 on Forest and Sustainable Forest Management of Castilla-La Mancha outlines specific measures for enforcing compliance with forest management regulations. The regional authority (Consejería) is tasked with policing, custody, surveillance, and inspection duties to ensure adherence to forestry laws, especially concerning forest fire prevention, detection, and investigation. Officers must have specialized training and are considered authority agents, with their inspection reports presumed accurate unless contested. They are authorized to enter premises without prior notice for inspections, conduct necessary investigations, and collect samples, provided they notify the landowner or representative, except in urgent cases. Environmental agents coordinate with security forces, and private surveillance members must report any potential law violations and cooperate with authority agents on forest matters.

Specific bodies with enforcement responsibilities have been established. The main rural police, the Civil Guard or **Guardia Civil**, was created in 1844 as the main judicial police (official webpage, here) and while historically did not have a responsibility related to forest or environmental protection, in 1988 it established the specific body **SEPRONA**, the Service for the Protection of Nature, that shares some responsibilities with the regional forest agents. It is described in the official webpage, here,

A specific **national forest police** (*agentes forestales*) was created in 1907, with a precedent in 1877, as described here. This body is responsible for the protection and conservation of natural resources.

Now each Autonomous Community has its own service of forest police, regulated in its forest law. As previously stated, there is a legislative project of a basic law on forest police.

Articles 67 and 68 of Ley 43/2003, of Forests, detail specific measures to enforce compliance with forest management requirements.

- Article 67 defines infractions related to forest management. Minor infractions include unauthorised removal of timber or plants, failure to report forest fire risks and minor violations of forest management plans. Serious offences include unauthorised cutting, causing significant damage to forest ecosystems and failure to implement required fire prevention measures. Very serious violations include large-scale illegal logging, serious environmental degradation and repeated serious violations.
- Article 68 sets out the sanctions for these violations, while Article 74 sets the amount: Minor infringements can result in fines of up to €1,000, while serious infringements can result in fines of between €1,001 and €100,000. Very serious offences result in fines of more than €100,000, suspension of activities and mandatory restoration of the damaged environment. These measures ensure a structured approach to enforcement, with regional and national forestry authorities responsible for oversight and implementation.

Similarly, and at a regional level, Article 80 of Law 3/2008, on Forests and Sustainable Forest Management of Castilla-La Mancha outlines the classification of infractions related to forest management. Infractions are categorized as minor, serious, and very serious. Minor infractions include failing to notify authorities of planned forest activities or minor breaches of management plans. Serious infractions cover unauthorized logging, causing significant environmental damage, and failing to implement necessary fire prevention measures. Very serious infractions involve extensive illegal logging, severe environmental degradation, and repeated serious infractions.

Article 81 specifies the penalties for these infractions. Minor infractions can result in fines up to €1,000, serious infractions can lead to fines between €1,001 and €100,000, and very serious infractions can incur fines exceeding €100,000. Additional sanctions may include mandatory restoration of damaged areas, suspension of activities, and other corrective measures to ensure compliance with forest management regulations. The enforcement of these measures is carried out by regional forestry authorities to maintain sustainable forest practices and protect environmental integrity.

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?

One of the main regulatory barriers affecting the implementation of sustainable forest management (SFM) in Spain is the fragmentation of forest land ownership, which makes coordinated management and planning difficult due to the small, dispersed size of the plots. The presence of numerous small owners makes coordination, planning, and effective policy implementation difficult.

In addition, the decentralisation of forest policy to the Autonomous Communities creates significant regional differences in regulations, leading to inconsistencies and administrative burdens for forest owners and managers. Furthermore, the economic viability of SFM is often reduced by the low profitability of forest products, high operating costs and weak market structures, which discourage investment in SFM. The abandonment of rural areas and the consequent loss of traditional forest management knowledge exacerbate these challenges.

Moreover, another barrier is the lack of updated and coordinated registries since the disconnection between the Land Registry and Cadastre creates legal uncertainty and complicates management and access to subsidies.

According to certain representatives of the forest sector, the diversity and high number of rules, as well as the frequency of their changes might be a major problem for the development of the national forest sector. Further, certain representatives of the forest sector, consider that the diversity of legal frameworks and differences in regional competences could affect negatively the establishment of a consistent forestry policy enabling the appropriate development of the national forest sector. This challenge is linked to the lack of technical resources and specialised advice that limits many owners' ability to develop and implement sustainable management plans.

