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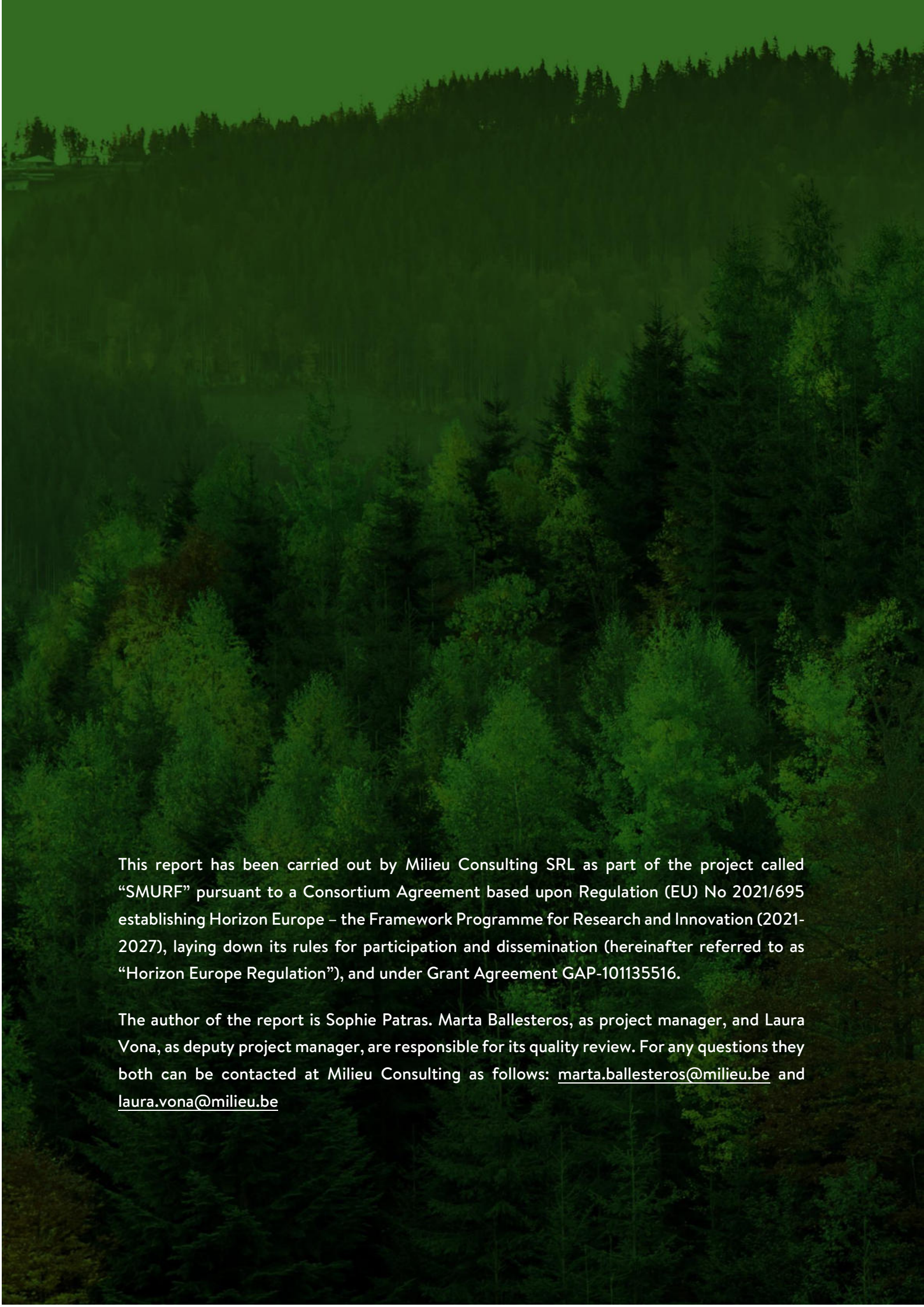
Legal and regulatory framework applicable to Small Forest Owners and Sustainable Forest Management

Country Fact Sheet
France

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.

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

Executive Summary

France possesses **26 million hectares** of forests regulated by the **Forest Code** governing both private and public forests. This legislation pursues five objectives including conservation of resources and biodiversity, sustainable forest management or the promotion of forests' strategic role as carbon sink in the response against climate change. Those provisions are supplemented by the **Rural and Marine Fisheries Code** (RFMC) where forests are exploited for agricultural purposes, and the **General Tax Code** covering taxation and fiscal incentives.

Despite land consolidation measures in favour of public actors, **75% of the French forests are owned by private owners.** Forest ownership only needs to be registered in the **national land register (cadaster)** against an ordinary registration fee calculated as a percentage of the final sale price. Private forests exploited for commercial or agricultural purposes shall also be registered in the **national business register** and be subject to the **commercial tax regime.**

Forest ownership is a **real estate property right** in France. If, in principle, **forest owners** are responsible for the management of their own property, they can contractually hire a **forest manager**, detailing its rights and obligations in accordance with their own as provided for by the Forest Code. They can also use the services of **forest experts or agents of the National Forest Office (NFO)** for advice and conservation expertise. However, the notion of **forest holder** does not exist in the national legal framework.

This framework also promotes **sustainable forest management** through two regimes: the **forestry regime**, falling under the supervision of the NFO, and the **private forest regime**, supervised by the **National and Regional Centers of Forest Property.** Whilst public forests are automatically subject to the forestry regime, private forest owners can voluntarily subscribe to it and let their forest's management to the NFO. Private forest owners can alternatively be subject to a **Sustainable Management Plan (SMPs)**, voluntarily or compulsorily, depending on the size of their land. If not, they are subject to an **administrative authorisation** regime for any woodcutting operation. Moreover, private forest owners can apply for voluntary certifications to FSC or PEFC. As the conditions for requiring SMP are linked to the size of the forest land, in 2022, only 18% of the French private forests were subject to SMPs[1], which hinders the implementation of the SFM objectives stated in the Code.

Forest owners can obtain tax exemptions, direct subsidies and financial incentives supporting land consolidation, sustainable management, low-carbon emissions practices and commitments in favour of conservation initiatives.

[1] National Institute for geographic and forest information, Memento 2023 of the forest inventory (*Memento 2023 de l'inventaire forestier*), 17 October 2023, https://www.cnpf.fr/actualites/memento-2023-et-l-if-ndeg49-de-l-inventaire-forestier-de-l-ign.

Overall, France has a well-established system for the sustainable management of private forests. Both public and private forests are subject or strongly encouraged to subscribe to sustainable management practices. Nevertheless, the enforcement system for the effective application of those rules is lacking due to insufficient resources, especially human resources. Additionally, the closer-to-nature approach has not been formally transposed in French law. The status of agroforestry may also need to be refined to clarify the distinction and interplays between the agricultural regime and the forest regime.

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

The main rules applicable to private forests, and forests in general, are laid down in the **Forest Code**[2]**.**

The latter is, indeed, the main legal basis setting out a framework for forest ownership and forest management. It regulates both public and private forests.

Other accompanying rules apply to certain sectors that may affect forest properties and forest management such as the **Rural and Marine Fisheries Code**[3] (the "RMFC") which contains provisions regulating sylviculture.

It can also be mentioned that the **2004 Charter of Environment**[4] plays a certain role to the French approach to forests. This legal declaration, mentioned in the Preamble of the French Constitution since the Constitutional Law of 1 March 2005, is vested with constitutional value[5]. It is composed of 10 articles promoting sustainable development and principles of environmental protection. It sets out objectives, rights, and obligations such as the right to live in a balanced and healthy environment (**Article 1**), the duty to participate to the preservation and enhancement of the environment (**Article 2**) or the role of technologies and innovation in supporting environmental protection and improvement (**Article 9**). Any national provision or policy must comply with and be interpreted in the light of the general principles and rights provided by the Charter of Environment.

The forest policy is also shaped by several policy documents encouraging the development and protection of forests in the context of climate change and

1.2. Basic legal instruments

The **Forest Code** is the main legal basis setting out a framework for forest ownership and forest management. It regulates both public and private forests. It contains both a legislative and a regulatory framework.

Complementarily, the **RMFC** contains some provisions on sylvicultural activities.

The **General Tax Code** regulates the fiscal regime applicable to forests including incentives to forest investments.

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[2] Forest Code, https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000025244092/.

[3] Rural and Maritime Fishery Code, https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071367/.

[4] Charter of Environment, Constitutional law n°2005-205 of 1 March 2005 on the Charter of environment (*Loi constitutionnelle n° 2005-205 du 1 mars 2005 relative à la Charte de l'environnement*), Official Journal of the French Republic n° 51 of 2 March 2005, https://www.conseil-constitutionnel.fr/le-bloc-de-constitutionnalite/charte-de-l-environnement-de-2004

[5] Decision of the Constitutional Council n°2008-564 DC of 19 June 2008, Law on genetically modified organisms, paragraph 18, https://www.conseil-constitutionnel.fr/decision/2008/2008564DC.htm.

1.3. Basic Regulatory framework

On policy and regulatory aspects, pursuant to the Forest Code, a national policy programme for forests shall be drawn up. The national **Forest and Wood National Programme** resulting from that policy effort constitutes the main strategic documents of the forest policy and SFM. It must define the "*sustainable and multifunctional forest management criteria as well as the indicators associated to it*". It also determines the economic, environmental and social objectives assigned to the national forest policy "*based on the sustainable forest management indicators in accordance with the principles stated in Article L. 121-1*".

The latest programme to date is the **2016 – 2026 Forest and Wood National Programme** (*Programme national de la Forêt et du Bois 2016 – 2026 – PNFB*)[6] which sets out the **4 objectives of the forest policy**: enhance the value of French forests; address citizens' expectations and participate to local developments projects; mitigate the effects of climate change and adapt forests; foster synergies between forests and industry. Each objective of the programme has been subject to an evaluation and impact assessment in October 2020[7].

This plan shall then be further developed at the regional level for the development of **Regional Forest and Wood Programmes** adapting the national orientations to the local needs and peculiarities (**Article L. 122-1, Forest Code**) (see section 2.1 below).

Further, Articles L. 131-1 to L. 136-1, Forest Code requires the adoption of national and **local strategies against forest fires** framing the necessary measures to prevent or mitigate forest fires. After the significant forest fires of 2022, the Law n° 2023-580[8] reinforced the requirements of the forest strategies preventing forest fires.

[6] Ministry of Agriculture and Food Sovereignty, 2016 – 2026 Forest and Wood National Programme (*Programmes national de la Forêt et du Bois 2016 – 2026*), 13 October 2014, https://agriculture.gouv.fr/le-programme-national-de-la-foret-et-du-bois-2016-2026, available in English at https://agriculture.gouv.fr/telecharger/84443.

[7] Ministry of Agriculture and Food Sovereignty, FWNP: results and impacts monitoring (*PNFB: suivi des résultats et des impacts*), October 2020, https://agriculture.gouv.fr/telecharger/86130.

[8] Law n° 2023-580 of 10 July 2023 aimed at aimed at strengthening prevention and combating the intensification and spread of fire risk (*LOI n° 2023-580 du 10 juillet 2023 visant à renforcer la prévention et la lutte contre l'intensification et l'extension du risque incendie*), Official Journal of the French Republic n°0159 of 11 July 2023, https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047805414.

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.

Legal background

In addition to what has been stated above, the following legal sources can be mentioned:

Article 34 of the French Constitution[9] gives competence to the Parliament to establish the fundamental principles of environmental protection.

The **Forest Code**[10] is the main legal basis setting out a framework for forest ownership and forest management. It regulates both public and private forests.

Among the general principles of the Code, **Article L. 112-1 of the Forest Code** sets out 5 objectives of general interests:

- The reforestation, protection, and development of French woods and forests, as part of sustainable management;
- The conservation of genetic resources and forest biodiversity;
- The protection of water resources and air quality through forests in the context of forest sustainable management;
- The preservation of forest soils quality, especially regarding the biodiversity aspects at stake and the fixation of soils by forests in mountain areas;
- acting as a carbon sink by fixing carbon dioxide in woodlands and forests and storing carbon in forest soils, woodlands and forests, wood and products made from wood, thereby helping to combat climate change.

It is supplemented by the **Rural and Marine Fisheries Code**[11] (RFMC) where private forests are exploited for agricultural purposes.

The **General Tax Code** can also be mentioned as it regulates the fiscal regime applicable to forests as well as the different tax regimes providing for exemptions or incentives to forest investments.

[9] Article 34, Constitution of 4 October 1959, https://www.conseil-constitutionnel.fr/le-bloc-de-constitutionnalite/texte-integral-de-la-constitution-du-4-octobre-1958-en-vigueur.
[10] Forest Code, https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000025244092/.
[11] Rural and Maritime Fishery Code, https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071367/.

National competences

Several ministries intervene in the forest policy depending on the forest use considered. The main Ministry in charge of the development and preservation of French forests is the Ministry of Agriculture and Food Sovereignty. It is responsible for the preparation of the national policy strategies and programmes governing forests[12]. The Ministry of Ecology is responsible for environment and climate change policies. As such it also intervenes on the environmental, biodiversity and climate change aspects of the French forest policy[13].

The **National Center for Forest Property** (*Centre national de la propriété forestière – CNPF*)[14], (the "**NCFP**"") is the national supervisory body of private forests. As a supervisory authority it is entrusted with 11 missions laid down in **Article L. 321-1 of the Forest Code**. These missions include *inter alia*:

- support land consolidation and the improvement of management mechanisms;
- **approve Simple Management Plans for private forests** (*Plans Simples de Gestion – PSG*) ("**SMP**") and Model Management Regulations (*Règlements Types de Gestion – RTG*) (see Section 7 below).
- raise awareness on fire and storm risks;
- encourage the sustainable use and methods of silviculture.

The NCFP also has a policy function. It shall contribute to the national actions on forest health, sustainable development and rural town planning and the adaptation of silviculture to climate change. It also facilitates international cooperation at the EU and international level (**Article L. 321-1, Forest Code**).

The **High Council for Forest and Wood** (*Conseil Supérieur de la forêt et du bois*)[15] is a government policy and advisory body. It defines, implements and evaluates the national forests policies and coordinates their implementation at the local levels (**Article L. 113-1, Forest Code**).

The **National Forests Office** (*Office national des Forêts – ONF*)[16] is a public body with industrial and commercial functions (*Etablissement Public à caractère Industriel et Commercial – EPIC*) responsible for the management of State forests.

