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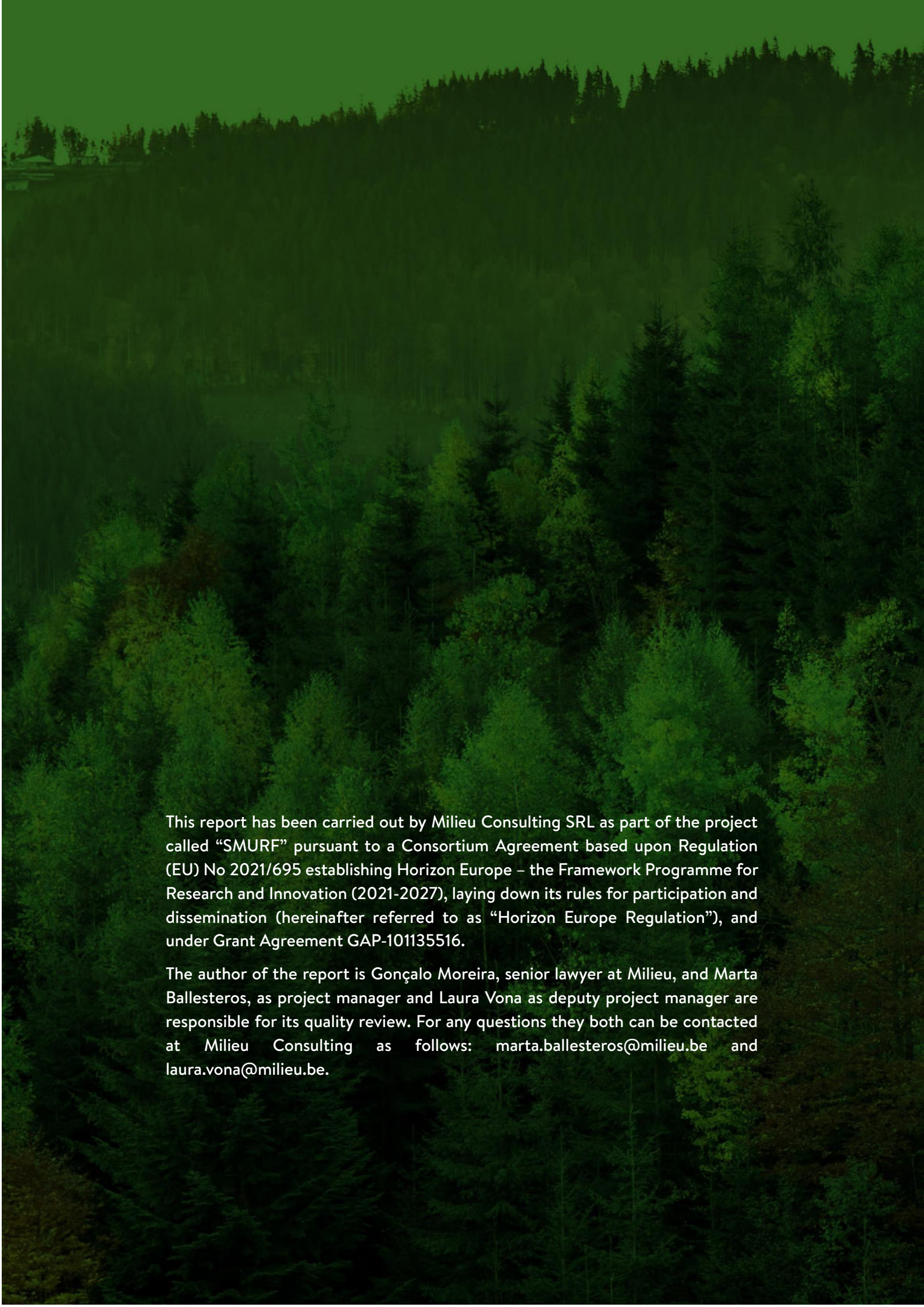
Legal and regulatory framework applicable to Small Forest Owners and Sustainable Forest Management

Country Fact Sheet
Portugal

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THE FOREST OWNERS' PROJECT

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

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

Executive Summary

The Portuguese forest legal framework is built upon multiple legislative instruments, following the revocation of the Forest Code in 2012. The Basic Law on Forest Policy (Law 33/96 of 17 August) sets out the principles for forest management, defining key policy objectives, governance structures, and planning instruments such as the Regional Forest Plans (PROFs) and Forest Management Plans (PGFs). The 2017 Forest Reform (including Decree-Law 66/2017) aimed to improve governance, promote joint forest management, and address land fragmentation issues. The legal framework prioritizes sustainability, fire prevention, biodiversity conservation, and climate adaptation, ensuring forests contribute to both economic and ecological stability.

Portugal's forests are predominantly privately owned (91%), with only 3% under state ownership and 6% classified as communal lands ("baldios"). Private ownership is highly fragmented, especially in the north and centre of Portugal, where small plots hamper the feasibility of sustainable management. Land cadastre registration remains incomplete, with only 46% of properties officially recorded. This weak cadastral system creates uncertainties in ownership rights and obligations, limiting efficient governance and investment in forest management.

Forest owners in Portugal have full rights to decide on land use and harvesting, but they are subject to significant legal obligations to ensure sustainable forest management. PGFs are mandatory for public, communal, and large private holdings, with enforcement mechanisms including fines for non-compliance. Owners must also comply with fire prevention laws (Decree-Law 82/2021), requiring fuel management and risk reduction measures. Certain activities, such as cutting cork oaks or premature eucalyptus harvesting, are prohibited or require ICNF authorization.

Sustainable Forest Management (SFM) is guided by the National Forest Strategy, emphasizing biodiversity, carbon sequestration, and ecosystem services. Voluntary forest certification schemes like FSC and PEFC play a significant role. While "Closer-to-Nature" forest management is promoted, Portugal lacks explicit legal provisions mandating this approach.

Portugal offers financial support for SFM through the Environmental Fund (formerly the Permanent Forest Fund). Tax exemptions apply to forest land in ZIFs (Forest Intervention Zones) and communal lands. The National Land Bank (Bolsa Nacional de Terras) facilitates land transactions, aiming to reduce land fragmentation. However, there is limited market information on forest land prices and transactions. Forest leasing is regulated under agricultural land laws, no forest mortgage schemes exist.