The legal basis for forest protection and management is the Forest Law 43/2003 which is called *ley de Montes* and covers more than just forest land including grassland, bushes, barren lands, rocky areas, sandy areas or abandoned agriculture land or farms. Likewise, it excludes agricultural land or urban land. There is a need for a specific law on Forest in Spain.

Further, administrative burden adds another layer of complexity, most of the procedures to access grants, permits, and comply with regulations tend to be lengthy and complicated, especially for small owners. In addition, new issues and barriers have emerged with the development of new technologies, such as mandatory e-procedures[56]. Another barrier seems to be the gap in knowledge regarding ownership rights of forest land due to the lack of systematic

[56] Consultation with a forestry association from Spain carried out in September 2025.

registration in the Property Registry. Land abandonment, lack of economic return of the forest and management of small forest areas through figures like partner's forests or neighbours' forests where there is no clear delimitation of property land, are root causes of this legal barrier.

Forest value chains are very weak in many regions, particularly in the half South of the country and the islands and it's difficult to find forest contractors and well-functioning forest markets. Public administrations in various Autonomous Communities offer support and subsidies for forest management plans, encouraging sustainable practices by reducing economic pressure. In addition, forest owners' associations and cooperatives play a crucial role by providing technical assistance, market access and collective management solutions, helping to overcome the fragmentation barrier and facilitating the marketing of forest products. Spanish legislation, such as the Forest Law 43/2003, provides a clear framework for sustainable forest management, including enforcement measures with clear definitions of infractions and sanctions.

Spain has a great potential in the forest sector, but a strong public action is needed, with strong collaboration with the private sector, in order to unblock the sector. While the Spanish legislation requires the forest to be managed in a sustainable manner, some sectors may react against the harvesting of trees as a threat and a damage to natural resources. The forest certified area under SFM is below 3 Mill. ha with strong difficulties to go further and reach 15 or 20 Mill. ha, that should be a reasonable level. There is not political consciousness of that potential, although the strong risk of forest fires typically mobilizes the main governing parties. Public opinion is critical to promote Sustainable forest management ensuring an economic return to forest owners avoiding forest land abandonment. An agreement with the main environmental organizations might contribute to reaching a sustainable forest management system, enabling a sensible economic return to forest owners[57].

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

Regarding the barriers to implementing a closer-to-nature approach in forest management in Spain, again, the fragmentation of ownership and the lack of strong markets for most forest products are significant hindering factors. Additionally, the complex property regimes, especially in cases of joint ownership, present administrative obstacles that complicate forest management
.

There are also challenges specific to local forest owners, administrators, and managers in implementing Sustainable Forest Management (SFM) from a closer-to-nature perspective. These challenges include the high costs of the operations and the little dissemination of the benefits of the forest sector. Further the different interests against the introduction of sustainable forest management. For example, there are conflicts between afforestation and agricultural activities.

[57] There 5 main environmental organizations in Spain are: WWF-Spain, Greenpeace-Spain, SEO-Birdlife, Friends of the Earth and Ecologistas en Accion.

Some forest owners prefer to carry out exploitation works themselves, which can lead to conflicts over land use and management priorities.

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

The Spanish law establishes the obligation to ensure that forest are subject to sustainable management. The main legal drivers for the implementation of a closer-to-nature approach to forest management, as set out in the Spanish Forestry Strategy Horizon 2050, include the conservation of biodiversity, emphasising the integration of biodiversity into forest management practices and alignment with EU biodiversity strategies and directives; sustainable forest management, promoting sustainable practices to improve the conservation status of forest habitats and strengthening administrative cooperation; climate change mitigation, with measures to adapt to and mitigate the effects of climate change, maintain forest health, prevent soil erosion and manage water cycles; a robust legal framework and policies, including national legislation such as the Spanish Law 7/2021 on Climate Change and Energy Transition; economic incentives for forest owners and managers to adopt sustainable practices, such as subsidies and payments for ecosystem services; and alignment with international and EU commitments to reduce deforestation and promote sustainable forest management worldwide.

10.2. Legal or regulatory gaps in national forest legislation

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

Spain's legal framework for forest management provides some critical insights and potential areas for improvement. The Spanish Constitution and subsequent laws, such as Law 43/2003 on Forests, together with other legislation, provide a comprehensive basis for forest regulation. However, several challenges remain:

- **Complexity and overlapping regulations**: The multitude of laws, decrees and regional differences create a complex regulatory landscape that can hinder effective forest management. According to certain representatives of the forest sector, the diversity and high number of rules, as well as the frequency of their changes might be a major problem for the development of the national forest sector

- **Decentralisation and coordination issues**: The decentralisation of forest management responsibilities to the Autonomous Communities allows for region-specific strategies, but also creates coordination difficulties. There are 17 different legal frameworks. According to certain representatives of the forest sector, the diversity of legal frameworks and regional competences could affect negatively the establishment of a consistent forestry policy enabling the appropriate development of the national forest sector. The multiplicity of regulations and authorities can create bureaucratic hurdles for small forest owners, limiting effective implementation of sustainable practices.