The **National Institute for Geographic and Forest Information** (*Institut National de l'Information Géographique et Forestière – IGN*)[17] is a statistical administrative body placed under

[12] Ministry of Agriculture and Food Sovereignty, Forest – Wood (*Forêt - Bois*), 2020, https://agriculture.gouv.fr/foret-bois#:~:text=Les%20grands%20axes%20de%20la%20politique%20foresti%C3%A8re&text=valoriser%20la%20for%C3%AAt%2C%20source%20de,et%20communautaires%20concernant%20la%20for%C3%AAt

[13] Ministry of Ecology, The government launches a new national plan to adapt to climate change (*Le gouvernement lance un nouveau plan national d'adaptation au changement climatique*), 2025, https://www.ecologie.gouv.fr/actualites/gouvernement-lance-nouveau-plan-national-dadaptation-changement-climatique

[14] National Center for Forest Property, https://www.cnpf.fr/le-cnpf-et-la-foret-privee/organisation-du-cnpf/le-centre-national-de-la-propriete-forestiere

[15] Superior Council of Forest and Wood, https://agriculture.gouv.fr/conseil-superieur-de-la-foret-et-du-bois-grand-dynamisme-de-la-filiere.

[16] National Forests Office,

[17] National Institute for geographic and forest information, https://inventaire-forestier.ign.fr/spip.php?rubrique149.

the Ministry of Agriculture and Food Sovereignty's supervision. It is responsible for the publication of the permanent inventory of the national forest resources: an annual statistical report analysing both public and private forests and woods including those of the overseas territories (**Articles L. 151-1 and L. 151-2, Forest Code**).

Regional competences

The **Regional Centers for Forest Property** (*Centres régionaux de la propriété forestière – CRPF*) ("**RCFP**") are representations of the NCFP at the regional level, thus complementing the role of the national authorities in relation to private forest land.

The **Regional Committees of Forest and Wood** (*Commissions régionales de la forêt et du bois*)[18] are the local equivalents of the **High Council for Forest and Wood.** They elaborate the regional programmes implementing the national policy programme for forests and adopt the appropriate measures to adapt it to the local context (**Article L. 113-2, Forest Code**).

The **prefect of region** (*préfet de région*) is the local authority supervising sustainable forest management documents. It approves or refuses SMPs for public forests and issues woodcutting authorisations. It is worth noting that under Article L. 122-3 of the Forest Code, there are different categories of documents regulating forests in France. The type of documents required depends on the nature of the forest benefiting from them.

For woods and forests covered by the **forestry regime**:
a) Management documents, including Simple Management Plans;
b) Standard management regulations.

For **private forests**:
a) Simple management plans;
b) Model management regulations;
c) Codes of good forestry practice.

All these documents are elaborated and monitored based on the regional directives and schemes.

Local/municipal competences:

The **departmental authorities** elaborate **forest service schemes** yearly, detailing the appropriate itineraries connecting local public roads to forest delivery points for the transportation of logs (**Article L. 153-8, Forest Code**). **In rural areas, departmental councils** are also competent to distribute the areas dedicated to forests (**Article L. 126-1, RMFC**).

The **prefect of department** also has competence to elaborate the local strategy against forest fires and take the necessary measures to prevent or mitigate forest fires (**Articles L. 131-1 to L. 136-1, Forest Code**) (see section 4.4 below).

[18] Superior Council of Forest and Wood, https://agriculture.gouv.fr/conseil-superieur-de-la-foret-et-du-bois-grand-dynamisme-de-la-filiere.

The **Departmental Directorate for Territories** (*Direction Départementale des Territoires*) is the authority in charge of the qualification of forest and agricultural land

Forest coordination and advisory bodies

Financing bodies (e.g. EARDF): The **Forest and Woods Strategic Fund** (*Fonds Stratégique de la Forêt et du Bois*) is a public fund which finances the necessary operations to reach the forest development objectives laid down in Article L.112-1 and the general orientation objectives set out in Article L. 121-1 of the Forest Code (**Article 156-4, Forest Code**).

Forest advisory bodies: The **Chambers of Agriculture** (*Chambres d'Agriculture*)[19] are bodies responsible for forests and woods developments and the promotion of agricultural activities related to forests. To that end they are entrusted with 6 missions laid down in **Article L. 322-1 of the Forest Code**. These missions include, *inter alia*, enhancing the value of private woods and forests, the provision of legal and accountancy assistance services or the development of information and raising-awareness campaigns against forest fires. They are, however, prohibited from providing any direct management or commercial service. Chambers of Agriculture are organised based on a regional and departmental network of authorities supervised by the national Chamber of Agriculture France.

2.2. Key representation organisations of the forest sector

1. **Forest owners**:

Fransylva : Fransylva is an umbrella organisation representing private forest owners' unions. Sited in Paris, contact information is : 6 rue de la Trémoille – 75 008 Paris; +33 1.47.20.36.32 ; federation@fransylva.fr; https://www.fransylva.fr/responsabilite-civile-rc-pro-forestier.html.

Forests-Woods Alliance (*Alliance Forêt-Bois*): This alliance is a cooperative of forest owners specialised in silviculture works, forest counselling, timber acquisition and exploitation. Contact information : 80-82 Route d'Arcachon – Pierroton, 80 416 - 33612 CESTAS CEDEX ; +33 5 40 120 100 ; https://www.allianceforetsbois.fr/.

2. **Forest municipalities**:

Communes Forestières France (COFOR): COFOR is a federation of forest municipalities representing over 6,000 members and represented in each department which operates at a political and technical level through its elected representatives and employees to promote forests and the forest-wood industry in forest municipalities. Contact information: 13 Rue du Général Bertrand – 75 007, Paris ; +33 1 45 67 47 98 ; federation@communesforestieres.org; https://www.communesforestieresfrance.fr/.

[19] Chamber of Agriculture France, https://chambres-agriculture.fr/.

3. **Forest industry:**

South-West Silvicultors Trade Union (*Syndicat des Sylviculteurs du Sud-Ouest*): This trade union represents private forest owners of 3 departments of the South-West of France (Gironde, Les Landes, and Lot-et-Garonne) who engage in silviculture. With their headquarters in Bordeau the contact information is: 6 parvis des Chartrons, CS 9210, 33 075 BORDEAUX CEDEX; +33 5 57 85 40 13; ssso@maisondelaforet.fr; https://www.maisondelaforet-sudouest.com/.

Chambers of Agriculture France (*Chambre d'Agriculture*): Chambers of Agriculture are public bodies established by the law and governed by representatives of the agricultural, rural and forest sectors. They support farmers and represent their interests in the public debate with public authorities and local authorities. Contact information: avenue George V, 75 008, Paris, +33 1 53 57 10 10; https://chambres-agriculture.fr/.

Fibois France: Fibois is the national umbrella organisation representing the entire forest industry. It intervenes, *inter alia*, in harvesting, sawmill activities, forest management, forest certifications, timber conditioning and transportation. Contact information: 24 rue du champ de l'alouette,
75 013, Paris ; +33 6 01 88 78 64 ; contact@fibois-france.fr; https://fibois-france.fr/fibois-france/.

4. **Forest clusters**: N/A
5. **Forest contractors: Fibois** also represents forest contractors.
6. **Forest Professionals:**

National Council of Land, Agricultural and Forest Expertise (*Conseil National de l'Expertise Foncière, Agricole et Forestière*): The CNEFAF is a professional body established by law to supervise the profession of forest and agricultural experts. It is an association of all land, agricultural and forestry experts. The contact information is: 8, rue Chardin, 75 016 PARIS ; +33 1 45 27 64 26 ; cnefaf@cnefaf.fr; https://cnefaf.fr/expertise-forestiere/

Forest Experts of France (*Experts forestiers de France*): it is the national professional association of forestry experts. It represents 200 professionals forests experts. The contact information: 6-8 rue Chardin, 75016 Paris; +33 1 40 50 87 34; compagnie@foret-bois.com; https://expertsforestiersdefrance.com/

7. **Forest Agents or rangers:**

National Forest Office (*Office National des Forêts – ONF*)**:** This is a public establishment with both public and commercial activities responsible for the management of forest falling within the Forest regime. Contact information : 2 bis avenue du Général-Leclerc 94700 Maisons-Alfort France ; +33 1 40 19 58 00 ; valerie.metrich-hecquet@onf.fr ; https://www.onf.fr/

8. **Forest Sciences:**

National Institute for Geographic and Forest Information (*Institut National de l'Information Géographique et Forestière – IGN*): It is a public establishment responsible for collecting, recording, monitoring and representing national geographical data. It also trains engineers and support research. https://inventaire-forestier.ign.fr/spip.php?rubrique149.

Agreenium: Paris-based research organisation focusing on training, research and cooperation in agrobiosciences, food safety, environment and public health including forest science. Contac information : 42 rue Scheffe, 75 116 Paris France; +33 1 53 70 20 00 ; iavff.contact@iavff-agreenium.fr; https://www.agreenium.fr/liste-formation?f%5B0%5D=mots_cles_fr_formation%3A78

9. **Forest certification:**

FCS France – Forest Stewardship Council France: French national bureau representing the Forest Stewardship Council (FSC) in France. Contact Information : Résidence Hoche – Bâtiment A, 8 Boulevard de la Paix, 56 000, Vannes ; +33 2 97 63 08 29 ; info@fr.fsc.org ; https://fr.fsc.org/fr-fr/fsc-france/chiffres-cles-en-france

PEFC France – Programme for the Endorsement of Forest Certification France: French certification body responsible for the implementation of the Programme for the Endorsement of Forest Certification at the national level. Contact Information : 149, rue de Bercy, 75 012 Paris ; +33 1 43 46 57 15 ; contact@pefc-france.fr ; https://www.pefc-france.org/pefc-comment-ca-marche/

10. **Public enterprises**

National Center for Forest Properties (*Centre National de la Propriété Forestière - CNPF*)**:** The CNPF is the national public establishment responsible for the supervision of private forests and the promotion of sustainable management practices in private forests. It is represented at the local level by Regional Centers for Forest Properties. Contact information : 47 rue de Chaillot 75116 Paris; +33 1 47 20 68 15; cnpf@cnpf.fr; https://www.cnpf.fr/

11. **Forest cooperatives**

French Forestry Cooperation Union *(Union de la Coopération Forestière Française – UCFF)*: The UCFF is a federation representing French forests cooperatives. It represents 17 cooperatives. Contact Information: 9 rue Buffault 75 009 Paris; +33 1 42 82 19 58; https://lescooperativesforestieres.fr/contact/

12. Other **Forest organisations**

The Observatory of natural, agricultural and forest spaces (*Observatoire des Espaces Naturels, Agricoles, et Forestiers* – OENAF) is a public establishment established by law to measure, analyse and monitor the development of natural, agricultural and forestry areas in order to support public authorities' decision-making.

3. Forest land ownership structure

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

3.1. Data on national forests ownership structure

In France 75% of national forests are owned by **private owners** [20] , 75% of which are natural persons [21] for 25% of legal persons. The remaining 25% of national forest estates are owned by public bodies[22], 16% of which are local authorities (mostly communes). Only 9% of the national public forests are owned by the State [23].

3.2. Definitions of forest ownership in your country

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

- **Forest owner:**

While the Forest Code does not provide a definition of forest owner, it distinguishes between private and public forest according to the nature of the owners. **Private forests** are defined as forests that belong to natural or legal persons governed by private law, and which do not fall within the scope of the forestry regime (**Article L. 311-1, Forest Code**).

Public forest is a forest, within the meaning of Article **L. 111-2 of the Forest Code,** which belongs to the State or on which the State retains indivision rights (**Article L. 211-1, I- 1°, Forest Code**). Public forests are also those which are likely to be subject to regular exploitation, planning or reconstruction by a public entity, or a forest over which a public entity retains an indivision right (**Article L. 211-1, I-, 2°, Forest Code**).

- **Forest holder**

National law does not provide for a definition of a forest holder.

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[20] National Institute for geographic and forest information, Memento 2023 of the forest inventory (*Memento 2023 de l'inventaire forestier*), 17 October 2023, https://www.cnpf.fr/actualites/memento-2023-et-l-if-ndeg49-de-l-inventaire-forestier-de-l-ign.
[21] National Center of Forest Property, 'Key figures of private forest – 2021 Edition' ('*Les chiffres clés de la forêt privée* – Edition 2021), https://www.cnpf.fr/le-cnpf-et-la-foret-privee/la-foret-et-les-proprietaires-forestiers/les-chiffres-cles-de-la-foret#:~:text=La%20for%C3%AAt%20priv%C3%A9e%20tient%20une,par%20le%20CNPF%20et%20Fransylva.
[22] National Institute for geographic and forest information, Memento 2023 of the forest inventory (*Memento 2023 de l'inventaire forestier*), 17 October 2023, https://www.cnpf.fr/actualites/memento-2023-et-l-if-ndeg49-de-l-inventaire-forestier-de-l-ign.
[23] National Center of Forest Property, 'Key figures of private forest – 2021 Edition' ('*Les chiffres clés de la forêt privée* – Edition 2021), https://www.cnpf.fr/le-cnpf-et-la-foret-privee/la-foret-et-les-proprietaires-forestiers/les-chiffres-cles-de-la-foret#:~:text=La%20for%C3%AAt%20priv%C3%A9e%20tient%20une,par%20le%20CNPF%20et%20Fransylva.

- **Forest manager**

The French Forest Code defines **professional** forest managers. Pursuant to **Article L. 315-1 of the Forest Code**, the activity of a professional forest manager includes *inter alia* the conservation and management of woods and forests, as well as the marketing of cut and standing timber. It does not include the real estate property management activity.

- **Forest contractor**

The French Forest Code does not provides a definition for "**Forestry Work Undertakings**" (*Entreprises de Travaux Forestiers*). It only sets out occupational health and safety rules by cross-reference to "timber collecting works".

Forest Contractor is defined in the Forest Code as undertaking carrying out wood harvesting activities mentioned in Article L. 722-3, subparagraph 1° of the RMFC, except pruning and clearing, as well as forest thinning operations (**Article L. 154-1, Forest Code**).

Article L. 722-3, subparagraph 1° of the RMFC lists the following forestry works: felling, trimming, pruning, topping, and skidding in all its forms, as well as the activities that normally precede or follow these operations such as brush clearing, clearing of cut areas, and the transportation of wood carried out by the company that performed all or part of the previous operations. Additionally, when performed on the cutover, these activities include shaping, conditioning, sawing, and carbonizing the wood, regardless of the methods used, as well as the production of wood and derivatives intended for energy or industry.

- **Forest**

In France, the notion of forest is defined in **Article L. 111-2 of the Forest Code**. Pursuant to that provision, woods and forests are defined as plantations of forest species and reforestation, as well as land to be afforested as the result of a legal or contractual obligation[24].

For the application of certain provisions of the Code (such as forest fire prevention), dunes, heathlands, scrublands and Mediterranean scrublands are also considered as forests (**Article L. 111-2 of the Forest Code**).

[24] As per practical application, according to the National Institute for Geographic and Forest Information, a statistical and cartography body, an afforestation that covers at least 0.5 ha is considered a forest. For the application of forest fire prevention, the moors, maquis and scrublands are also combined with the notion of forest. This definition is used by the State services to apply the regulations on land clearing. This is also in line with FAO definition. See IGN, Qu'est-ce qu'une forêt ?, 2023, https://www.ign.fr/mag/quest-ce-quune-foret#:~:text=Qu'est%2Dce%20qu'une%20for%C3%AAt%20?%20*%20une%20superficie,une%20largeur%20moyenne%20d'au%20moins%2020%20m%C3%A8tres%2C

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?