Key Recommendations

- Strengthen forest cadastre registration to clarify ownership and improve governance.
- Enhance enforcement of SFM obligations, ensuring compliance with management plans.
- Expand financial incentives for small forest owners, reducing bureaucratic hurdles.
- Develop legal frameworks for Closer-to-Nature forestry, promoting sustainable alternatives to clear-cutting.
- Improve land market transparency, easing access to reliable data on forest transactions and prices.
- Increase the effectiveness of joint management models (such as ZIFs) to address fragmentation issues.

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

Portugal's forests form an essential component of the country's landscape, economy, and ecological systems, spanning approximately 36% of the national territory. Historically, forest land use has evolved from traditional practices like agroforestry and grazing systems to modern forestry plantations. This shift, driven by economic needs, led to the expansion of maritime pine and eucalyptus plantations. While these species fuel critical industries, their intensive use has raised concerns, mainly in some sectors of civil society, over soil degradation, biodiversity loss, and reduced water retention. This model has also increased the landscape's vulnerability to catastrophic fires, which has become a major driver of forest policy in recent decades. In contrast, the traditional cork oak "montados" demonstrate sustainable land-use practices, balancing production with ecological preservation.

Ownership patterns are unique, with over 90% of forests privately held, often fragmented into small plots. This ownership structure complicates large-scale sustainable management. Communal lands (6%), known as "baldios," historically provided shared resources for rural communities and continue to support biodiversity and local economies. State-owned forests, though limited (3%), focus on public interests, conservation, and recreation.

Economically, forests are a cornerstone of Portugal's economy, generating significant contributions to GDP and rural employment. The cork industry is globally renowned, with Portugal producing over 50% of the world's cork. Eucalyptus plantations drive the pulp and paper industries, crucial for exports. Timber production, biomass energy, and emerging sectors like ecotourism and carbon markets further highlight the economic versatility of forests. Beyond monetary gains, Portuguese forests provide critical ecosystem services, including carbon storage, water regulation, and erosion control, underscoring their role in combating climate change and enhancing ecological resilience.

The Institute for Nature Conservation and Forests (ICNF) is the national forestry authority, overseeing policy implementation and coordination among stakeholders. Collaborative efforts with regional authorities, landowner associations, and local communities ensure tailored approaches to forest management.[1]

1.2. Basic legal instruments

The revocation of Portugal's Forest Code in 2012, which had aimed to consolidate and streamline forestry legislation, has been a contentious issue, drawing criticism from the *Provedor de Justiça* and left significant gaps in forest management and governance. Approved in 2009, the Código was designed to integrate forestry policy guidelines, covering planning, land management, governance, and enforcement of forest-related infractions. However, its complexity made discussions challenging, implementation was repeatedly delayed, and it was eventually repealed

[1] ICNF Portugal Forests Profile (2021), available at https://www.icnf.pt/api/file/doc/1f924a3c0e4f7372 This footnote applies to the whole Section 1.1.

under Lei n.º 12/2012. This created a fragmented legal landscape and exposed weaknesses in areas such as land reclassification. In response, the government launched the 2017 Forest Reform, a comprehensive initiative to replace the void left by the Forest Code but also to respond to the severe forest fires recorded in 2017 (more than 500,000 ha of burned area, over 100 dead and millions of euros in damage)[2].

The reform aimed to address the fragmentation of forest legislation and improve resilience to challenges such as wildfires and unsustainable practices. However, evaluations have revealed limitations in the reform's implementation, with criticism regarding insufficient care for rural spaces and enforcement challenges. These shortcomings highlight the need for continued refinement of forestry legislation to ensure cohesive and effective forest governance.

Currently, the regulation of forests in Portugal involves different legal instruments:

- Constitution
- Basic legislation
- Laws and Decree-Laws
- Regulatory instruments (e.g., ordinances, strategies, territorial plans)

Article 66 of the **Portuguese Constitution** recognises the right to a healthy environment and establishes the state's responsibility to protect and manage natural resources, including forests, in a way that ensures their sustainable use and conservation.

However, the key legislation on forest matters currently in force is Law 33/96 of 17 August with adopted the Basic Law on Forest Policy. This law sets out the principles and objectives for forest management, presents the key measures for forest policy, including spatial planning – introducing the Regional Plans for Forest Planning (PROF) –, management and conservation, lists the key competent authorities and their powers, and the available financial instruments.

Decree-Law 127/2005 of 5 of August, as amended, regulates the framework for the creation of forestry intervention zones (ZIF) – these are continuous and delimited territorial areas consisting mainly of forest spaces, subject to a forest management plan and a forest defence plan and managed by a single entity.

Decree-Law 16/2009 of 14 January, which approves the new legal framework for forestry planning, management and intervention plans, established three distinct levels of planning[3]. It sets out the content, scope of application, and procedures for the adoption and revision of each type of plan.

Decree-Law 66/2017 of 12 June, aware that one of the main obstacles to achieving the national objectives of forest policy is the excessive fragmentation of private property, established the legal framework for the recognition of Forest Management Entities (EGF) and Forest Management Units (UGF). It complements the ZIF and aims to promote and facilitate the joint

[2] "2017/Incêndios: Mais de 100 mortos no pior ano de fogos em Portugal", TSF (2017), available at https://www.tsf.pt/lusa/artigo/2017incendios-mais-de-100-mortos-no-pior-ano-de-fogos-em-portugal/8961300

[3] See below for more details on Regional Forest Management Plan (PROF), Forest Management Plan (PGF), and Specific Forest Intervention Plan (PEIF).

management of forestry spaces, focusing **on small holdings**, through the creation of exploration areas that allow for an increased estimated economic value of the forest.

On top of the main legislation mentioned above, it must be considered that forest management is also conditioned by other sectoral legislation (e.g., environmental impact, nature conservation, cadastre, taxation), as described within the sections below.

1.3. Basic Regulatory framework

The National Forest Strategy was adopted in 2006 and revised in 2015. It outlines a long-term vision for sustainable forest management, focusing on economic, social, and environmental objectives. It prioritises biodiversity conservation, fire prevention, and climate resilience, emphasizing the diversification of forest species and sustainable land use. The strategy promotes the integration of forests into rural development while addressing structural issues like fragmented ownership. Key areas include forest governance, enhanced monitoring, and fostering public-private partnerships.