- **Lack of promotion of the forest economic activity,** when land abandonment is the major national problem and there is a major problem of forest fragmentation. Forest activities are rarely considered as a key part for the primary sector, with specific instruments coordinated with those of agriculture and fishing. Wrong sectoral taxation and lack of incentives for investment.

- **Lack of clear ownership rights**, due to problems in the Cadastre and the Land Register difficult forest management. There is a need to promote the identification of ownership of existing forest land (by notaries) to enable registration. It might be useful to consider the adoption of a legal mandate to enable/promote the identification of forest plots by notaries, together with the establishment of a clearer legal figure to ensure the registration of land managed by partners (socios) or neighbours such as the Limited Liability Company linked to a framework with fiscal incentives for such small forest plots managed jointly.

  The establishment of Management Boards (Juntas Gestoras) through the Article 27bis of Law 43/2003 of 21 November 2003 on Forestry allows co-owners of woodlands to act as a single legal entity, making management and conservation efforts more feasible. However, this figure does not have legal value for acting towards banks, authorities or contracts and might be useful to consider the use of Limited Liability Company.

- **Enforcement and compliance**: While the legal framework requires sustainable forest management practices, enforcement mechanisms and compliance monitoring need to be strengthened. Enforcement mechanisms and penalties for illegal activities, such as unauthorised logging or land-use changes, may be insufficiently applied by authorities.

- **Adaptation to climate change**: The existing legal framework should more explicitly address the challenges posed by climate change.

11. National experts on forest legislation and references

- Provide the names and contacts of 3 to 5 experts in forest legislation in your country,

From the National Forest Authority or regional authorities

- **Guillermo Fernández Centeno** – Technical Advisor to the Direction General in Biodiversity, Forests and Desertification of the Minister for Ecological Transition: gfcenteno@miteco.es
- **Jara Sánchez** - Director General for the Natural Environment and Biodiversity of the Department of Sustainable Development of the Regional Government of Castilla-La Mancha: dgmnb@jccm.es

From Forest owners or sectoral associations

- **Juan Miguel Villarroel Garcia** - Manager Forestry Association of Navarre: jmvillarroel@foresna.org
- **Olga González Raposo** - Manager of the Federation of Forestry Associations of Castilla y León: olgagonzalez@fafcyle.es

From university or research centres.

- **Raquel Benavides Calvo** - Professor of Forestry and Reforestation at the School of Forestry, Forestry and Natural Environment of the Polytechnic University of Madrid: raquel.benavides@upm.es
- **Luis Augusto Diaz Balteiro** - University Professor in the Department of Forestry and Environmental Engineering and Management at the Polytechnic University of Madrid: luis.diaz.balteiro@upm.es

- 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.

Calvo Sánchez, L. (2005). *Systematic Comments on Law 43/2003, of November 21, on Forests: Studies on State and Regional Forest Law*. Editorial Civitas. https://www.marcialpons.es/libros/comentarios-sistematicos-a-la-ley-432003-de-21-de-noviembre-de-montes/9788447023141

Quiroga, S., et al, *Forest Land Ownership Change in Spain*. (2015) COST Action FP1201 FACESMAP Country Report, European Forest Institute Central-East and South-East European Regional Office, Vienna. 40 pages. Online publication.

J.Pemán García, I. Iriarte Goñi, F. Lario Leza, Ministerio de Agricultura, Pesca, Alimentación y Medio Ambiente and SECF, '*La restauracion forestal de España : 75 años de una ilusión*' – '*Forest restoration in Spain: 75 years of a dream*' 2017.

Nichiforel, L., et al, (2020). Two decades of forest-related legislation changes in European countries analysed from a property rights perspective. *Forest Policy and Economics*, 115, 102146. https://www.sciencedirect.com/science/article/pii/S138993411930526X.

Palma Fernández, J.L. Agri-food Law. *Derecho Agroalimentario.* State Agency Official Gazette *Boletín Oficial del Estado*. Colección Estudios Jurídicos, nº18. 2021 Madrid: https://www.boe.es/biblioteca_juridica/publicacion.php?id=PUB-PB-2021-226

PARTNERS



Funded by
the European Union