In France, all forests are governed by the Forest Code. French forests are divided into two categories subject to two different regimes:

1. State forests and forests owned by public entities are subject to the "**forestry regime**" laid down in **Articles L. 211-1 to L. 277-5 and D.212-1 to R. 277-1 of the Forest Code**. When the forest land property is shared between a private owner and a public entity, the forest in question falls *de jure* in the forestry regime. Similarly, when private forest owners delegate the management of their forest to the NFO, their forest falls within the scope of the forestry regime.
2. Forests owned by **private individuals** are not subject to the forestry regime and are only regulated by the second part of the Forest Code (**Articles L. 311-1 to L. 378-1 and R. 312-1 to R. 378-1, Forest Code**) unless they opt for the management services of the **National Forests Office** (*Office national des* Forêts – ONF).

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

The Forest Code in France promotes land consolidation through different mechanisms such as pre-emptive rights, or encouraging forest owners to associate with each other to enhance their properties, or by encouraging them to share management tools and assets for a more efficient use of the land. However, this remains facultative.

Regarding **land property grouping**, the Forest Code offers 4 legal structures favouring owners' association. The main association structure allowing **land consolidation** is the **Forestry Group** (*Groupement forestier*), detailed in **Articles L. 331-1 to L. 331-15 of the Forest Code**. The forestry group is a non-trading company created for the purpose of establishing, improving, equipping, conserving or managing one or more forest areas and/or acquiring forests or wood. It is set up for a maximum term of ninety-nine years. According to a consulted forestry association[25], forestry groups were historically created by the State after the Second World War before being subjected to company rules governed by the Commercial Code. Forestry groups' regime is now scattered between the Forest Code and the Commercial Code, which makes forest management more complicated from an administrative and tax perspective (see sections 8 and 4.4 below).

Land consolidation is also promoted through **public authorities' pre-emptive rights** and the Forest Code's provisions limiting the reduction of public forest properties (see section 7).

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

Regarding collective management, the main **collective management structures** offered by the Code are the following:

- **Forest Management Union** (*Association Syndicale de gestion forestière*), **Articles L. 332-1 to L. 332-4, Forest Code.**
- **Collective forest management and exploitation organisations** (*Organismes de gestion et d'exploitation en commun*), **Article L. 332-6, Forest Code.**
- **Economic and Environmental Interest Grouping** (*Groupement d'intérêt économique et environnemental*), **Articles L. 332-7 and L. 332-8, Forest Code.**

3.4. Proof of ownership: Land registry and Cadastre

- How is ownership proved?

The Forest Code defines private forests as forests that belong to natural or legal persons governed by private law, and which do not fall within the scope of the forestry regime (**Article L. 311-1, Forest Code**).

In practice, forest ownership falls within the scope of the ordinary regime of **real estate property** (**Articles 517 and 518 Civil Code**[26]). It can hence be proved with the authentic sale act established by a notary and/or a property abstract (also called cadastral matrix abstract) from the **Land Register.**

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

There is not a specific register for forest owners. Like any real estate property, forest ownerships are bound to register its property in the **national land register (cadaster)** (See also answer above)**.**

However, if the private forest concerned is subject to a commercial or agricultural exploitation, the forest owner shall register the forest in the **national business register.** In 2023, the French company register, and the agricultural assets register were merged and digitalised into a one-stop shop platform where all businesses can accomplish their administrative formalities[27].

It can also be mentioned that the Observatory of natural, agricultural and forest spaces has the responsibility to monitor the change of use of those spaces, in coordination with the regional observatories of (**Article L. 112-1, Rural and Maritime Fishery Code**, "**the RMFC**"[28]).

[26] Article 517 and 518, Civil Code, https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070721/LEGISCTA000006136240/#LEGISCTA000006136240.

[27] See https://formalites.entreprises.gouv.fr/.

[28] Rural and Maritime Fishery Code, https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006071367/LEGISCTA000006167970/#LEGISCTA000006167970.

- Is there a registration fee?

Since there is not a specific register dedicated to forest ownership, there is no registration fee related to it. However, since ownership transfers are registered in the land registry, the property transfer gives rise to registration fees, charged at the time of the property transfer, from the owner to the buyer. The rates of this registration fee are comprised between 5,09006 % et 5,80665 % of the price[29].

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

There is not a specific register for forest owners. Like any real estate property, forest ownerships are registered in the **national land register (cadaster).**

However, if the private forest concerned is subject to a commercial or agricultural exploitation, the forest owner shall register the forest in the **national business register.** In 2023, the French company register, and the agricultural assets register were merged and digitalised into a one-stop shop platform where all businesses can accomplish their administrative formalities[30].

It can also be mentioned that the Observatory of natural, agricultural and forest spaces has the responsibility to monitor the change of use of those spaces, in coordination with the regional observatories of (**Article L. 112-1, Rural and Maritime Fishery Code**, "**the RMFC**"[31]).

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

The **land register** as well as the **national business register** are both updated.

Any private transfer of ownership shall be declared in the cadaster by the notary in charge of the sale. Similarly, any change, launching, or closure of a business shall be declared.

According to a consulted forestry association, the cadastre is very useful in terms of proof of ownership. However, it is not sufficiently updated regarding crop types since changes of cultures remain solely declarative. For instance, 50-year-old cedar forest plots in certain forestry group are still classified as moors, which allows the forestry group to pay less taxes but is a shortfall for the municipality and does not reflect reality, revealing a lack of enforcement resources.

[29] Superior Council of Notaries, 'Buy or sell a forest: how to go about it ?', lastly updated on 19 September 2023, https://www.notaires.fr/en/housing-tax-system/buying-and-selling-special-cases/buy-or-sell-forest-how-go-about-it
[30] See https://formalites.entreprises.gouv.fr/.
[31] Rural and Maritime Fishery Code, https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006071367/LEGISCTA000006167970/#LEGISCTA000006167970.

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?**

As a general rule, private forest owners are **free to exercise their property rights** over their forest land, unless otherwise provided by the Forest Code in order to contribute to the objectives of sustainable forest management, biological balance and satisfaction of the needs of wood and other forestry products.

In terms of the obligations, forest owners shall, in particular, take care of the afforestation, the layout and the sustainable management of their forest land property (**L.112-2, Forest Code**).

4.2. Legal rights of the forest owner/holder

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

Financial support

The Forest Code does not set out any specific mechanism to support private forest owners financially. However, the **France Relance scheme** includes a budget dedicated to forest restoration. The France Relance scheme is a 100 billion euros partly funded by the NextGeneration EU scheme (40 billion euros) and based on 3 pillars: Ecology, Competitiveness and Cohesion[32]. Part of this scheme is dedicated to forest resilience, in line with the **Roadmap for forests adaptation to climate change[33].** It finances 3 types of initiatives:

- The restoration of damaged stands (notably forests in the Grand-Est and Bourgogne-Franche-Comté regions which have suffered significant beetle attacks);
- The adaptation of vulnerable stands to climate change;
- The improvement of poor stands (coppices, mixed coppice-with-standards, forest increases of low economic value)[34].

This financial support is open to both, communes owning a forest and private forest owners.

At the local level, more financial support is provided, although in a scattered manner. Some local schemes are in place to provide financial support to private forest owners on certain aspects

[32] Ministry of Employment, "France Relance, business recovery plan" (*France Relance, plan de relance de l'activité*), https://travail-emploi.gouv.fr/le-ministere-en-action/relance-activite/.
[33] See footnote 9.
[34] Ministry of Agriculture, " Helping forests adapt to climate change to better mitigate it - "forest restoration" component" (*Aider la forêt à s'adapter au changement climatique pour mieux l'atténuer – volet « renouvellement forestier*), 21 December 2021, https://agriculture.gouv.fr/renouvellement-forestier.

of their property management[35]. These financial supports are offered mostly by the regional authorities and private organisations investing in sustainable forest management.

For example, the Ile-de-France region is promoting the use of a **voluntary sustainable management document**, for properties of between 4 and 20 hectares. The funds provide technical support for the drafting of this document, which is essential to the management of French private forests and identifies the stands that make up the forest plots defining the appropriate silvicultural practices for each type of stand. As well as attesting to sustainable forest management, this document enables owners to qualify for tax relief and the France 2030 forest restoration programme to promote forest species adaptation to climate change.

Loans are also granted to certain types of forest activities (see Section 8 "Are there specific regulations providing, facilitating or limiting access to financial credits for forest activities?" below).

France has established a **tax credit scheme** in favour of forest owners and forest investors called the **Forestry Investment Tax Incentive Scheme** (*Dispositif d'Encouragement Fiscal à l'Investissement en Forêt – DEFI*). It encourages private investment in forestry through a tax credit of **between 25% and 76%** in favour of taxpayers established in France or who derive almost all their income from France (**Article 200 quindecies, General Tax Code**[36]).

This tax credit may be granted for the following operations, if they are accomplished by the 31 December 2025:

- acquisitions of land (woods and forests or bare land to be afforested);
- cash subscriptions or acquisitions of shares in forestry groups;
- cash subscriptions to the capital or cash acquisitions of shares in forest saving companies (*sociétés d'épargne forestière* – SEFs) (see section 7 below);
- expenditure on forestry activities;
- contributions paid to an insurer under an insurance policy covering, *inter alia*, storms or fire risks.

Under certain conditions, forest owners can be **exempted from land taxation** (**Article 1395, General Tax Code**) and the **tax on real estate fortune** (**Article 976, General Tax Code**). In the context of a forest owner's succession or donation, the "Monichon Scheme" also allows a 75% tax exemption for forest transfers subject to conditions (**Article 793, General Tax Code**).

[35] NCFP, Subsidies, https://ifc.cnpf.fr/gestion-durable-des-forets/la-mise-en-oeuvre/les-subventions.
[36] General Tax Code, https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006069577/2024-06-25/.

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

In principle, forest owners enjoy their full property right over their forest, unless otherwise provided by the Forest Code (**Article L. 112-2, Forest Code**). As an overarching principle, any private forest shall be managed to ensure that they contribute to the objectives of sustainable forest management, biological balance and production of wood and other forestry products. To that end, the forest owner shall take care of the afforestation, the layout and the sustainable management of their forest land property (**L.112-2, Forest Code**).

In practice, the margin of discretion enjoyed by private forest owners depends on whether their forest is subject to a **mandatory management plan** or not (which depends on the size of the land, see section 5 below). Private forest owners whose forest is not subject to a mandatory SMP are allowed to manage their land as they see fit, or to opt for a voluntary SMP (see section 5 below).

Conversely, private forests owners who share ownership with the State or a public body in indivision are subject to a different regime laid down in Articles L. 211-1 to L. 215-2 of the Forest Code (See Section 4 below).

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

Under French law, private forest owners enjoy a right to harvest. However, this right is subject to certain conditions and a **prior authorisation** whose nature depends on the requirement to have, or the existence of a sustainable management plan (see limitations below).

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)?**

The Forest Code **does not set out general provisions** related to forest's land use change; it only requires a prior authorisation to any clearing operation. If the change of destination entails a clearing, the owner shall apply for a prior authorisation (**Article L. 341-3, 1st subparagraph, Forest Code**).

A specific limitation however applies to certain protected forests called "protection forests" (*forêts de protection*). **Protection forests** are forests that fulfil an objective of public utility, justifying the application of a derogation regime. The 'protection forest' status applies to both public and private forests in 3 hypotheses (**Article L. 141-1, Forest Code**):

- Forests and woods whose conservation is recognised as necessary for the maintenance of forest land in mountainous areas or slopes, for the prevention of avalanches, erosion, and the infiltration of water and sand;
- Forests and woods located on the outskirts of large urban areas;
- Forests and woods located in areas where their conservation is essential either for ecological reasons or for the well-being of the population.

In this type of forests, any change of land use, or soil occupation mode, which may impair afforestation's protection or conservation is strictly prohibited (**Article L. 141-2, Forest Code**).

Under town planning rules, certain limitations are also provided for Classified Wooded Areas (*Espaces Boisés Classés – EBC*). Pursuant to those rules, where a wood, a forest or a park is classified as a wooded area to be preserved, protected, or created by a local urban planning document (*Plan Local d'Urbanisme – PLU)*, any change of land use or land occupation likely to compromise the conservation, protection or creation of said wooded areas is prohibited (**Article L. 113-1 and L. 113-2, Town Planning Code**). Forest owners of such wooded area are also limited in their clearing and cutting operations. Unless governed by a Simple Management Plan (SMP), applications for a clearing or cutting operation are rejected *ex officio* (**Article L. 113-2, Town Planning Code**). These restrictions also apply to individual trees, hedges or networks of hedges, or rows of planted trees (**Article L. 113-1, Town Planning Code**).

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

Private forest owners may harvest their woods if they are **authorised** to do so. There **are two types of authorisations**. If the forest is subject to a **Simple Management Plan (SMP)**, the harvest is allowed under the conditions set out in the plan, as approved by the local competent authority (**Article L. 124-1 to L. 124-4, Forest Code**). However, SMPs typically offer some leeway to the owner for the implementation of their plan.

If no SMP has been adopted, voluntarily or compulsorily, the owner shall apply for a specific authorisation to cut (**Article L. 124-5, Forest Code**).

In both cases, the owner shall, within 5 years following the beginning of the definitive cut, replant trees according to the conditions set out in the SMP or the administrative authorisation to cut if the natural regeneration of the forest is not sufficient (**Article L. 124-6, Forest Code**). Non-compliance with this obligation is sanctioned by a criminal fine (**Article L. 163-2, Forest Code**).

Regarding clear cutting, as stated above, it is not strictly prohibited. However, private forest owners cannot clear their forest without a prior authorisation.

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

In principle, private forest owners can freely enjoy their property. However, if the non-forest activity entails a **clearing**, the owner shall apply for **an authorisation** (**Article L. 341-3, 1st subparagraph, Forest Code**).

If the purpose of the clearing is to allow mining or quarry activities that are also subject to an authorisation or permit provided for by the Environmental Code (**Articles L. 181-1 ,3° and L. 181-18-3 and seq., Environmental Code**), then **an express authorisation to clear is required** further to the activity permit. The authorisation to clear shall include a **schedule to cut**, set according to

the planned rate of exploitation. It may be extended to thirty years. In case of non-compliance with the schedule, the authorisation will be suspended after formal notice remained without effect (**Article L. 341-3, 2°, Forest Code**).

The same type of authorisation is required if the clearing is part of a project listed in **Article L. 123-2 of the Environmental Code** as a project that is likely to have an impact on the environment and is subject to a public inquiry.

Third parties are prohibited from extracting or collecting more than 2 cubic meters of stone, sand, ore, earth, grass or moss, peat, heather, broom, grass, green or dead leaves, fertiliser without the forest owner's authorisation. In case of non-compliance, **criminal sanctions** apply (**Article L. 163-10, Forest Code**) in accordance with the provisions of articles 311-3, 311-4, 311-13, 311-14 and 311-16 of the French Criminal Code.