At regional level, the Basic Law on Forest Policy is implemented through **PROFs** which are developed by the ICNF. They cover the whole territory of Portugal since 2007 and were revised in 2019. They evaluate the potential of forest spaces, from the point of view of their dominant uses; define the list of species to be privileged in actions to expand and reconvert forest heritage; identify the most appropriate general forestry and resource management models; and **define specific forestry standards** and sustainable use of resources to be applied to these spaces. There are currently seven PROFs, which were revised with public and institutional participation, through the instruments provided for in the legislation. Under Article 4 of Decree-Law 16/2009, the rules in a PROF are binding on all public authorities, and they are also directly binding on private individuals regarding (a) forest management plans, (b) rules for interventions in forest areas, and (c) limits on the area that may be planted with eucalyptus.

Plans for Forest Management (PGF) are **mandatory** for public and community forestry and agro-forestry operations; private forestry and agro-forestry holdings of a size equal to or greater than those defined in the respective PROF; and ZIFs. They are developed by different entities depending on the cases, follow the guidelines of the applicable PROF and must include a characterisation of the existing resources of the area as well as an exploitation plan (including the production of timber, use of non-timber resources, and management of biodiversity).

Finally, the **Specific Forest Intervention Plans** (PEIF) are required for all areas that, as a result of legal provisions or notification by the ICNF, are required to take extraordinary intervention measures. They determine actions of a cultural nature, aimed at preventing and combating biotic and abiotic agents, which can take different forms according to the nature of the objectives to be achieved. They are developed by different entities depending on the cases and must include a characterisation of the existing resources of the area as well as an operational plan defining the planned interventions, the estimated budget and coordination mechanism and procedures between the various individual and collective actors.

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.

Forest governance in Portugal is shared among various levels of public administration. At the national level, forest policy is defined by the Ministry of Environment and Climate Action and operationalized by the Institute for Nature Conservation and Forests (ICNF), which acts as the national forestry authority. In the Autonomous Regions, these competencies are exercised by regional directorates. At the municipal level, municipalities hold important responsibilities in land use planning and the management of forest areas under their jurisdiction.

National competences

At a general level, the **Ministry of Environment and Climate Action** is the competent body in charge of forest policy, in accordance with Article 26(1) of Decree-Law 32/2022 of 9 May, as amended, which approved the organisational and operational regime of the XXIII Constitutional Government. The Ministry performs its tasks, namely through services integrated in the direct and indirect administration of the State exercising direction over the ICNF. With regard to measures financed by European funds, it exercises its competence in coordination with the Ministry for Agriculture and Food, pursuant to Article 26(5) of Decree-Law 32/2022 of 9 May, as amended.

Pursuant to Article 1 of Decree-Law 43/2019 of 29 March, as amended, the **ICNF**, is a public institute with a special regime, integrated into the indirect administration of the State, endowed with administrative and financial autonomy and its own asset. It is the national forest authority and, simultaneously, the national authority for nature conservation and biodiversity. In accordance with Article 3 of Decree-Law 43/2019 of 29 March, as amended, its mission is to propose and implement integrated land use planning and management policies, in conjunction with public and private entities, in the areas of nature conservation, biodiversity, forests and the competitiveness of forestry sectors, and ensure the coordination of structural prevention and management of rural fires. The specific tasks that are attributed to the ICNF are listed in Article 4 of Decree-Law 43/2019 of 29 March, as amended, and include:

a) Perform the functions of national authority for nature and biodiversity conservation and national forestry authority, implementing, in particular, the National Strategy for Nature Conservation and Biodiversity, the National Strategy for Forests and the National Action Programme to Combat Desertification and the National Plan for Integrated Management of Rural Fires, in conjunction with public and private entities;

b) Support the formulation and implementation of the nature and biodiversity conservation policy and the national forestry policy, ensuring the enhancement of natural capital, the conservation and active management of species, natural habitats of wild flora and fauna, […] as well as the sustainable

management of forestry production, forest and natural spaces, hunting [...] and other resources and services provided by ecosystems;

c) Promote the preparation and implementation of plans, programmes and actions, particularly in the areas of inventory, management, monitoring, surveillance and inspection and information systems, and carry out their evaluation;

[...]

e) Support and implement decisions to integrate forestry policy and nature and biodiversity conservation into policies to combat desertification, mitigate climate change and its effects, and reduce the country's energy dependence;

f) Coordinate nature, biodiversity and forest conservation policies with the various land use planning tools, where appropriate, and cooperate with other services and bodies in implementing any policies or programmes in these areas;

g) Act in accordance with the powers provided for in the Integrated Rural Fire Management System, namely in specialising in rural fire management, structural prevention and support for fighting rural fires, recovery of burnt areas, management of the forestry regime and the forest firefighters programme;

h) Contribute to the definition of investment financing instruments in the areas of nature conservation and forestry, and monitor their implementation;

j) Promote the implementation and management of the forestry regime, particularly in public and community areas, as an instrument for enhancing the value of forests, other forest areas, in their economic dimension and other ecosystem services;

k) Promote the implementation of the National Forestry Inventory and its dissemination, in conjunction with the Directorate-General for Territory, as well as technical studies related to all its mission areas;

[...]

n) Promote the extension of qualified forest management and recovery of burnt areas to all forest areas in the country, in public and community areas, managing their forest heritage, directly or indirectly, in the private domain, supporting associations and the establishment and development of different models of joint management of forest areas, as well as through the conclusion of program contracts with forest producer organizations, common land management bodies or other private entities present in the territory;

o) Promote the active management of public areas covered by protected areas, considering the services provided by forests and other agroforestry habitats of high value for the conservation of nature and biodiversity;

[...].

The Agency for Integrated Rural Fire Management, I.P. (**AGIF**) is a public institute, created in 2018 by Decree-Law 12/2018 of 16 February, whose mission is to accelerate the transition to integrated rural fire management, involving institutions and society through a territorial governance model. AGIF is the entity responsible for the planning, strategic coordination and

evaluation of the Integrated Rural Fire Management System, and it plays a central role in the implementation of the Landscape Transformation Program under the Recovery and Resilience Plan. Within this framework, AGIF supports and coordinates the development of Integrated Landscape Management Areas and Integrated Landscape Management Operations, ensuring that these instruments contribute to reducing fire risk, promoting active and grouped land management, and enhancing landscape resilience through coherent planning, funding alignment and performance monitoring.

Regional competences

In accordance with Article 2 of Decree-Law 43/2019 of 29 March, as amended, the **ICNF has five regional directorates:**

- Regional Directorate for Nature Conservation and Forests of the North;
- Regional Directorate for Nature Conservation and Forests of the Centre;
- Regional Directorate for Nature Conservation and Forests of Lisbon and Tagus Valley;
- Regional Directorate for Nature Conservation and Forests of Alentejo;
- Regional Directorate for Nature Conservation and Forests of the Algarve.

The definition and implementation of forest policy in Azores is carried out by the Regional Secretariat of Agriculture and Food, namely by its **Regional Directorate for Forests and Territorial Planning** (see Regional Regulatory Decree 3/2024/A of 11 April).

In Madeira, the definition and implementation of forest policy is carried out by the Regional Secretariat of Agriculture, Fisheries and Environment, namely by its **Institute for Forests and Nature Conservation** (see Regional Regulatory Decree 13/2024/M of 12 July).

Local/municipal competences:

At the local/municipal level, competences are more focused on specific land use decisions, local forest management, and the implementation of national regulations within local contexts. In particular, **municipalities** are competent for the drafting of the municipal master plans, which define the strategic framework for the municipality's territorial development regulating all land uses, including forestry (Article 76 of Decree-Law 80/2015 of 14 April, as amended). Municipalities are also competent for the drafting of the PGFs in case of public and community forestry and agro-forestry operations under their jurisdiction (Article 14(1) of Decree-Law 16/2009 of 14 January). Finally, they are also heard in the process of the drafting of the PROF (Article 8(1)(f) of Decree-Law 16/2009 of 14 January).

Forest coordination and advisory bodies

The **National Forestry Council** is a consultancy body in the area of forests, which works alongside the ICNF and which, pursuant to Article 3 of Decree-Law 29/2015 of 10 February, is responsible for advising on :

> *a) the definition of national forestry policy, its measures and the main instruments of implementation;*
>
> *b) the structuring and operation of the Forest Fire Defense System;*

c) the definition of prevention and forest phytosanitary control strategies, as well as the execution of programs to control biotic agents harmful to forest species;

d) measures to develop general principles for ordering and managing hunting and fishing resources in inland waters;

e) the dynamization of markets and the valorisation of forest products;

f) the recognition of interprofessional forestry organizations and their revocation;

g) any other matters provided for in special law or for which the member of the Government responsible for the forestry area requires.

2.2. Key representation organisations of the forest sector

1. **Forest owners:**

Ordinance 118-A/2009 of 29 January established the framework for recognising and supporting organisations of forest producers, classifying them into four types — national, regional, supra-municipal/municipal/local, and complementary. Their registration, managed by the ICNF, is valid for five years and renewable under the same conditions, with 164 OPF officially registered as of January 2023 (the ICNF also published a list of registered organisations of forest producers, which includes municipal organisations).

According to the National Forest Strategy (dating from 2015), the following are relevant registered organisations of **forest producers** at national level:

- Fórum Florestal: Federative Structure of the Portuguese Forest
- Forestis: Portuguese Forest Association
- BALADI: National Federation of "Baldios"
- FNAPF: National Federation of Forest Owners Associations
- UNAC: Mediterranean Forest Association

Another relevant association is Fenafloresta: National Federation of Forest Producers´Cooperatives.

2. **Forest municipalities:** no relevant information found.

3. **Forest industry:**
   - ANIPC: Association of Paper and Carboard Industries
   - AIMMP: Association of Wood and Furniture Industries
   - Filcork: Association of Cork Industries;
     - Biond – Association of Forest-Based Bioindustries (Forest Fibers from Portugal);
     - Navigator – is the leading Portuguese pulp and paper producer, specialising in sustainable paper, packaging, and tissue products derived from eucalyptus plantations.

4. **Forest clusters:**
    - Forest industry cluster: the national centre of competitiveness, knowledge, innovation and technology, with an international vocation with a view to developing the forestry sector
        - Centro Pinus: Association for the Valorisation of the Pine Forest
        - ForestWise - Collaborative Laboratory for Integrated Forest and Fire Management.

5. **Forest contractors:**

    ANEFA: association of agriculture, environment and forestry companies

6. **Forest Professionals:**
    - SNPC: the national union for civil protection, representing forest sappers, rangers and others
    - APEF: the Portuguese association of forest studies students
        - Ordem dos Engenheiros: professional association under public law that represents engineers in Portugal and has a specific subsection for forestry engineering

7. **Forest Agents or rangers:**
    - APGVN: the professional association of Portuguese rangers

8. **Forest Sciences:**
    - CEF: the forest research unit of the School of Agriculture of the University of Lisbon
    - SPCF: a non-profit association, whose objective is to promote the study and progress of forestry science and technology
    - CEIF: a research unit of the Faculty of Science and Technology of the University of Coimbra dedicated to applied research in the field of forest fires
    - RAIZ: a research institute for forests and paper
        - SERQ: a forest innovation and competence centre

9. **Forest certification:**
    - PEFC
    - FSC

10. **Public enterprises:**
    - Forestgal, S.A. – a public enterprise which owns a total of 86 properties, and is present in 26 municipalities from north to south of the country, managing a total area of approximately 15.6 thousand hectares.

11. **Forest cooperatives**

Some examples are listed:

- Regie Lima: forest cooperative based in Ponte de Lima (North region)
- Coopvnc: forest cooperative based in Vila Nova do Ceira (Centre region)
- FICAPE:agricultural cooperative of the North of the District of Leiria (has an important forestry section)

12. Other **Forest organisations**

In Portugal, a particular type of association was created to promote the expansion of the **cooperative** management of the forest lands through the "forest intervention zones" the **ZIFs** management entities (see Decree-Law 127/2005 of 5 of August). ZIFs' management entity has, among others, the following objectives:

- Promote the sustainable management of its forests
- Plan and coordinate the protection of forest and natural areas
- Reduce the conditions for forest fire ignitions and fire propagation
- Coordinate the recovery of burnt areas
- Provide territorial coherence and efficacy to the actions of local and central administrations and other actors on forest management

A list of the ZIFs currently established and registered can be found here.

Furthermore, a regulatory framework was created in 2017 (see Decree-Law 66/2017 of 12 June) to support the recognition of two other types of "associations":

Forest Management Entities (EGFs) can take the form of different entities (a legal entity under private law, under the terms of the Cooperative Code or the Civil Code; an association with legal personality; a Commercial Company under the Civil Code, in the form of a limited liability company; a public limited company) but should have forestry, forest management and exploitation as their corporate purpose, and, in the case of associations, the provision of services to its members in those areas. The aims of an EGF is to promote and facilitate the joint management of forest areas, preferably smallholdings, in accordance with the principles of sustainable forest management, through the creation of exploitation areas that provide adequate valuation and profitability of assets.