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

Private forest owners may carry out agricultural activities on their land. However, to remain subject to forests legal framework and avoid being requalified as agricultural land, such activity shall remain ancillary. The qualification of forest or agricultural land is attributed by the Departmental Directorate for Territories (*Direction Départementale des Territoires*). For tax reasons, any change in the nature of the cultures carried out in a forest shall be declared to the tax authorities.

Third parties may retain a right to graze acorns and let pigs graze in a private forest under certain conditions and **for agricultural purposes only** (**Article L. 241-12, Forest Code**). The right to graze in private forests is limited in time (**Article L. 314-3 and L. 241-9, Forest Code**). Letting goats and sheep graze within private forests by third parties is however prohibited and give rise to a compensation right for the holders of a right of use on the said private forest (**Articles L. 314-3 and L.241-14, Forest Code**). These rights can be limited to certain areas by the owner, or by the forest administration if there is a need to protect the forest regeneration (**Articles L. 314-1 and L. 214-5, Forest Code**).

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

Hunting is not expressly linked to forest property rights in the Forest Code. However, **Article L. 422-1 of the Environmental Code** forbids anyone to hunt on someone else's property without the owner's consent or that of his/her successors[37]. The owner's right to hunt on his private property is also protected from other landowners' rights. Indeed, when private forest owners add

[37] Article L. 422-1, Environmental Code
https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006833810.

their plot to the assets of a forestry group[38], said owner retains the right to hunt on his property (**Article L. 331-6, III-, Forest Code**).

The Forest Code does not expressly state that hunting is considered a forest activity. However, forest owners who shall, or voluntarily decide to, submit a SMP are required to include in their SMP a management strategy for game populations subject to a hunting plan set throughout the national territory in accordance with the owner's forestry management choices (**Article L. 312-2, Forest Code)** (see section 5 below).

According to a consulted forestry association, hunting game has become a necessity in the absence of natural predators. To address an overpopulation of hunting game, forest owners have to cooperate with hunters. However, the association added that this creates difficulties and communication issues since hunters tend to overstep their rights to hunt on private forest properties.

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

Wild or industrial products, as well as wild animals of a private forest are legally considered accessories to the owner's property right and, as such, belong to the forest owner (**Article 547, Civil Code**).

Third parties are specifically prohibited to collect truffles, or more than 10 litters of any mushroom, fruit or seeds, without the forest owner's authorisation. Non-compliance with this ban is subject to a criminal penalty (**Article L. 163-11, Forest Code**).

However, third parties may retain a right of use on a private forest, allowing them to collect firewood under certain conditions and within certain limits (**Articles L. 314-3 and L.241-15, Forest Code**). In such case, owners may liberate their lands from those rights or buy them back against a compensation, by agreement or by a judge (**Articles L. 314-3 and L. 241-6, and L. 314-1 and L. 241-5, Forest Code**).

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

Originally, the public could access private forests if the latter were not closed to the public by a fence and/or clear indications announcing such restricted access. However, the law of 2 February 2023[39], has rebutted this accessibility principle, to limit the fencing of natural spaces and protect private properties. Since then, the trespassing of a private property limits physically materialised

[38] A private company of civil law created in order to constitute, improve, equip, preserve manage or buy one or more forest massifs, created for a maximum duration of 99 years (**Article L. 331-1, Forest Code**).

[39] Article 8, Law 2023-54 of 2 February 2023 aiming at aimed at limiting the fencing of natural areas and protecting private property (*Loi n° 2023-54 du 2 février 2023 visant à limiter l'engrillagement des espaces naturels et à protéger la propriété privée*), Official Journal of the French Republic n° 0029 of 3 février 2023, https://www.legifrance.gouv.fr/loda/id/LEGIARTI000047087652/2023-02-04/.

is now sanctioned as a minor offense by the French Criminal Code (**Article 226-4-3, Criminal Code**[40]).

It can also be mentioned that, when a private forest is open to the public and subject to a Simple Management Plan, the SMP shall set out the objectives of public access if the private forest owner concluded a contract with one or more local authorities to open a private forest to the public, in general or for the practice of outdoor sports (**Articles L. 122-9 and L. 113-6, Forest Code**).

Additionally, the inappropriate use of forest roads open to the public is sanctioned by a criminal fine and accessory penalties (see section 4.4 below).

4.4. Forest owner/holder obligations and requirements.

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

As a general rule, private forest owners are **free to exercise their property rights** over their forest land, unless otherwise provided by the Forest Code in order to contribute to the objectives of sustainable forest management, biological balance and production of wood and other forestry products. Forest owners shall, in particular, take care of the **afforestation, the layout and the sustainable management of their forest land property** (**L.112-2, Forest Code**).

Specific management obligations are then detailed by the Forest Code depending on the specific applicable regime to the private forest in question (*i.e.* whether they are subject to a mandatory SMP, a voluntary SMP, or specific prior authorisations to cut woods (see below)).

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

Depending on their personal situation, forest owners can be subject to 4 types of taxes:

- Property tax on forest lands and woods
- Forest income tax
- Value added tax (VAT)
- Transfer of property duties on forests and wooded land

In some cases, forest owners may also be liable for other types of taxes such as the real estate taxation (*Impôt sur la Fortune Immobilière*) and the capital gains on forest land[41]. Regarding forestry groups, due to their civil company form, they are not subject to company taxes. Shareholders of a forestry group pay a cadastral flat-rate value proportional to the value of their share as well as the ordinary taxes on property incomes.

[40] Article 226-4-3, Criminal Code, https://www.legifrance.gouv.fr/codes/id/LEGIARTI000047087825/2023-02-04.
[41] NCFP, Froest Fiscality (*Fiscalité forestière*), lastly updated in April 2024, https://www.cnpf.fr/se-former-s-informer/droit-et-fiscalite/fiscalite-forestiere.

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

Permits are only required if the forest is not subject to a SMP. SMPs establishing the development and planning of certain activities work as a global authorisation for harvests and afforestation operations (see section 5 on SMPs enforcement).

There are different sorts of permits required from owners for their forest management. The main permits are the following:

- **Harvest permits**: Private forests owners cannot harvest their woods without a prior authorisation. The latter can take two forms depending on the regime applicable to the private forest concerned. If the forest owner submitted a SMP, the schedule and conditions of the harvest are determined by the plan. If not, specific authorisations are required for each harvest operation (see section 5 below).
- **Forest plantation permits**: In rural **areas**, **departmental councils** are competent to allocate the areas according to functions such as those dedicated to forests, agricultural productions, natural or recreational spaces and inhabited areas in rural environments, ensuring the conservation of natural habitats or remarkable landscapes (**Article L. 126-1, RMFC**). First afforestation and restoration after harvests in those areas can be subject to authorisation issued by the Regional Directorate for the Environment, Planning and Housing (*Direction régionale de l'environnement, de l'aménagement et du logement – Dreal*).

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

There is **not a formal obligation to mark every tree** to be cut or retained. However, the unplanned or unauthorised cut of trees (*i.e.* cut of unmarked trees) is unlawful and sanctioned by criminal and administrative penalties (See Section 9 below). Additionally, the falsification of a private forest owner's mark or the NFO's mark is sanctioned as a fraud (**Articles L. 362-4 and L. 261-1, Forest Code**).

Regarding the control of forest harvests, the implementation of SMPs is supported by technicians of the RCFP who can visit private forests and advise forest owners (see section 5 below). Overall, the public officers responsible for **the enforcement of forest controls and penalties can inspect forests** to seek and report **forest offences** (See Section 9 below).

Non-compliance with harvest obligations and forest restoration after harvest obligations are minor criminal offences (see section 9 below). Offence detection is ensured by the public officials listed in **Article L. 161-1, Forest Code**.

- **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?**

No legal definition of forest harvest contracts has been identified. However, the Forest Code sets out some provisions relating to the **market of forest products and contracts.**

For both public and private forests, **Article L. 155-2 of the Forest Code** sets out that "*when sales* (of harvest products) *are made at a global price fixed at the time of the sale and while the timber is still standing, the buyer harvests the timber indicated or marked as the subject of the sale, in compliance with the exploitation conditions defined* ***by the contract***". The provision further adds that **the contract** shall set, within the exploitation period, the date or dates on which all or part of the timber subject to the sale will be considered as delivered. Those dates constitute the starting point for payment deadlines. However, **said payment deadlines** may not exceed the maximum periods of 45 days end of month or 60 days provided for in ordinary commercial law. However, an invoice may be issued upon signing the contract for the totality of the timber sold (**Article L. 155-2, Forest Code and Article L. 441-10, Commercial Code**[42]).

It can also be mentioned that forests managers are not allowed to buy, directly or indirectly, timber from the forests that they manage (**Article D. 314-8, Forest Code**).

Additionally, according to **Article D. 155-1 of the Forest Code**, the technical requirements applicable to the use of wood in the construction of new buildings are defined in a specific regulatory measure[43]. However, the regulatory measure cross-referenced in this provision is no longer in force and desk research did not identify any subsequent regulatory measure repealing and replacing this legal act.

Lastly, it must be mentioned that the **sale of forestry reproductive materials** (seeds and plants) is also regulated (**Articles L. 153-1 to L. 153-7, Forest Code**). A decree adopted after consultation of the French Council of State sets out the rules relating to the production, the harvesting, the packaging, and the marketing of forest reproductive material in order to guarantee their genetic and physical qualities. This decree also establishes the conditions applicable to the declaration of activities of companies operating in this sector (see section 8 below) (**Art. L. 153-4, Forest Code**). The rules of this decree are now codified in **Articles D. 153-1 to D. 153-3 of the Forest Code.**

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

All French forests are subject to a global risk management policy against fires (**Articles L. 131-1 to L. 136-1, Forest Code**). For that reason, the provisions of the Forest Code do not impose a specific additional obligation to private forest owners. Instead, the Code defines a general regime

[42] Article L. 441-10, I-, Commercial Code, https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000038414392.
[43] Decree n° 2010-273 of 15 March 2010 regarding the use of wood in certain constructions (*Décret n0 2010-273 du 15 mars 2010 relatif à l'utilisation du bois dans certaines constructions*), Official Journal of the French Republic n° 0064 of 17 mars 2010, https://www.legifrance.gouv.fr/loda/id/JORFTEXT000021979658.

applicable to all forests of the national territory despite their ownership status and specific regimes depending on the status of the forest concerned. Those regimes classify forests as :

- Forests subject to a fire risk (**Articles L. 132-1 to L. 132-3, Forest Code**);
- Forests particularly exposed to fire risks (**Articles L. 133-1 to L. 133-11, Forest Code**);

Additionally, common provisions apply to both types of forests (**Articles L. 134-1 to L. 134-18, Forest Code**). They include in particular clearing obligations to remove any inflammable material likely to increase fire risks.

Private forest owners are also subject to the measures laid down in State prevention plans against **predictable natural risks** (**Article L. 144-1, Forest Code**). Pursuant to Article L. 562-1 of the Environmental Code, the State shall establish and implement prevention plans against **floods, landslides, avalanches, forest fires, earthquakes, volcanic eruptions, storms and cyclones.** Through those plans, the State shall identify the zones at risk and adopt preventive, protective and safeguarding measures as well as planning, utilisation and exploitation measures which can be binding upon private parties, to mitigate or prevent the predictable risks in question. Preventive works can also be imposed.

The classification of a private forest in a zone subject to a predictable natural risk management plan gives rise to a **right to compensation**. Forest owners can ask the State for the compensation of the loss of revenues generated by the works and measures required by the risk management plan (**Articles L. 144-1 and L. 141-7, 1st subparagraph, Forest Code**). They can also ask for the acquisition of the concerned forest by the State, through a sale contract or an expropriation procedure, if the loss of revenues is superior to half of the revenues drawn from the normal exploitation of the forest (**Articles L. 144-1 and L. 141-7, 2nd subparagraph, Forest Code**).

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

The fencing of public forest is not mandatory. As stated above, private forest owners are not required to fence their land. On the contrary, the law of 2 February 2023[44] rebutted the principle according to which the public could freely access any private forest if not fenced in order to limit the fencing of natural spaces and protect private properties.

Forest roads are regulated for safety and environmental protection purposes. The inappropriate use of forest roads **open to the public** is sanctioned by a criminal fine and an accessory confiscation or suspension of the driving licence, as minor offenses in 2 cases (**Article R. 163-6, Forest Code**):

[44] Article 8, Law 2023-54 of 2 February 2023 aiming at aimed at limiting the fencing of natural areas and protecting private property (*Loi n° 2023-54 du 2 février 2023 visant à limiter l'engrillagement des espaces naturels et à protéger la propriété privée*), Official Journal of the French Republic n° 0029 of 3 février 2023, https://www.legifrance.gouv.fr/loda/id/LEGIARTI000047087652/2023-02-04/.

- The use or possession of vehicles, livestock, pack animals or mounts, off roads and tracks (*freeriding*);
- The use or possession of vehicles, livestock, pack animals or mounts, off roads and tracks destined to the circulation of said vehicles or animals on those roads and tracks.

The Environmental Code also regulates the use of motorised engines on public roads, including forest roads for circulation or sports purposes (**Article L. 362-1 and L. 362-3, Environmental Code**). Breaches of this obligation to observe public roads is sanctioned by a criminal fine (**Article L. 3622, Environmental Code**).

According to a consulted forestry association, motorcycle and 4x4 owners have the mistaken belief that all forest roads are public; this misconception leads to unauthorised access and degradation of natural areas.

The access to forest service roads is also regulated at the local level. The competent authority of the department elaborates **forest service schemes on a yearly basis.** This scheme is developed in concertation with communes and after an opinion of the departmental or local fire and rescue service. It details the appropriate itineraries connecting local public roads to forest delivery points for the transportation of logs (**Article L. 153-8, Forest Code**).

Additionally, **Article L. 155-1 of the Forest Code** states that "*in mountainous areas, a right of way and development necessary for the removal of timber is granted to all landowners*".

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

There is no such obligation under French law. The Forest Code encourages forest owners to gather their land properties or share management tools and assets through company law and tax incentives, but it remains exclusively **facultative (Title III, Book III, Forest Code).**

The Forest Code particularly offers 4 legal structures encouraging, either, **forests collective management**, or **private forest land consolidation.**

The main association structure allowing **land consolidation** is the **Forestry Group** (*Groupement forestier*) detailed in **Articles L. 331-1 to L. 331-15 of the Forest Code.**

Similarly, the main **collective management structures** offered by the Code are the following:

- **Forest Management Union** (*Association Syndicale de gestion forestière*), **Articles L. 332-1 to L. 332-4, Forest Code.**
- **Collective forest management and exploitation organisations** (*Organismes de gestion et d'exploitation en commun*), **Article L. 332-6, Forest Code.**
- **Economic and Environmental Interest Grouping** (*Groupement d'intérêt économique et environnemental*), **Articles L. 332-7 and L. 332-8, Forest Code.**

On company law aspects, the Forestry Code cross-references the provisions of the Civil Code governing **civil law companies (Article 1832 and seq., Civil Code)** and the Order n° 2004-262 on association[45].