Forest Management Units (UGFs) are legal persons under private law, incorporated under the Cooperative Code or the Civil Code, in the form of an association with legal personality, manager of continuous rural holdings, with an area not exceeding 50 hectares each, with a minimum territorial area of 100 hectares and a maximum of 5000 hectares. The UGF aims to promote and facilitate the joint management of continuous forest areas, preferably smallholdings and by the owners themselves aggregated in cooperatives or associations, according to the principles of sustainable forest management, in areas that allow for the adequate valuation and profitability of assets.

A list of the EGFs and UGFs currently established and registered can be found here.

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

According to Portugal's National Forestry Accounting Plan 2021-2025, 3% of the country's forest land is owned by the State and other Public Administration agencies, about 6% is owned by local communities (the so-called "commons" or "baldios" in Portuguese) and about 91% are owned by private owners.

The size of the holdings varies significantly, with holdings of tens to thousands of hectares being common in the South and micro holdings being a common feature in the North, Centre, and Islands (e.g. according to one source more than half of private forest in the North have less than 1ha)[4]. According to Portugal's National Forestry Accounting Plan 2021-2025, **more than 20% of the total forest area has no owner,** or its owner is unknown or are not registered due several generations of successions or disputes related with inherences. This exacerbates the problem of fragmentation.

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**

The law does not define "owner" in isolation as this is a general concept defined by Civil Law. However, Article 2(f) of Decree-Law 16/2009 of 14 January defines "owners or other forest producers" as the owners, usufructuaries, surface owners, tenants or anyone who, in any capacity, owns or manages the land that forms part of forest areas, regardless of their legal nature. Article 3(o) of Decree-Law 127/2005 of 5 of August include a definition in all similar. This definition seems to join different concepts into one (i.e. owner, holder and manager).

- **Forest holder**

There is no legal definition of "forest holder". However, it is understood that a forest holder can be anyone who owns or manages the land in any capacity. They may be an owner, tenant, usufructuary, etc. This view was confirmed by two consulted forestry associations[5].

- **Forest manager**

There is no legal definition of "forest manager". It is understood that a forest manager may not be the forest owner. A manager is a qualified person who manages land for the forest owner, this

[4] Propriedade florestal: privada, fragmentada e com escassos planos de gestão, Florestas (2022), available at: https://florestas.pt/conhecer/propriedade-florestal-em-portugal-privada-fragmentada-e-com-escassos-planos-de-gestao/

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

can also be an association and cooperative of forest producers, or a company. This view was confirmed by two consulted forestry associations.

- **Forest contractor**

There is no definition of "forest contractor". It is understood that a forest contractor is a service provider, either an individual or a company. This view was confirmed by two consulted forestry associations.

- **Forest**

Article 3(e) of Decree-Law 127/2005 of 5 of August defines "forests" as land occupied by forest stands, burnt areas of forest stands, clear-cut areas of forest stands and other wooded areas. "Forest areas" are defined as land occupied by forest, scrubland and pastures or other spontaneous plant formations, according to the criteria defined in the National Forest Inventory (Article 2(b) of Decree-Law 16/2009 of 14 January and Article 3(g) of Decree-Law 127/2005 of 5 of August.

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?

The national law refers in several instances to **public forest** (property of the State or municipalities)**, private forest and "baldios**" i.e. communal forests.

There is specific legislation for "baldios". In fact, Law 75/2017 of 17 of August, as amended, defines the regime applicable **to "baldios**" and other means of community production. "Baldios" are defined in its Article 2(a) as:

Land with its integral parts and equipment, owned and managed by local communities, in particular those in the following conditions:

i) Land considered vacant and as such owned and managed by the local community, even if occasionally not being used, in whole or in part, by the parties, or lacking regularly constituted management bodies;

ii) Land considered wasteland and as such owned and managed by the local community, which, having previously been used and enjoyed as wasteland, was subjected to the forestry or unused reserve regime […];

iii) Vacant land subject to possession by private individuals, even if transferred later […];

iv) Land capable of use and enjoyment by a local community that has been lawfully acquired by such a community and allocated to its common public space.

In simple terms, common lands are lands owned and managed by a local community (the 'compartes'), traditionally used for purposes such as grazing, firewood collection, or hunting.

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

There are no well-established and widespread land aggregation (property consolidation) programs for forests in Portugal. However, the Emparcelar para Ordenar Programme, created under Portugal's Recovery and Resilience Plan (RRP), aims to enlarge and consolidate small rural properties (including forests) to improve the economic viability and sustainability of farms. It provides non-refundable grants covering 50% of land-acquisition costs, up to €300,000 per beneficiary, across mainland Portugal. The programme falls under RRP Component C08 – Forests, and is managed by the Directorate-General for Agriculture and Rural Development (DGADR).

Specifically for forests, public policy has focused on aggregating management (rather than ownership) to address land fragmentation. The main instrument for this purpose is the ZIFs, which allow multiple landowners to manage their forests jointly through a single management entity while maintaining individual ownership of their parcels. Indeed, the National Forest Strategy states that the fact that the ZIF results from the initiative of a group of owners or management bodies who subscribe to its constitution and, after being constituted, starts to have a "**managing entity**", which can be an organisation of forestry producers or a company, allows for more coherent management of the territory in smallholding areas, based on a specific forest intervention plan, to defend against biotic and abiotic agents, and a forest management plan. In this regard, the ZIF management entity is responsible for presenting these plans for its area, as well as for the other structuring elements of the ZIF, reporting to the general assembly of participating owners.

3.4. Proof of ownership: Land registry and Cadastre

– How is ownership proved?

For properties that are registered in accordance with the Land Registry Code, adopted Decree-Law 224/84 of 6 of July, as amended, registration proves ownership. For lands with no known owner, Decree-Law 15/2019 of 21 January, as amended, establishes the process of identification and recognition of ownership. According to this piece of legislation, once a property with no known owner is identified, the identification of the property is made public (Article 6). After publication, interested parties can claim ownership, providing the basis for their claim, within 180 days (Article 7). If no one claims ownership in that period, the property is temporarily registered as property of the State for 15 years (Article 9). If during these 15 years, no one claims ownership, the property becomes State property (Article 10). If, however, during these 15 years, the owner succeeds in claiming ownership, the property is transferred to the owner (Article 11).

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

In Portugal, the Land Registry Code regulates the registration of property/ownership and sets, as a general rule, an obligation to register ownership/property (Article 2). However, this requirement is neither fully implemented nor properly enforced[6] (see below).

– Is there a registration fee?

To incentivise registration, a simplified process was put in place in multiple municipalities in Portugal. The simplified process allows landowners to identify and register their lands for free (see below).

– **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 no specific official register of forest owners and of forest holdings. However, the BUPi platform allows owners of rural and mixed-use properties in Portugal to geo-reference and register, free of charge, their land simply, online or via local counters. It was launched as a pilot in 2017 (in ten municipalities) and has been progressively expanded nationwide to support property rights protection, faster and more transparent transactions, and improved territorial planning including fire-prevention efforts.

In addition, all property in Portugal is registered in the land registry, as required by the Land Registry Code, adopted Decree-Law 224/84 of 6 of July, as amended. In the registry, however, land and buildings are classified as either urban or rustic; there is thus no differentiation between forest and agricultural land.

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

According to Portugal's National Forestry Accounting Plan 2021-2025, **only 46% of forest** properties have an official land registry title. The plan also mentions that it is estimated **that more than 20% of the total forest area has no owner,** or its owner is unknown or are not registered due several generations of successions or disputes related with inherences. This causes difficulties in enforcement: impossible to impose fines or enforce management plans if the owner is unknown.

To help address this problem, in 2021 the Working Group for Rustic Property was created with the mission of diagnosing constraints and challenges in rustic land ownership, presenting an action proposal, preparing draft legislation to implement the proposed solutions, and analysing the legislative impacts of those measures[7].

[6] For instance, as stated by a consulted forestry association, this obligation is not applied retroactively to land that was never registered.

[7] See https://www.dgterritorio.gov.pt/Grupo-de-Trabalho-para-Propriedade-Rustica

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?**

The Portuguese legal framework for private forests strikes a balance between fundamental property rights and the need to ensure that forest management pursues public interest objectives, such as sustainability, risk prevention (e.g., fires), and biodiversity conservation. Consequently, landowners' rights are subject to a significant set of limitations and obligations, which are detailed in this chapter.

As further developed below, forest owner and forest managers have the **right** to decide about the managing practices to implement (within the boundaries and strictures defined by applicable legal and planning instruments), the right to harvest, the right to enjoy their land, and the right to financial support and tax exemptions.

Their **obligations** include:

- to implement a forest management plan,
- to take measures towards fire prevention and
- to obtain a permit or to notify the competent authorities before carrying out certain activities.

As noted above, there are no legal definitions of "forest holders" or "forest managers" – however, many of the obligations fall also on any holder or manager.

4.2. Legal rights of the forest owner/holder

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

Financial support and subsidies

The Portuguese **Environmental Fund** was created in 2017 by Decree-Law 42-A/2016 of 12 August. In 2021, the Environmental Fund incorporated other funds such as the Permanent Forest Fund. The purpose of the Environmental Fund is to support environmental policies and climate action for the pursuit of sustainable development goals, contributing to the fulfilment of national and international goals and commitments including those related to biodiversity, nature conservation and forestry. In particular, the Environmental Fund serves to fund organisations, activities or projects concerning, among other things, sustainable forest management. The annual plan, defined by order of the Government member responsible for the environment and climate action, includes a program of notices for submitting applications for some or all types of support.

Forest owners may also have access to sector-specific financing lines, such as those managed by DRAP (Regional Directorates of Agriculture and Fisheries) or rural development programs (e.g., Portugal 2030).

The CAP Strategic Plan, a programme under the second pillar of the CAP (rural development), co-financed by the Member States, which also support their farmers with other measures financed by their national budgets, such as social security for farmers.

Tax exemptions

Decree-Law 215/89 of 1 of July, as amended, provides certain **tax exemptions for "baldios"** and forestry activities. Namely, under its Article 59, they are exempt from income tax as regards resulting from the transfer of exploitation or lease, as well as income from the transfer of goods or the provision of services, when, such income is allocated, in accordance with the approved use plan, with local customs or practices, or with the decisions of the competent bodies, to forestry investment. They are also exempt from municipal property tax, if they are registered and if they are not exploited by a third party for uses other than agriculture, forestry and grazing.

Under its Article 59D, the acquisition of land integrated in ZIF or contiguous, on condition that the latter are covered by a ZIF within a period of three years counting from the date of acquisition are exempted from **municipal property tax and general stamp tax.** Similarly, the acquisition of land intended for forestry exploitation that are bordering land subject to a forest management plan, as long as the purchaser is the owner of the adjacent property, are also exempted from municipal property tax and general stamp tax.

In addition, land integrated in ZIF or subject to a forest management plan are exempt from municipal property tax. Finally, for the purposes of determining the taxable profit, the financial contributions of forestry owners and producers adhering to a ZIF allocated to the common fund constituted by the respective management entity are considered at 130% of the respective value, recorded as expenses for the year.

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

The Basic Law on Forest Policy, in its Article 2, provides that holders of forest areas are responsible for implementing silviculture and management practices, in accordance with the standards regulating the enjoyment of forest resources. However, it also provides that the use and management of forests must be carried out in accordance with national development policies and priorities, harmonized with internationally accepted guidelines and coordinated with sectoral policies in the areas of agriculture, industry, the environment, taxation and land use planning; and that forests must be managed **sustainably** to meet the needs of present and future generations, within a framework of integrated rural development. In practice, forest owners are entitled to decide which practices to undertake as long as they are in line with the general principles referred to above, which are reflected in the planning objectives of the applicable planning instruments (e.g. PROF, PGF).

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

Yes, resulting from the general property rights which also apply to forests (Civil Code (Article 1,305), which grants the right to enjoy and dispose of the property – in this case, forestry production). This is however subject to the limitations explained in section 4.3 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 change of land use from forestry to agriculture or urbanization is significantly limited in national law. Pursuant to Article 9 of the Basic Law on Soils, adopted by Law 31/2014 of 30 May, as amended, land use is carried out within the limits provided for in the Constitution, in the law, in the inter-municipal or municipal territorial plans in force and in accordance with the respective classification and qualification. In particular, the change of land use to urbanization is exceptional in nature and must be based on demonstrated needs to safeguard relevant public interest values in environmental, patrimonial, economic and social terms, pursuant to Article 72 of Decree-Law 80/2015 of 14 May, as amended .