In that regard it can be mentioned that forestry groups can only be civil law companies and encourage investors to place their money in forest assets. Indeed, those groups are not subject to company taxes. For the revenues generated by the group, investors who are private individuals hence remain subject to the tax on revenues (**Article L. 331-3, Forestry Code and Article L. 238 *ter*., General Tax Code**).

The Code of societies only applies to owners' associations which opted for a company form to economically exploit the forest.

While the company law provisions of the Civil Code, the Code of societies and Order n°2004-262 are not specifically tailored for forest owners' associations and activities, the Forestry Code complements them, hence adjusting the regime to forestry activities. The legal framework is hence assessed as adapted to forest ownership and activities.

4.5. Forest manager/contractor obligations

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

The relationship between forest owners and forest managers are contractual. There is no obligation, for any forest owner or group of forest owners to hire a forest manager. According to a consulted forestry association, forestry groups are not required to hire a professional forest manager either. The contract concluded between a private forest owner and a professional forest manager is an agency contract. For that reason, within the limits of the contract's provisions, the manager is assimilated to the owner and is subject to the same rights and obligations. According to the same consulted association, for forestry groups, the conclusion of a contract with a professional forest manager is costly and may come at the cost of shareholders' dividends. When a professional forest manager is recruited by a forestry group, the contract concluded is either a tacitly renewable annual contract or a short-term contract for specific tasks. However, those contracts remain limited in practice.

None of the above-mentioned practices are formally required or prohibited by the French Forest Code. Forest Managers are bound by the provisions of the Code, the SMP, and their agency contract for the accomplishment of their missions.

There is only one limitation applicable to professional forest managers. They cannot buy directly or indirectly timber from the forests they manage (**Article D. 314-8, Forest Code**).

[45] Order n° 2004-262 on associations of property owners (Ordonnance n°2004-262 relative aux associations syndicales de propriétaires), Official Journal of the French Republic n° 152 of 2 July 2004, https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000623191

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

Forest managers are bound by contract to the forest owner who hired them. Their rights and obligations are defined in this contract.

Forest contractors are also bound by contract to the forest owners. However, according to the RMFC and the Forest Code, forest contractors are also subject to specific health and safety obligations when carrying out forest works (**Article L. 717-9, RFMC and L. 154-2, Forest Code**). Those rules must be specified by Decree. They particularly relate to the professional qualifications and training of workers; the layout of worksites, the organization of tasks, and the protection of isolated workers.

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

The Forest Code only refers to professional forest managers in the context of a forest management plan, for the sustainable management of the owner's forest (**Articles L315-1, Forest Code**). It does not provide for any specific obligation for professional forest managers to implement such plans but those professional forest managers remain subject to the plans drawn up pursuant to the general rules applicable to SMPs.

- 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?

Professional forest managers are subject to professional qualifications requirements (**Article L. 315-1, 1st subparagraph, Forest Code**). These qualifications are assessed every five years through an application procedure submitted to the Prefect of region, competent to issue acknowledgement certificates (**Article D. 314-6, Forest Code**).

No registry of forest manager/contractor exists in France. As mentioned above regarding forest owners, forest ownership is registered in the national land register (or in the cadaster) and if the private forest concerned is subject to a commercial or agricultural exploitation, the forest owner shall register the forest in the national business register. However, the forest manager or contractor are not subject to registration.

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

The Forest Code does not provide for a specific tax imposed on forest managers.

5. Forest Management plans

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

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

Depending on the size of the private forest, a SMP can be compulsory or facultative.

Compulsory management plans are required in two cases:

- For **single forest plots of 20 hectares or more**, or,
- For **groups of forest plots with a total surface area equal to or greater than 20 hectares belonging to the same owner and located in the same geographical area defined by decree (Article L. 312-1, Forest Code)**.

In the second hypothesis, the forest plots taken into consideration are the owner's forest plots located in the same municipality and the bordering municipalities where the largest of his/her forest plot is situated. Owners of a group of forest plots are subject to a SMP if the cumulative surface area of their largest group forest parcel and isolated ones is equal to or greater than 25 hectares (**Article R. 312-6, 2nd subparagraph, Forest Code**). Isolated group forests parcels of less than 4 hectares are not taken into consideration in this calculation (**Article R. 312-6, 3rd subparagraph, Forest Code**).

However, Forest owners can elaborate a **voluntary** SMP when their forest parcels constitute a group with a total area of at least **10 hectares** and are in a geographically coherent area from a forestry, economic and ecological point of view (**Article L. 122-4, Forest Code**). **Concerted management plans** can also be drawn by several forest owners on a **voluntary** basis when their respective forest parcels fulfil the same conditions (**Article L. 122-4, Forest Code**).

In 2022, 18% of the French private forests were subject to SMPs[46]. More than 80% private forests are not framed within a SMP or any other Forest Management Plan since they are not required. According to a consulted forestry association, the majority of forestry groups are also governed by SMPs.

- Are there other type of plans required such as:

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

[46] National Institute for geographic and forest information, Memento 2023 of the forest inventory (*Memento 2023 de l'inventaire forestier*), 17 October 2023, https://www.cnpf.fr/actualites/memento-2023-et-l-if-ndeg49-de-l-inventaire-forestier-de-l-ign.

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

See above.

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

The legal bases for SMPs are **Articles L. 312-1 and L. 122-4 of the Forest Code**.

SMPs are legally binding documents. Plans shall be approved by the Regional Center for Forest Property (**RCFP**) of the region where the forest, or the largest forest parcel is located (**Article L. 312-6, Forest Code**). If a plan is not submitted or approved, forest owners shall apply for a punctual administrative authorisation to cut wood to the prefect of region (**Article L. 312-9, Forest Code**). To favour the use of SMPs and limit abuses, the prefect can dismiss an application for punctual authorisations in case of repetitive applications (**Article L. 312-9, 3rd subparagraph, 1°, Forest Code**).

- **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.

The French Forest Code distinguishes between forests owned, at least in part, by the State or a public entity, and private forests.

Public forests are subject to the "forestry regime" (*régime forestier*) detailed **Book II of the Forest Code**. Their management plans are developed and implemented by the **NFO based on the national and regional forest policy,** which has an exclusive competence for the management of forests falling within the scope of the forestry regime.

Private forests are subject to a different regime adapted to private owners. SMPs are developed based on the national and regional priorities identified in the regional private woods and forests managements schemes. **The NCPF** is the authority responsible for the monitoring of SMPs' implementation. According to **Article L. 312-3-1, Forest Code**, it provides owners with the assistance and expertise of its technicians.

- Are forest **management plans being enforced**?

See answer above.

Any unauthorised woodcutting operation derogating to an approved SMP is deemed **unlawful** (**Article L. 312-11, 1st subparagraph, Forest Code**). It is also considered **abusive** when it causes harm to woods and does not comply with forests sustainable management as defined by regional forestry management plans for private woods and forests (**Article L. 312-11, 2nd subparagraph, Forest Code**). Woodcutting operations in breach of Article L. 124-5 on mandatory prior authorisations, and Article L. 312-9 on compulsory prior authorisation for forests subject to a mandatory SMP not adopted, are deemed both unlawful and abusive (**Article L. 312-11, 3rd subparagraph, Forest Code**).

In this case, the prefect of region can oblige the owner to submit an SMP update or project integrating the unlawful cut, within a limited period. The prefect can also order the owner at fault to reforest the concerned area within a fixed term (**Article L. 312-12, Forest Code**).

To monitor and dynamise the implementation of SMPs, private forest owners benefit from a visit and a mid-term implementation assessment of their SMP by a technician of the NCFP (**Article L. 312-3-1, Forest Code**).

Nevertheless, according to a consulted forestry association, while the mandatory establishment of a SMP for single forest plots of 20 hectares or more is welcome, competent authorities lack the necessary means to enforce them and ensure an effective oversight over their implementation.

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

Desk research did not identify any such obligations for forest owners in France.

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

Forest management plans are set for a period comprised between 10 and 20 years (**Article R. 312-4, 3rd subparagraph, Forest Code**). The Forest Code does not provide for any regular SMPs updates. However, SMPs can be subject to an update in case of ownership transfer (*e.g.* sale, donation, succession) (**Articles L. 312-6 and 312-7, Forest Code**).

Adjustment mechanisms are also set out to adapt the plan to reality without any formal update. For instance, planned woodcuts can be advanced or delayed within 4 years at the maximum. In case of urgency, such as *force majeure*, accident, disease or disaster, unplanned woodcut can be executed, after a prior notification to the RCFP remained unanswered after 15 days (**Articles L. 312-5 and R. 312-16, Forest Code**).

See also answers above on SMPs enforcement.

- 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?

To simplify procedures without impairing the level of protection granted by the Natura 2000 legislation, France established **a coordination mechanism for administrative procedures**. Private forest owners who submitted a SMP or adhered to a model forest management regulation can be exempted from the administrative formalities required by the legislations implementing the Natura 2000 if:

- Their SMP or their model forest management regulation comply with the joint provisions adopted by the competent authorities in charge of forests and Natura 2000 legislations annexed to the regional forest policy documents (i.e. woods and forests management guidelines, regional private woods and forests managements schemes and regional forestry management schemes)
- Their SMP or their model forest management has been approved by the competent authorities in charge of the Natura 2000 legislations (**Articles L. 122-7, L. 122-8, L. 122-2 and L. 122-3, Forest Code**).

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

SMPs shall include the following information (**Article L. 312-2, Forest Code**):

- A summary analysis of the economic, environmental and social issues affecting the forest, forest fire protection issues and, in the event of restoration, the application of the previous plan;
- A woodcutting programme;
- A reforestation programme;
- When improvement works are considered, an indication of those that are compulsory;
- An identification of the preventive measures that can contribute, directly or indirectly, to forests defence against fire, precising which measures are mandatory. It shall also include compulsory or optional undergrowth clearance in the felling programme and in the programme for restocking after felling.
- A management strategy for game populations subject to a hunting plan set throughout the national territory in accordance with the owner's forestry management choices.

Further information shall also be provided on:

- the legal obligations related to nature applicable to the forest concerned;
- the wood population of the forest concerned;
- the objective assigned to the forest in relation to public access to private forests;
- the nature, and periodicity of woodcutting operations and silviculture improvement works;
- the identification of game species subject to a hunting plan, of the forest areas open to cervid alimentation and of the
- a mention of the tax advantages benefitting to the forest owner (See Section 3 - Legal rights and legal requirements above);
- supporting maps and plans (**Article R. 312-4, Forest Code**).

In case of SMP update, a summary of the previous plan execution shall also be included (**Article R. 312-4, 2nd subparagraph, Forest Code**).

According to a consulted forestry association, the preparation of a SMP is a technical task which often requires expertise, calling for support from qualified yet costly experts. The establishment of precise frameworks and supporting documents, identifying mandatory and facultative requirements such as MCQs or guidelines, at the national or regional levels would be welcome. However, some tools exist. For instance, the 'Geoportail' platfrom[47] allows to carry out mapping exercises required to support the measures outlined in SMPs, for free.

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

Model plans shall be made available to forest owners by the different CRPF (**Article L. 312-2, Forest Code**). Since the local competent authorities shall take the local customs into account when assessing SMP (**Article L. 312-3, Forest Code**), these model plans often include elements that are specific to the environment and peculiarities of the region where the forest is located.

For the execution of SMPs, forest owners can benefit from a **visit and a mid-term check-up from the NCFP technician** to encourage a dynamic implementation of the SMP, in line with the principle of SFM, and help them adapt to climate change (**Article L. 312-3-1, Forest Code**).

- 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.

SMPs are not subject to any formal impact assessment requirement.

However, SMPs are based on model templates prepared by the Regional Center for Forest Property (RCFP) or the Regional Council of the place where the private forest is located and shall comply with the regional private woods and forests managements scheme territorially applicable. The latter schemes are subject to a strategic environmental assessment if their implementation is likely to have a significant impact on another Member State's environment (**Article L. 122-2 of the Forest Code and Article L. 122-8 of the Environmental Code**).

Moreover, SMPs are subject to an approval procedure from the prefect of region, and their implementation is monitored and supported by technicians of the NCFP (**Article L. 312-3-1, Forest Code**). While Art. 312-2 of the Forest Code sets out that SMPs shall include 'a summary analysis of the economic, environmental and social issues affecting the forest, forest fire protection issues and, in the event of renovation', it does not require a formal impact assessment with public consultation.

[47] Géoportail platform, https://www.geoportail.gouv.fr/.

- 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?

Under French law, Natura 2000 sites' plans are coordinated with forest management plans in a reversed rationale. Indeed, **Articles L. 122-7 and L. 122-8, subparagraph 6° of the Forest Code** establish an administrative procedures coordination mechanism (See above). This coordination mechanism frees private forest owners who have adopted a forest management plan from compliance with the administrative plans and procedures relating to the conservation rules applicable to Natura 2000 sites laid down in the French Environmental Code under either of the following two conditions:

- The management document complies with the specific provisions jointly established by the administrative authority in charge of forests and the administrative authority competent under the Natura 2000 legislation, and included as an annex to the (...) regional schemes;
- The management document has obtained the explicit agreement of the competent administrative authority under these legislations before its approval or endorsement.

Forest activities are hence recognised through this coordination mechanism since the Natura 2000 sites plans requirements are adapted and integrated to the specific provisions applicable to forest management.

The guidelines enabling small forest owners to access and understand the specific rules applicable to Natura 2000 sites are included in the regional forest management schemes

6. Sustainable forest management.

6.1. Sustainable forest management definition and forestry practices

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

☐ Yes
☒ No

The SFM concept is not defined *in abstracto* in the French legislation. However, the Forest Code sets out objectives and sustainable management guaranties throughout the entire forest management regime.

- Does the definition of **SFM include specific objectives**?

☒ Yes
☐ No

Specific objectives are set out at each level of management and supported by concrete documents and measures to achieve them.

At the State level, the Government shall elaborate **a forest policy** aimed at ensuring the sustainable management of woods and forests as well as their multifunctional vocation (i.e. their ecologic, social and economic functions) (**Article L. 121-1, Forest Code**). The Forest Code details a series of 11 objectives illustrating the concrete measures to reach such SFM goal. These objectives include for instance measures to adapt forest essences to their milieu, taking climate change effects into account; to protect forests from fires; to maintain biodiversity balance and diversity; or to strengthen wood industries sustainability and competitiveness (**Article L. 121-1, 1°, 11°, 3° and 6°, Forest Code**).

At the regional level, regional authorities shall implement the national forest policy by adapting its programme to the local needs and constraints. The programme shall set out a sustainable multifunctional management criteria and indicators based on which the plan will be implemented (**Article L. 122-1, Forest Code**).