The process for changing land use is primarily governed by municipal land-use plans which designate specific zones for urbanization, agriculture, forestry, and other uses. The change of use requires an amendment to the plan and must follow the legal conditions set therein. Owners seeking to change land use must submit a proposal to the local municipality, which will consider e.g. its environmental impact. Actions using forest species, as a rule, require authorisation. In addition, certain areas are integrated in the Natural Agriculture Reserve or the Natural Ecological Reserve, which impose additional limitations on land-use changes to preserve agricultural potential and ecological balance, or in National Parks, which are even more strictly protected.

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

Harvesting activities need to be declared to the ICNF via a form called manifesto before they take place, in accordance with Decree-Law 31/2020 of 30 June. The manifesto is declaratory and so no authorisation from the ICNF is needed to harvest once the activities are declared.

However, the premature cutting of Eucalyptus and Pinus species in areas superior to two hectares, requires preview authorisation by the ICNF, according to Decree-Law 173/88 of 17 May. Similarly, the cutting or uprooting of cork oaks and holm oaks – protected species the cutting of which is in as a rule prohibited – also requires authorization, in accordance with Decree-Law 169/2001 of 25 of May, as amended. Harvesting must also take into account the applicable plans.

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

Pursuant to Article 14 of Decree-Law 80/2015 of 14 May, as amended, carrying out non-forest activities in forest areas should be exceptional and may only be permitted when proven necessary.

In addition, those areas integrated in the Natural Agriculture Reserve or the Natural Ecological Reserve are subject to additional limitations, similar to the forest areas in National Parks, which are even more strictly protected.

According to Article 15 of Decree-Law 16/2009 of 14 January the assessment section of the PGFs should include a description of the existing resources regarding forestry, and the use of other resources, such as renewable energy.

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

If an area is classified simply as forest land, agricultural activities will not be allowed. However, certain forests may be classified as agro-forestry, allowing for both agricultural and forestry activities, as defined in the applicable land-use municipal plan. In addition, any activities carried out in a forest, being agricultural or other types of practices, must align with the objectives of the management plans applicable. Finally, it should be reminded that those areas integrated in the Natural Agriculture Reserve or the Natural Ecological Reserve, are subject to additional limitations. Forest areas integrated in National Parks are even more strictly protected. In practice, Portugal's National Forestry Accounting Plan 2021-2025 notes that "most of the forest areas have silvopastoral uses". For example, according to the plan, "cork oak forests are managed for cork and agri-pasture-forestry systems", while "holm oak forests are managed in similar manner as cork-oak forests, with the exception that they don't produce cork. Their management is even more focused on acorn production for animal grazing".

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

There are specific regulations for hunting in Portugal. The main law in this regard is Law 173/99 of 21 September, as amended. An overview of all applicable legislation can be found in the ICNF website.

Hunting rights are not linked to ownership rights, however, according to Article 3(e) of Law 173/99 of 21 September, as amended, the right not to hunt is recognised. This right is understood as the right of owners or usufructuaries and tenants, in this case when the rural lease contract includes hunting management, to request, under conditions to be regulated, the prohibition of hunting on their lands, provided that they do not hold a hunter's license and do not assert the property, usufruct or rental rights they hold for hunting purposes or in order to make hunting areas already established in the respective territory unfeasible.

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

The right to collect wild products in forest land will depend on the ownership of the forest as well as whether the forest is integrated in a protected area. In private forests, the right to collect wild products would fall on the owner as part of their property rights as Article 1305 of the Civil Code provides that the owner enjoys full and exclusive rights to use, enjoy and dispose of the things that belong to him, within the limits of the law and in compliance with the restrictions imposed by it. In "baldios", the right would fall on the neighbours, pursuant to Article 3(1) of Law 75/2017 of 17 August provides that a "baldio" is, as a rule, a common place for the neighbours, namely for the purposes of grazing livestock, collecting firewood and brushwood, crops and hunting, electrical production and all other current and future economic potential, in terms of local law and usage and customs. In public forests, citizens should be able to walk and pass through the forest and collect wild products not for economic professional purposes. However, the right to collect wild product could be limited by the rules applicable in case the forest is integrated in a protected are such as the Natural Agriculture Reserve or the Natural Ecological Reserve or in National Parks.

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

One of the objectives set out in the Basic Law on Forest Policy is to promote and guarantee access to the social use of the forest, promoting the harmonization of the multiple functions it performs and safeguarding its landscape, recreational, scientific and cultural aspects (Article 4(b)). The principle of free access applies to public forests, provided that any additional requirements stemming from the applicable plans are complied with (e.g. specific rules for protected areas such as National Parks).

In private forests, as noted above, Article 1305 of the Civil Code provides that the owner enjoys full and exclusive rights to use, enjoy and dispose of the things that belong to him. In the case of "baldios", Article 3(1) of Law 75/2017 of 17 August, sets out that these are a common place for the neighbours, namely for the purposes of grazing livestock, collecting firewood and brushwood, crops and hunting, electrical production and all other current and future economic potential, as regulated by local law, usage and customs. Third parties' access to the baldíos is regulated in the plan of use of the baldios, in accordance with Article 10(1)(b) of the same law.

4.4. Forest owner/holder obligations and requirements.

Owners and other holders of forest lands are subject to a broad set of obligations, which embody the constitutional principle of sustainable resource management and aim to ensure the protection of people and property against risks, notably rural fires. Failure to comply with these obligations generally constitutes an administrative offense punishable by a fine.

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

The Basic Law on Forest Policy, in its Article 2, provides that **holders of forest areas** are responsible for implementing silviculture and management practices, in accordance with the **standards** regulating the enjoyment of forest resources.

However, it also provides that the use and management of forests must be carried out in accordance with national development policies and priorities, harmonized with internationally accepted guidelines and coordinated with sectoral policies in the areas of agriculture, industry, the environment, taxation and land use planning; and that forests must be managed sustainably to meet the needs of present and future generations, within a framework of integrated rural development. Article 5 of the Basic Law on Forest Policy foresees that forestry activities in public and community forests or "baldios" as well as in private forests above a certain size to be defined in PROF must be carried out in accordance with the Plan for Forest Management (PGF). Pursuant to Article 7(1) of Basic Law on Forest Policy, forests with an area smaller than that defined in the PROF as the mandatory minimum to be regulated under a PGF are subject to the rules contained in the PROF.

In addition, forest owners are obliged to take some measures towards fire prevention. Pursuant to Article 21 of Decree-Law 82/2021 of 13 October, forest owners and producer organizations have the duty to participate in the discussion of the planning process; adopt the best practices for self-protection and ignition reduction; carry out fuel management in the areas under their management (this is operationalized through fuel management zones defined in municipal forest protection plans or in specific notices from the authority); preventively mobilize their resources

according to the risk, in support of suppression actions, as requested by the commander of the relief operations; report damages to the municipalities and participate in the recovery of the territory. In case of non-compliance, sanctions apply.