At the local level, depending on the relevant territorial scope of the measure, one or more local authorities shall establish a local pluriannual plans in line with the regional programme aiming at, *inter alia*:

- Using wood through a genuine, dynamic and sustainable management of woodland heritage;
- Taking into account the specific environmental or social demands concerning the management of forests and related natural areas;
- Contributing to employment and rural development, strengthening interactions between urban and forest areas;
- Promoting the technical and economic regrouping of forest owners, land consolidation or grouped management on the scale of a forest massif;

- Strengthening the competitiveness of the production, harvesting, processing and value-adding of forest products;
- Protecting wood resources from fire through preventive measures and an adapted forest management promoting their financing, resilience, development, monitoring and knowledge (**Article L. 123-1, Forest Code**).

At private individuals' level, private forest owners are free to exercise their property rights on their forest land, unless otherwise provided by the Forest Code to contribute to the objectives of sustainable forest management, biological balance and satisfaction of the demand for timber and other forest products. In particular, they shall take care of the afforestation, development and the sustainable management of their forest land property (**L.112-2, Forest Code**).

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

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

The **Report of the interministerial mission on the sustainable management of French private forests**[48] – not mentioned in the legislation;

The **Regional forestry management of private woods and forest schemes** ("**RFMS**") – (**Article L. 122-2 and L. 122-2-1, Forest Code**) – mentioned in the legislation: See for instance for Normandy and Hauts-de-France https://hautsdefrance-normandie.cnpf.fr/les-schemas-regionaux-de-gestion-sylvicole ; for the Provence-Alpes-Côte d'Azur, https://hautsdefrance-normandie.cnpf.fr/les-schemas-regionaux-de-gestion-sylvicole.

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

  ☒ Yes, they can be found here:

The **2016 – 2026 Forest and Wood National Programme** (*Programme national de la Forêt et du Bois 2016 – 2026 – PNFB*)[49] – See Section 1 above ;

The **Forest-Wood Interministerial Action Plan** (*Plan d'action Interministériel Forêt-Bois*)[50] – See Section 1 above.

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[48] Interministerial Advising Mission of the General Council of Food, Agriculture and Rural Areas (Authors: VINCON, P.; Werner, F.; CHAMOUARD, P., *et. al*), Report n° 23080 on the sustainable management of French private forests (Rapport n° 23080 sur la Mise en gestion durable de la forêt française privée), March 2024, https://agriculture.gouv.fr/mise-en-gestion-durable-de-la-foret-francaise-privee-0

[49] Ministry of Agriculture and Food Sovereignty, 2016 – 2026 Forest and Wood National Programme (*Programmes national de la Forêt et du Bois 2016 – 2026*), 13 October 2014, https://agriculture.gouv.fr/le-programme-national-de-la-foret-et-du-bois-2016-2026, available in English at https://agriculture.gouv.fr/telecharger/84443.

[50] French Government, Forest-Wood Interministerial Action Plan (*Plan d'action Interministériel Forêt-Bois*), 16 November 2018, https://www.ecologie.gouv.fr/sites/default/files/plan-d-action-foret-bois-nov2018.pdf.

☐ No

☐ Other sources setting the Forest strategy/policy

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

1. For forest owners

There are two different levels of requirements which result from the SFM criteria.

First, all private forest owners have a general obligation to contribute to the objectives of sustainable forest management, biological balance and satisfaction of the demand for timber and other forest products. In particular they shall take care of the afforestation, development and the sustainable management of their forest land property (**L.112-2, Forest Code**).

Second, the Forest Code establishes a **gradual level of authorisations** through a system of "sustainable management" evidence and presumptions. In a nutshell, forest owners who fall within the scope of a presumptions or manage their property according to sustainable management documents enjoy more leeway to carry out exploitation activities in their forests, whereas forest owners who don't benefit from these presumptions are subject to a prior authorisation regime for any work that they want to undertake.

SFM guaranties covering a period of between 5 to 15 years also give right to benefit from State subsidies aiming at the valorisation, development and conservation of woods and forests (**Article L. 121-6, Forest Code**).

Those SFM evidence and presumptions are either based on the protected nature of the forest in question or on forest management documents listed in Article L. 124-1 of the Forest Code. For instance, forest owners who are abide by the Code of silvicultural good practices are presumed to have those guaranties of compliance with SFM (**Article L. 124-3, Forest Code**). Similarly, forests located at the heart of a national parc or nature reserve or, private forests which are managed through an approved SMP or an approved model management regulation are anticipated to provide sufficient evidence of compliance with SFM.

Additionally, for private forest owners, the implementation of an approved SMP gives them right to carry out woodcutting activities with a certain margin of discretion and without any need for a prior authorisation (see section 5 above).

2. For forest managers

Forest managers are bound by contract to forest owners. As such, they are subject to the same SFM obligations and management documents as forest owners. Desk research did not identify any additional requirement specifically applicable to forest managers.

- Are **specific criteria and/or indicators** to determine whether SFM is being achieved?

France established both indicators and criteria to evaluate compliance with SFM.

The indicators are aligned with the Pan-European criteria and indicators on SFM. They are available online, including in English[51].

At the national level, the competent authorities must define criteria. Pursuant to **Articles L. 121-2-2 and L. 122-1 of the Forest Code,** the national Forest and Wood National Programme is the main strategic documents of the forest policy and SFM. It must define the "*sustainable and multifunctional forest management criteria as well as the indicators associated to it*". It also determines the economic, environmental and social objectives assigned to the national forest policy "*based on the sustainable forest management indicators in accordance with the principles stated in Article L. 121-1*" (see section 6.1 above). This plan shall then be further developed at the regional level.

Indeed, based on the national programme, **Regional Forest and Wood Programmes** are developed to adapt the national orientations to the local needs and peculiarities (**Article L. 122-1, Forest Code**). These regional programmes serve as a basis for the adoption of 3 categories of sustainable management documents:

- Development directives, applicable to State forests, forests on which the State has an indivision right, and forests of the Chambord national estate (**Articles L. 122-2, subparagraph 1°, L. 211-1, subparagraph I-, 1°, and L. 211-2, subparagraph 2°, Forest Code**);
- Regional development schemes, applicable to woods and forests suitable for development, regular exploitation, or reconstitution that belong to, or on which, regions, departments, municipalities or groups of municipalities, municipalities' sections, public establishments, establishments of public utility, mutual societies or savings banks have an indivision rights and to which the forestry regime applies pursuant to Article L. 214-3 of the Forest Code (**Articles L. 122-2, subparagraph 1° and L. 211-1, subparagraph I-, 2°, Forest Code**);
- and, regional forest management schemes, apply **to private owners' forests and woods** (**Articles L. 122-2, subparagraph 3°, Forest Code**).

Those documents are adopted by the Minister in charge of forests.

The regional forest management schemes mentioned in this article serve in turn as a basis for the development of private forest owners' **simple management plans**, submitted for approval to the Prefect of region territorially competent as well as the model management regulations and the silviculture codes of good practices (**Article L. 122-3, subparagraph 2°, Forest Code**). For forests subject to the forestry regime, the above-mentioned directives and development schemes are used for the determination of the management documents and model management

[51] Indicators of sustainable forest management, https://foret.ign.fr/IGD/en/indicateurs/critere1.

regulations applicable to each public and private forest (**Article L. 122-3, subparagraph 1°, Forest Code**).

Similarly, municipalities can decide to qualify certain wooden areas as Classified Wooded Areas (*Espaces Boisés Classés – EBC*)., for the prevention, protection and conservation of wooden surfaces, automatically preventing clearing and cutting operation unless foreseen by an approved SMP (see Section 4.3 above).

- 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.

Desk research did not identify significant voluntary practices in favour of sustainable forest management. Nevertheless, it must be recalled that professional forest managers must comply with professional standards and qualifications.

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

SFM indicators are used as a statistical reference to develop, implement, and evaluate the *ex-post* impacts of the national **Forest and Wood National Programme** (see above).

First, the State authorities shall develop a 10-years programme at the national level. **Based on the SFM indicators**, this national programme shall determine the orientations of the forest policy and identify the local areas that can benefit from coordinated regional programmes. It shall also enhance the added value of wood exploitations while strengthening national forests resilience and their sustainable management and multifunctionality (**Article L. 121-2-2, Forest Code**).

Within 2 years following the adoption of the national programme, regional competent authorities shall adopt a **regional programme** setting out **SFM indicators and criteria** that are adapted to the regional context and peculiarities to implement the national programme (e.g. implementation rate of hunting plans, surface area of forest under free development; volume of forests particularly favourable to biodiversity; volume of marketed timber harvest; number of graduates in the forestry sector; volume of log exports, etc.).(**Article L. 122-1, Forest Code**). If relevant considering the context and the local peculiarities of the area, several local authorities can elaborate a joint local strategy for forest development, setting out indicators on the actions to undertake and the results to get (**Article L. 123-2, Forest Code**).

All those programmes, except the joint local strategies, are subject to public consultations (**Articles L. 121-2-2, 2nd subparagraph and L. 122-1, 2nd subparagraph, Forest Code**).

Once the programmes are implemented, the **Regional Committees of Forest and Wood** draw up a report taking stock of the implementation of the programmes. If necessary, they can suggest modifications. Those reports shall then be notified to the Minister of Agriculture and

Food Sovereignty, who shall notify a summary of all regional programmes' implementation to the **Superior Council of Forest and Wood (Article L. 122-1, 4th subparagraph, Forest Code)**.

- 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 : The contract concluded between a private forest owner and a professional forest manager is an agency contract. For that reason, within the limits of the contract's provisions, the manager is assimilated to the owner and is subject to the same rights and obligations.

None of the above-mentioned practices are formally required or prohibited by the French Forest Code. Overall, the Forest Code leaves margin of discretion to forest owners and managers regarding forest management practices while the latter are bound by the general provisions of the Code, including the respect of SFM principles, the SMP, and their agency contract for the accomplishment of their missions.

There is only one limitation applicable to professional forest managers. They cannot buy directly or indirectly timber from the forests they manage (**Article D. 314-8, Forest Code**).

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

There is not a strict ban of clear cutting linked to SFM. However, private forest owners cannot clear their forest without a prior authorisation which can take the form of a SMP or a prior authorisation (see above).

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

The law does not define a quantitative percentage of forest land to be set aside but provides for a qualitative criterion that allows public authorities to set aside part of the forest land located within their territory to fulfil certain objectives.

Indeed, the Forest Code enables public authorities to set a part of the French forests aside to fulfil 3 objectives through forests classification as "protection forests" (**Article L. 141-1, Forest Code**):

- Woods and forests whose conservation is recognised as necessary for maintaining land in mountainous areas and on slopes, for defence against avalanches, erosion, and the encroachment of water and sand;
- Woods and forests located on the outskirts of large urban areas;
- Woods and forests located in areas where their conservation is essential either for ecological reasons or for the well-being of the population.

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

Restoration after harvest is mandatory in most cases as enumerated in **Article L. 124-6 of the Forest Code.** The scope and schedule of the reforestation obligation are detailed, either in the forest's SMP or the harvesting authorisations where a SMP has not been adopted (see answers above on clearcutting).

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?

No, it has not.

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

☐ Yes: in the Strategy that can be found here: .....

☒ No

Desk research did not identify a specific law or specific provisions implementing the closer-to-nature approach *per se*. However, the Forest Code **contains general provisions** aiming at the fulfilment of **conservation objectives**, through the protection forests regime (see above and below), but it is not assessed as transposing the closer-to-nature guidelines as such.

- 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: **Article L. 121-3, Forest Code**

  ☒ Yes, at regional level – they can be found here: In each regional woods and forests managements schemes as set out in **Article L. 122-2-1, subparagraph 4° of the Forest Code.**

  ☐ No

  Please describe them and elaborate:

The provisions of the Forest Code laying down rules on biodiversity are limited and not specific. They only set out a framework within which the competent national and local authorities are required to determine the appropriate specific targets.

Article L. 121-3 of the Forest Code states that "t*he woods and forests subject to the forestry regime specifically meet general interest needs either by fulfilling the particular obligations provided by this regime or by promoting activities such as public access,* ***conservation of habitats, consideration of biodiversity****, and scientific research*". This provision only applies to public forests (subject to the forestry regime).

Article L. 122-2-1, subparagraph 4° of the Forestry Coode provides that "*The regional private woods and forests management scheme, mentioned in 3° of Article L. 122-2, includes, by region or by group of natural regions:*

(…)

4°An indication of the preservation of biodiversity and quality of soil and water challenges at stake;". Private forest owners subject to an SMP obligation shall then draw up their SMPs according to the provisions of the relevant regional private forest management scheme.

Other acts identified include the **National plan for implementing payment for ecosystem services** and the **National action plan aimed at strictly protecting old-growth forests** and sub-natural forests in France.

The **payment for environmental services**[52] is an initiative of the Ministry of Environment in partnership with the regional Water Agencies. This initiative consists in remunerating projects promoted by farmers that mitigate or solve the following environmental issues: the preservation of biodiversity, the preservation of water resources and climate change. It focuses on two approaches: The management of landscape structures, which concerns non-agricultural areas, in particular agroecological infrastructures such as hedges or ponds and the management of agricultural production systems, in particular the management of plants (soil cover, extension of rotations, permanent grasslands, etc.) and agroecosystem resources (nitrogen and carbon

[52] Ministry of Environment, Payments for Environmental Services (PES) (*Les paiements pour services environnementaux (PSE)*), https://pse-environnement.developpement-durable.gouv.fr/

management, etc.). This form of subsidy is managed by the local Water Agency territorially competent.

Regarding the protection of old-growth and sub-natural forests, a **national plan** is currently being developed. The latter aims to restore, conserve and protect old-growth and sub-natural forests through three key set of measures to be determined : the restoration of old-growth forests including scattered habitat trees and old-growth blocks (aging forest blocks and gradually deteriorating (senescence) blocks left to evolve freely), the preservation of sub-natural forests, through highly protected areas; and the reestablishment of functional ecological continuities between these elements. This national action plan has not been adopted yet but has been announced for the end of the year 2025.

6.3. Climate change and Forest carbon absorption

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

The **Low Carbon National Strategy** (*Stratégie Nationale Bas-Carbone - SNBC*)[53] is the national roadmap to combat climate change. Overall, this strategy sets out global and sector-based objectives in favour of a national transition to a low-carbon, circular, and sustainable economy across all sectors, aiming to achieve carbon neutrality by 2050. For the Forest-Wood industry, the SNBC acknowledges a double function of the forests sector in the achievement of carbon neutrality: supplying the French economy with bio-sourced and renewable energy and products, and, enhancing forests' role in carbon sequestration.

France has adopted several measures setting out climate change mitigation measures affecting forests.

The **National adaptation plan to climate change** (*Plan national d'adaptation au changement climatique – PNACC2*)[54] sets out the French strategy and objectives for the country's adaptation to climate change. Regarding forests, it identifies sustainable forest management goals as a priority and entrusts the Ministries of Ecology and Agriculture with the mission to protect forests social, economic and recreational aspects[55].

Stemming from this national plan, the **Roadmap for forests adaptation to climate change** (*Feuille de route pour l'adaptation des forêts au changement climatique*)[56] details the forest aspects of the national adaptation plan to climate change. This policy document sets out 9 priorities to

[53] Ministry of Ecology, National Low-Carbon Strategy (SNBC) (*Stratégie Nationale Bas Carbone (SNBC)*), https://www.ecologie.gouv.fr/politiques-publiques/strategie-nationale-bas-carbone-snbc .

[54] Ministry of Ecology, National adaptation plan to climate change (*Plan national d'adaptation au changement climatique – PNACC2*), 20 December 2018, https://www.ecologie.gouv.fr/adaptation-france-au-changement-climatique.

[55] Ministry of Ecology, Forest, 2019, https://www.adaptation-changement-climatique.gouv.fr/dossiers-thematiques/milieux/foret#:~:text=partir%20de%202020.-,Que%20dit%20le%20PNACC%202%3F,usages%20r%C3%A9cr%C3%A9atifs%20de%20la%20for%C3%AAt.

[56] Ministry of Agriculture, Roadmap for forests adaptation to climate change (*Feuille de route pour l'adaptation des forêts au changement climatique*), December 2020, https://foret.ign.fr/catalogue/646384de26e7abe4a136fb68

improve French forests resilience facing climate change and includes, in an annex, as series of operational implementation measures for each priority identified.

The **National Strategy for protected areas** (*Stratégie National pour les aires protégées*)[57]

The **Biodiversity 2030 National Strategy** (“**BSN**”) (*Stratégie Nationale Biodiversité 2030 – SNB*)[58] aims at reducing the pressures over biodiversity during the 2022-2030 period. This strategy implements the objectives of the Convention on Biological Diversity of the United Nations[59]. Regarding forests, the BSN aims at **protecting primary forests and sub-natural forests and draws up a plan for the protection of forest soils.**

The **2016 – 2026 Forest and Wood National Programme** (*Programme national de la Forêt et du Bois 2016 – 2026 – PNFB*)[60] sets out the **4 objectives of the forest policy**: enhance the value of French forests; address citizens’ expectations and participate to local developments projects; mitigate the effects of climate change and adapt forests; foster synergies between forests and industry. This programme is subject to an evaluation scheme which follows up the implementation and results of the programme. Each objective of the programme has been subject to an evaluation and impact assessment in October 2020[61]. **This programme is adopted pursuant to Article L.121-1 of the Forest Code. It constitutes the basis of the Forest and Wood Regional programmes, detailing the objectives and priorities affected to local forests based on Article L. 123-1 of the Forest Code** (See Section 5 below).

[57]

[58] Biodiversity 2030 National Strategy (*Stratégie Nationale Biodiversité 2030 – SNB*), 27 November 2023, https://biodiversite.gouv.fr/.

[59] United Nations, Convention on Bioligical Diversity, first adopted on 22 May 1992, https://www.cbd.int/convention/text

[60] Ministry of Agriculture and Food Sovereignty, 2016 – 2026 Forest and Wood National Programme (*Programmes national de la Forêt et du Bois 2016 – 2026*), 13 October 2014, https://agriculture.gouv.fr/le-programme-national-de-la-foret-et-du-bois-2016-2026, available in English at https://agriculture.gouv.fr/telecharger/84443.

[61] Ministry of Agriculture and Food Sovereignty, FWNP: results and impacts monitoring (*PNFB: suivi des résultats et des impacts*), October 2020, https://agriculture.gouv.fr/telecharger/86130.

7. Forest land market

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

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

The requirements for forests sales and acquisitions are the same as any real estate rules. However, the Forest Code establishes special pre-emptive rights in favour of forest land consolidation which must be observed before forest land is sold to a third party (see below).

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

Overall, there are not a lot of limitations to divide forest lands by selling or inheritance. However, preferential rules apply in favour of forest land consolidation. Those rules are the following:

Special regime for forests property on which the State has an indivision right (Article L. 121-1, Forest Code): Forests subject to a shared ownership with the State or certain public authorities and public establishments listed in Article L. 211-1 of the Forest Code are subject to the Forestry regime laid down in Articles L. 211-1 to L. 215-3 of the Forest Code. This regime differs from the obligations applicable to purely private forests.

Limitation to reduce the State woods and forest estate (Article L. 213-1, Forest Code): The State wood and forest land properties can only be transferred by virtue of a law or, by derogation, in compliance with the conditions laid down in **Article L. 3211-5 of the General Code of public persons property.**

State pre-emptive right on private forests adjacent to a State-owned forest (Article L. 331-23, Forest Code): The State enjoys a pre-emptive right on the sale of small private forests (*i.e.* of a total surface area inferior to 4 hectares) which are adjacent to a State-owned forest. The public officer in charge of the sale shall inform the prefect of the department of the occurrence of the sale. In case of silence is kept after a 3-months period has elapsed, the State is deemed having renounced to its pre-emptive right. This privilege takes precedence on the other pre-emptive and preference rights mentioned below.

Communes' pre-emptive right on sales of private forest properties (Article L. 331-22, Forest Code): Communes (local authorities) have a pre-emptive right on the sale of small private forests (**smaller than 4 hectares** in total) located on their territory if they possess an adjacent wooden parcel subject to a management document mentioned in Article L. 122-3, 1° of the Forest Code (*i.e.* planning documents or model management regulations). They also enjoy such right, without surface area limit if the seller is a public person listed in Article L. 122-3, 1° of the Forest Code or if it shares an indivision right on the forest in question with the seller. In such cases, the seller shall notify the price and sale terms to the mayor of the commune concerned by registered letter with acknowledgment of receipt. If the terms and price are accepted, the mayor shall inform the

seller of his/her acceptance withing 2 months following the above-mentioned notification. This pre-emptive right is not subject to any exception.

Communes' preference right on sales of private forest properties: In addition to the above-mentioned pre-emptive right, communes have a preference right on small forest (smaller **than 4 hectares**) located on their territory (without any property condition). They also enjoy such right in case of sale of an undivided property right or right of use. In such cases, the seller shall notify the price and sale terms to the mayor of the commune concerned by registered letter with acknowledgment of receipt. If the terms and price are accepted, the mayor shall inform the seller of his/her acceptance withing 2 months following the above-mentioned notification. Derogations to this preference however apply in certain circumstances listed in Article L. 331-21 of the Forest Code (*e.g.* the sale occurs in favour of an adjacent forest owner, a spouse, a registered partner or a live-in partner). In case of competing preference rights, the seller can choose whom to sell to[62].

Communes' pre-emptive rights on private forests located in a zone subject to a departmental forest protection plan against fires: Communes enjoy a pre-emptive right on the sale of private forest located in a zone subject to a departmental protection plan against fires if said forest is not covered by a SMP. When this right is exercised, the forest in question falls automatically within the scope of the forestry regime. This right takes precedence over the above mentioned pre-emptive and preference rights except the one mentioned in Article L. 331-23 of the Forest Code relating to the State pre-emptive right on private forests adjacent to a State-owned forest (**Article L. 131-6-1, Forest Code**).

Private forest owners also enjoy a preference right on neighbouring forests which allows them to take precedence over any other buyer if they want to buy a neighbouring forest that is adjacent to their own property (**Article L. 331-19 to L. 331-21, Forest Code**).

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

The **NCFP** is the main institution providing information on the forest market[63]. **Notaries[64] and forest experts[65]** are also the key interlocutors providing information on the forest land market.

- 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)

[62] Pursuant to Article L. 331-19 of the Forest Code, owners of an adjacent forest to the parcel considered for sale also enjoy a preference right in order to promote the concentration of forests ownerships. The conditions for the implementation of this preference right are the same as communes' preference right which explains why there can be competing preference rights.
[63] CNPF, Forest and wooden parcels acquisition and sale (*Achat et vente de forêt et de parcelles boisées*), lastly updated in September 2021, https://www.cnpf.fr/le-cnpf-et-la-foret-privee/la-foret-et-les-proprietaires-forestiers/achat-et-vente-de-foret-et.
[64] Superior Council of Notaries, Buy or sale a forest: how to go about it?, lastly updated on 19 September 2023, https://www.notaires.fr/en/housing-tax-system/buying-and-selling-special-cases/buy-or-sell-forest-how-go-about-it.
[65] National Council of Agricultural Land and Forest Expertise, Forest Expertise, https://cnefaf.fr/.

The market is not particularly regulated. However, the **NCFP** provides information on the forest market[66]. **Notaries[67] and forest experts[68]** are also the main interlocutors providing information on the forest land market. However, according to a consulted forestry association, notaries have a general competence which may lead to inconsistencies regarding the specificities of forest market.

Similarly, different sources regularly issue information on forest transfers and prices. However, those sources are not centralised nationally, making information rather scattered.

Regionally, **forest land exchanges[69]** are developed based on partnerships between local authorities and private parties (*e.g.* land development companies, professional organisations or trade unions). They consist in **databases**, often presented in an interactive map format, detailing the available forest lands for sale and enabling sellers to put their property to sale. Experts of the NCFP can also support the management of the database. Those **regional databases** aim at facilitating forest land exchange to gather private forest properties and avoid the scattering of private forest resources at the local level.

National wide, the Forest Society, a subsidiary of the Deposits and Consignments Fund (*Caisse des Dépôts et des Consigation*) published a report on the forest land market in 2020[70]. The Forest Society (*Société Forestière*)[71] is a forestry and investment consultancy. It provides advice and management services to forest owners. The 2020 report presents the figures, the structure, and the actors of the French forest land market in 2019. Unfortunately, this report has not been updated since.

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

The Forest Code only contains provisions on public forests land leasing. There are no equivalent provisions for private forests. Certain land leasing contracts are expressly excluded from the scope of the provisions applicable to agricultural land. This is the case for hunting leases in private agricultural or forest lands (**Article L. 415-10, RFMC**). These contracts are governed by ordinary civil law.

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

The Forest Code does not set out a special obligation to subscribe to an insurance scheme. By default, forest owners are only subject to **ordinary insurance obligations** for the coverage of

[66] CNPF, Forest and wooden parcels acquisition and sale (*Achat et vente de forêt et de parcelles boisées*), lastly updated in September 2021, https://www.cnpf.fr/le-cnpf-et-la-foret-privee/la-foret-et-les-proprietaires-forestiers/achat-et-vente-de-foret-et.
[67] Superior Council of Notaries, Buy or sale a forest: how to go about it?, lastly updated on 19 September 2023, https://www.notaires.fr/en/housing-tax-system/buying-and-selling-special-cases/buy-or-sell-forest-how-go-about-it.
[68] National Council of Agricultural Land and Forest Expertise, Forest Expertise, https://cnefaf.fr/.
[69] See for instance the Occitania forest land exchange, https://www.bourse-fonciere-forestiere-occitanie.com/index.php or, the Ardeche forest land exchange, https://www.b2f.ardeche.fr/.
[70] The Forest Society, Safer and Terres d'Europe-Scafr, The forests market in France – 2020 indicators (*Le marché des forêts en France – Indicateurs 2020*), https://www.forestiere-cdc.fr/investir-en-foret/le-marche-des-forets.html.
[71] Forest Society, https://www.forestiere-cdc.fr/who-are-we.html.

their civil tort liability, which is only compulsory in cases where a **motorised engine** is involved in the occurrence of the damage (**Article L.211-1, Insurances Code**). This was confirmed by a consulted forestry association representing forestry groups.

Regarding **access to insurances**, the Forest Code provides for limitations of the **forest surfaces** which can be insured against damage caused by storms (**Article L. 351-1, Forest Code**). Those surfaces can be covered if:

- The surface in question can be covered by an insurance product, **and**,
- It is acknowledged as **insurable by joint order** of the Minister of Forest and the Minister of Economy and Budget, after an opinion of the National Committee for Forest Risks Management. (Desk research could not identify such order.)

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

An **incentive scheme** has also been established for forests owners: the Forestry Investment and Insurance Account (*Compte d'Investissement Forestier et d'Assurance – known as* ***CIFA***) (**Articles L. 351-1 to L. 352-6, Forest Code**).

This incentive is based on such CIFA account that is open to natural persons, forest management companies (*groupement forestiers*)[72] and forest saving companies (*sociétés d'épargne forestière*) who can deposit all or part of their forestry revenue from the sale of timber. Through that account they subscribe to the insurance scheme against storm or fire risks. They constitute a complementary fund to their private insurance which can cover up to EUR 2.500 to EUR 5.000 per hectare of forest subject to the insurance scheme, depending on the time it remained open. They can be used to finance either any **necessary reforestation operation** stemming from a natural disaster, or **silviculture works** up to 30% of the available savings. The account can only be supplied by the woodcutting exploitation revenues of the CIFA beneficiaries' forest properties. There are no restrictions on forest owners to benefit from this scheme.

The South-West Silvicultors **Trade Union** (*Syndicat des Syviculteurs du Sud-Ouest*)[73] also offers preferential financing services based on a Guarantee Fund. In 1992, it created the Forest Economy Development Company (*Société de Développement de l'Economie Forestière – SODEF*)[74]. It finances silviculture investments and works by offering **1 to 10-years loans** up to EUR 100.000. To benefit from this mechanism, the beneficiary shall be **a member or shareholder and pay a 1% contribution of the loan value to the Guarantee Fund.** The New-Aquitaine Region can also participate to this mechanism by offering a 2% bonus[75].

[72] Forest management companies are civil property management companies created for the constitution, the improvement, the equipment, the conservation and the management of one or more forest areas and woods and forests acquisition (**Article L. 331-1, Forest Code**).
[73] South-West Silvicultors Trade Union, Forest House, https://www.maisondelaforet-sudouest.com/.
[74] South-West Silvicultors Trade Union, SODEF, https://www.maisondelaforet-sudouest.com/services/sodef/.
[75] New-Aquitaine Regional Council, SODEF scheme: forestry investments bonus (*Dispositif SODEF: bonification des investissements en forêt*), https://les-aides.nouvelle-aquitaine.fr/economie-et-emploi/dispositif-sodef-bonification-des-investissements-en-foret.

8. Forest companies, Forest incentives and taxation.

Forest Companies

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

There is no specific registration requirement applicable to **forest contractors**. They are only registered to the National Company Registry (*Registre national des entreprises*), like any other company. Consequently, there is not a specific register dedicated to forest contractors. This is also the case for forestry groups which must register to the National Company Registry as civil companies. According to a consulted forestry association, forestry groups managers are responsible for groups' registration on the online platform of the National Company Registry, operated by the National Intellectual Property Institute (*Institut National de la Propriété Intelectuelle – INPI*). Yet the online procedure is difficult and perceived as a heavy administrative burden leafing to under-registrations.

The rules applicable to forest contractors are detailed in **Chapter IV of Title V of Book I of the Forest Code**. As mentioned in section 3.2. it defines Forestry Work Contractors (*Entreprises de Travaux Forestiers*) as the undertakings carrying out wood harvesting activities mentioned in Article L. 722-3, subparagraph 1° of the RMFC, except pruning and clearing, as well as forest thinning operations (**Article L. 154-1, Forest Code**).

Article L. 722-1, subparagraph 1° of the RMFC lists the following forestry works: felling, trimming, pruning, topping, and skidding in all its forms, as well as the activities that normally precede or follow these operations such as brush clearing, clearing of cut areas, and the transportation of wood carried out by the company that performed all or part of the previous operations. Additionally, when performed on the cutting floor, these activities include shaping, conditioning, sawing, and carbonizing the wood, regardless of the methods used, as well as the production of wood and derivatives intended for energy or industry.

Forestry Work Contractors are responsible for compliance with occupational health and safety requirements on the work sites (**Article L. 154-2, Forest Code**). Non-compliance with this requirement is sanctioned by a criminal fine (**Article L. 163-18, Forest Code and Articles L. 4741-1 to L. 4741-8, Labour Code**[76]).

There is no global register for **forest industries**.

However, for **the sale of forestry reproductive materials** (seeds and plants), a prior declaration to the prefect of region is required. The national **list of forestry reproductive materials**

[76] Articles L. 4741-1 to L. 4741-8, Labour Code, https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006072050/LEGISCTA000006189763/#LEGISCTA000024042063

suppliers is regularly updated and kept available on the Ministry of Agriculture website[77] and details their respective types of activities (e.g. sale of seeds, poplar production, etc.).

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

An entire tittle of the Forest Code is dedicated to the rules applicable to the different legal structures available for forest owners' association (see section 4.4 above). On company law aspects, the Forest Code cross-references the provisions of the Civil Code governing **civil law companies** (**Article 1832 and seq., Civil Code**) and the Order n° 2004-262 on association[78].

In that regard it can be mentioned **that forestry groups** can only be civil law companies and encourage investors to place their money in forest assets. Indeed, those groups are not subject to company taxes. For the revenues generated by the group, investors who are private individuals hence remain subject to the tax on revenues (**Article L. 331-3, Forest Code and Article L. 238 *ter*., General Tax Code**).

The French Code of societies only applies to owners' associations who opted for a company form to economically exploit the forest.

There is no specific reference in the Forest Code or Civil Code to Forest cooperatives.

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

The Forest Code, as well as the Code of societies, the Civil Code and the Order of 2004 do not distinguish between owners of small and bigger properties. If they fulfil the conditions applicable to the chosen form of company, no other provision prevents small forest owners from accessing to the status of forest companies. The possibilities, requirements and incentives described above remain the same notwithstanding the size of the forest.

Since there is no distinction between forest owners and small forest owners, there are also no specific incentives to encourage small forest owners to turn to collective management.

Nonetheless, nothing prevents those small forest owners' groups to get legal recognition through company legal status and have full access to the market. The requirements are the same without any additional supporting mechanisms in their favour.

[77] Ministry of Agriculture, *Suppliers, regulated species, origin and basic forestry materials* (*Fournisseurs, espèces réglementées, provenances et matériels de base forestiers*), lastly updated on 26 June 2024, https://agriculture.gouv.fr/fournisseurs-especes-reglementees-provenances-et-materiels-de-base-forestiers.

[78] Order n° 2004-262 on associations of property owners (Ordonnance n°2004-262 relative aux associations syndicales de propriétaires), Official Journal of the French Republic n° 152 of 2 July 2004, https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000623191

Forest incentives and taxation

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

The national investment plan entitled France 2030[79] contains a 150 billion euros budget dedicated to direct subsidies financing forest owners' initiatives or project promoters supporting forest owners for the restoration of forest areas[80]. This budget pursues the following objectives:

- Renew, enrich, improve, and diversify forests
- Guarantee the resilience of forest ecosystems and contribute to climate change mitigation
- Restore stands damaged by certain abiotic and biotic phenomena, including bark beetles
- Adapt vulnerable and declining stands to climate change
- Improve, enrich, and convert poor forest stands to enhance their contribution to climate change mitigation[81].

Other existing incentives with environmental objectives in France include the 'Real Environmental Obligation' (*Obligation Réelle Environnementale – ORE*)[82]. This contractual mechanism is established by law (Article L. 132-3, Environmental Code) and is available to all real estate owners, including private forest owners. It creates a contractual relationship between forest owners and a local authority, a public establishment or an environmental association established under private law to achieve conservation purposes for a long period of time up to 99 years. The owner shall undertake commitments for the conservation, the restauration and the preservation of biodiversity on its land. Once the contract is concluded, those obligations are deemed attached to the land itself surviving any change of ownership even after sale to guarantee the stability of the commitments undertaken. In exchange, the owner is exempted of the taxes applicable to land publicity obligations and has right to the agreed payment.

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

See section 4.4 above.

[79] Ministry of Economy, France 2030: an investment plan for France (*France 2030: un plan d'investissement pour la France*), 13 October 2023, https://www.economie.gouv.fr/france-2030.

[80] French government, France 2030: Opening of the call for projects and announcement of the results of the "Forest Restoration" call for expression of interest (*France 2030 : Ouverture du guichet et annonce des résultats de l'AMI (appel à manifestation d'intérêt) "Renouvellement forestier"*), 23 June 2023, https://www.info.gouv.fr/actualite/france-2030-ouverture-du-guichet-et-annonce-des-resultats-de-l-ami-renouvellement-forestier.

[81] Regional Directorate of Food, Agriculture and Forest Bourgogne-Franche-Comté, Synthetic sheet France 2030 : Forestry restoration (*Fiche synthétique France 2030: Renouvellement forestier*), 15 June 2023, https://bourgognefranchecomte.cnpf.fr/nos-actions/autres-actions/france-2030-renouvellement-forestier.

[82] Ministry of Ecology and Ministry of territorial development, (*Obligation réelle environnementale*)

9. Enforcement: Forest control and penalties.

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

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

Private forest owners can hire private guards under oath, accredited by the prefect of the department where the forest property is located (**Articles 29-1, Criminal Procedure Code and L. 361-1, Forest Code**). Those guards ensure the protection of private forests and are habilitated to record forest offences (**Article L. 361-2, Forest Code**).

The following agents are habilitated to seek and record forest offences (**Article L. 161-4, Forest Code**):

- State forestry officials, commissioned for their expertise in forestry matters and sworn for this purpose;
- Officials working for the NFO and officials of the Chambord National Estate Public Establishment (*Etablissement Public du Domaine National de Chambord*), commissioned for their expertise in forestry matters and sworn for this purpose;
- Countryside wardens and municipal police officers.

Abusive woodcutting (See Section 7 above) lead to **criminal fines** based on the surface area concerned by the abusive cut. This sanction can be accompanied by **accessory sanctions** adapted to moral and natural persons (**Article L. 362-1, Forest Code**).

Unlawful woodcutting in breach of a SMP is sanctioned by the interim protective **interruption** of the work and the **confiscation** of the products, tools and materials used to execute the offence (**Article L. 362-2, Forest Code**). **The jurisdiction ruling on the merits or the Judge of Freedoms and Custody** (*Juge des Libertés et de la Détention*) can order, ex officio or upon request, the release or upholding of this measure (**Articles L. 362-2 and L. 363-4, Forest Code**).

However, the **unlawful pursuit of the woodcutting work despite an interruption order** is subject to both a **6-months prison penalty and a fine** as provided for in Article L. 362-1 (**Article L. 362-2, 2nd subparagraph, Forest Code**).

Breaches of clearing obligations and interdictions are subject to fines, the amount of which takes the nature of the woods at stake (i.e. whether they are subject to nature conservation measures) into consideration (**Articles L. 363-1 and L. 363-2, Forest Code**).

The **interim protective interruption** of the clearing works can be ordered by an **agent of the judicial police, or a person habilitated to seek and record forest offences pursuant to Article L. 161-4 of the Forest Code.** In such case, minutes/report recording the offence is notified to the public prosecutor.

The jurisdiction ruling on the merits, or the Judge of Freedoms and Custody can order the release or upholding of this measure pursuant to **Article L. 363-4 of the Forest Code** (see above). Similarly, the **unlawful pursuit of a clearing work despite an interruption order** is subject to both a **6-months prison penalty and a fine (Article L. 363-4, 2nd subparagraph, Forest Code)**.

Despite the above-mentioned enforcement powers and penalties, according to a consulted forestry association, enforcement authorities, such as mayors and prefectoral authorities, lack resources to effectively use them. Prefectoral authorities are understaffed and enforcement efficiency at municipalities' level heavily depends on the presence of rural police or the NFO, for the management of forests subject to the forestry regime who have additional knowledge and resources to effectively apply controls and penalties.

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?

No major legal or regulatory barrier has been identified. The legal framework is clearly established by the Forest Code, which in certain instances is developed by other legislative acts. However, the system is not complex and no barriers have been identified hindering implementation by forest owners. The objectives, the principles, forest owners' rights and obligations or the content of sustainable forest management plans are clear and responsibilities are also detailed in the Forest Code. Beyond forest owners legally obliged to submit and implement a Simple Management Plan, all forest owners are encouraged to adopt one and are supported by public authorities and technicians during their implementation. Article L. 121-6 of the Forest Code even subordinates the obtention of public subsidies to the existence of such plan and its implementation for a duration comprised between 5 and 15 years.

Among the actors enabling SFM compliance, the NCPF is the first and principal enabler for private forest owners. They provide advice, supporting documents, raise awareness on SMPs and SMP strategies. The Forest Code also requires technicians of the NCPF to visit forests subject to an approved SMP to monitor their management plans' implementation and provide technical support when needed.

The conditions for SMP to be required by the legislation are linked to the size of the forest land, which has triggered that in 2022, only 18% of the French private forests were subject to SMPs[83]. More than 80% private forests are not framed within a SMP or any other Forest Management Plan since they are not required. Considering that 75% of the forest land in France is in private hands, and that the SMP is the basis for sustainable forest management, the lack of plans in private forests hinders the implementation of the sustainable development objectives stated in the Code.

It should also be mentioned certain uncertainties and conflicts remain when it comes to **agroforestry**. Indeed, there is not a uniform legal framework for agroforestry. Private forests are either qualified as forest lands or as agricultural lands depending on the main activity carried out on their soil. This status is determined by the local authority on a case-by-case basis, taking into account its main destination of the land. Consequently, private forests can either be subject to the Forest Code requirements and authorisations or to both the Environmental Code and the agricultural rules under the Rural and Maritime Fisheries Code pursuing different objectives, requirement and authorisations. Furthermore, for the protection of hedgerows, linear woodlands and isolated trees, the Forest Code expressly refers to the provisions of the Rural and Maritime

[83] National Institute for geographic and forest information, Memento 2023 of the forest inventory (*Memento 2023 de l'inventaire forestier*), 17 October 2023, https://www.cnpf.fr/actualites/memento-2023-et-l-if-ndeg49-de-l-inventaire-forestier-de-l-ign.

Fisheries Code and the Town Planning Code (**Article L. 111-4, Forest Code**), scattering the legal regime applied to certain wooden areas. It follows that agroforestry requires owners to take all these sources into account paying attention to the main use of their property to avoid a requalification[84].

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

The main barrier lies on the absence of provisions specifically implementing the closer-to-nature approach. Nevertheless, sustainable forest management as well as the consolidation of forest land ownership and management is broadly encouraged in France.

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

Private forests located in areas subject to risks or high risks of fire are subject to additional clearing and harvest obligations in order to prevent forest fires and enable firemen to access roads through their forest in case of actual fire. These risks and the obligations stemming from the risks management strategy shall be included and taken into consideration in the private forest owners' SMPs. This additional burden may raise conflicts between conservation objectives and prevention or mitigating measures against fires for private owners.

10.2. Legal or regulatory gaps in national forest legislation

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

Overall, France has a well-established system for the sustainable management of private forests. Public forests are always subject to sustainable management plans, implemented by the NFO, in order to protect overriding public interests, while private forest owners are encouraged to associate or concentrate forest land ownership to ensure feasibility of forest exploitation, and in this circumstance, the use of simple management plans is required.

However, as stated above, the conditions for requiring SMP are linked to the size of the forest land, which leads to a situation where in 2022, only 18% of the French private forests were subject to SMPs[85]. More than 80% private forests are not framed within a SMP or any other Forest Management Plan since they are not required. As the SMP are the basis for sustainable forest management, the lack of plans hinders the implementation of the sustainable development objectives stated in the Code. Nevertheless, the closer-to-nature approach has not been formally transposed in French law.

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[84] Ministry of Agriculture and the French Agroforestry Association, *From forest to agroforestry – Legal and regulatory guide* (*De la forêt à l'agroforesterie – Guide juridique et réglementaire*), lastly updated December 2021, https://www.agroforesterie.fr/wp-content/uploads/2022/06/foretagroforesterieguidevf.pdf.

[85] National Institute for geographic and forest information, Memento 2023 of the forest inventory (*Memento 2023 de l'inventaire forestier*), 17 October 2023, https://www.cnpf.fr/actualites/memento-2023-et-l-if-ndeg49-de-l-inventaire-forestier-de-l-ign.

Furthermore, despite the existence of a sufficient legal framework for enforcement and penalties, enforcement of SMPs and forest owners' obligations is lacking. According to a consulted forestry association, both national and local enforcement authorities do not have sufficient resources to ensure an effective application of all SMPs or ensure a fully-fledged oversight of all private forests. The competent authorities responsible for private forests are especially understaffed. Those staff shortages also result in territorial enforcement discrepancies since in regions where rural police or NFO officers who are more knowledgeable about forest policies apply controls and penalties more effectively than in other forested regions. Similarly, while registrations to the cadastre are very useful to prove forest ownership, the register is not sufficiently updated to reflect crop changes since such changes of cultures remain solely declarative, leading to tax shortfalls.

The status of agroforestry should however be refined and harmonised to avoid confusion and conflicts of laws and obligations between the agricultural regime and the forest regime.

Finally, in relation to the wood market and the use of wood in construction, according to **Article D. 155-1 of the Forest Code**, the technical requirements applicable to new buildings are defined in a specific regulatory measure[86]. However, the regulatory measure cross-referenced in this provision is no longer in force and desk research did not identify any subsequent regulatory measure repealing and replacing this legal act. There seems to be a gap in legislation.

[86] Decree n° 2010-273 of 15 March 2010 regarding the use of wood in certain constructions (*Décret n0 2010-273 du 15 mars 2010 relatif à l'utilisation du bois dans certaines constructions*), Official Journal of the French Republic n° 0064 of 17 mars 2010, https://www.legifrance.gouv.fr/loda/id/JORFTEXT000021979658.

National experts on forest legislation and references

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

- Jean-Luc Peyron, Académie d'Agriculture de France, jean.luc.peyron@gmail.com
- Xavier Morin, CNRS, xavier.morin@cefe.cnrs.fr
- Philippe Puydarrieux, Parc National des Forêts, +33 3 73 62 03 68, philippe.puydarrieux@forets-parcnational.fr
- Eric Toppan, Fransylva, +33 1 47 20 36 31, eric.toppan@fransylva.fr

- 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.

  Ducret, S.M., *Guide juridique de la propriété forestière privée – Régime juridique de la forêt privée, droits et obligations des propriétaires*, Editions du Puits Fleuri, 2013, pp. 636, https://www.lgdj.fr/guide-juridique-de-la-propriete-forestiere-privee-9782867394911.html

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