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

As a general rule, the Municipal Property Tax Codes imposes taxes on both urban and rustic properties (which include forests) in Portugal. Taxes on income are also imposed (see section 8).

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

Certain **management actions** need either to be communicated or authorised by the competent authority. Thus, harvesting activities need to be declared to the ICNF via a manifesto before they take place, in accordance with Decree-Law 31/2020 of 30 June. The premature cutting of Eucalyptus and Pinus species in areas superior to two hectares requires preview authorisation by the ICNF, according to Decree-Law 173/88 of 17 May. Similarly, the cutting or uprooting of cork oaks and holm oaks also requires authorization, in accordance with Decree-Law 169/2001 of 25 of May, as amended.

Pursuant to Decree-Law 96/2013 of 19 July as amended, **afforestation and reforestation** actions using forest species, as a rule, require authorisation. In some cases it will be sufficient to communicate in advance to the authorities; exceptionally, no authorisation or communications is required.

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

Harvesting activities need to be declared to the ICNF via a logging manifest before they take place, in accordance with Decree-Law 31/2020 of 30 June. The logging manifest is declaratory and so no authorisation from the ICNF is needed to harvest once the activities are declared. The premature cutting of Eucalyptus and Pinus species in areas superior to two hectares, however, requires authorisation by the ICNF, according to Decree-Law 173/88 of 17 May.

Similarly, the cutting or uprooting of cork oaks and holm oaks also requires authorization, in accordance with Decree-Law 169/2001 of 25 of May, as amended; in these cases, **the trees need to be marked** (Article 9(2)). Harvesting must also take into account the applicable plans.

- **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?**

Portugal promotes voluntary certification schemes such as FSC (Forest Stewardship Council) and PEFC (Programme for the Endorsement of Forest Certification). These certifications guarantee sustainable forest management practices, ensuring traceability and legality of forest products. In addition, Decree-Law 76/2013 of 5 June created the **operator register** and establishes the sanctioning regime applicable to infringements of Regulation (EU) No. 995/2010 of the European Parliament and of the Council of 20 October 2010, which sets out the obligations of operators who place timber and timber products on the market. Specific rules govern the extraction and sale of cork and other non-timber products under Decree-Law No. 155/2004.

There are no specific rules for forest harvest contracts. The contractual relationship between the forest owner and a manager would fall under civil/labour law.

The forest operator has to register on the ICNF web platform, named RIO.

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

Forest owners are obliged to take some measures towards fire prevention. Pursuant to Article 21 of Decree-Law 82/2021 of 13 October, forest owners and producer organisations have the duty to participate in the discussion of the planning process; adopt the best practices for self-protection and ignition reduction; carry out fuel management in the areas under their management; preventively mobilize their resources according to the risk, in support of suppression actions, as requested by the commander of the relief operations; report damages to the municipalities and participate in the recovery of the territory. In case of non-compliance, sanctions apply (for lack or inadequate measures). Under Article 48 of Decree-Law 82/2021, landowners and anyone responsible for rural land must carry out fuel management to reduce fire risk, especially near buildings. They must clear a 100-metre strip around built-up areas next to forest land, and also ensure clearance around individual houses or economic buildings: 50 metres if the surrounding land is forest, or 10 metres if it is agricultural. These obligations apply regardless of whether the person is an owner, tenant, or holds the land in another capacity.

Under DL 95/2011 of 8 August, operators of coniferous wood or wood-packaging material (sawmills, biomass, pallet makers, etc.) must register with the Directorate-General for Agriculture and Rural Development, treat pine (and other host) wood by heat (e.g., 56 °C for at least 30 minutes) to eliminate Bursaphelenchus xylophilus (pine wood nematode), issue phytosanitary passports for treated wood, and submit to official inspections and controls. Decree-Law 67/2020 of 15 September, ensures these obligations conform to EU rules (Regulation 2016/2031 and 2017/625) and strengthens control powers.

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

The Civil Code recognises a right of demarcation (Article 1353) i.e. to mark the limits of the property. However, fencing or the use of forest roads is subject to land use and management plans such as the PROFs and the PGFs. In addition, certain areas are integrated in the Natural Agriculture Reserve or the Natural Ecological Reserve, which impose additional limitations, or in National Parks, which are even more strictly protected. Fencing and forest roads would also have to take into account the obligation falling on the forest owner to adopt the best practices for self-protection and ignition reduction and carry out fuel management in the areas under their management, as required by Article 48.° of Decree-Law 82/2021 of 13 October.

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

While there is no obligation for forest owners and/or forest managers to be associated, Portugal has adopted legislation to incentivise it through the cooperative management of forest lands, through the “forest intervention zones” or ZIFs under Decree-Law 127/2005 of 5 of August (see above the information on ZIFs, EGFs and UGFs).

4.5. Forest manager/contractor obligations

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

There are no major obligations or requirements on forest managers. According to a consulted forestry association, the legal vacuum not only creates uncertainty but also exposes professional forest managers to significant risk, since authorities such as the ICNF may treat them as the responsible "forest producer" for legal obligations such as fuel management or unauthorised harvesting. This ambiguity makes it difficult to determine who is liable in cases of non-compliance, especially when owners are absent and managers have no clearly defined statutory powers or duties. As a result, the unclear allocation of responsibility becomes a barrier to the professionalization of forest management, discouraging companies and technicians from offering these services

However, the legal regime applicable to afforestation and reforestation actions does establish that only legally qualified technicians under the terms defined in the Ordinance No. 15-B/2018 of January 12 can perform those activities. The minimum qualifications required for the preparation and subscription of projects are defined in Article 2, as well as the areas of academic training: forestry/forestry sciences and sciences agronomic, provided that they have a minimum proven professional experience of 3 years in the forestry area. Technicians must register on the ICNF website specific.

In relation to the forestry contractor, the legal requirement is related to the cutting manifest and its registration in the forest operator registration system, on the ICNF website, as noted above.

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

As explained above, there is no legal definition of "forest manager" and "forest contractor" – consequently, the law does not grant them specific rights. Their rights derive exclusively from the contract signed with the landowner (governed by the Civil Code and general contract law), not from forestry legislation.

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

Article 5 of the Basic Law on Forest Policy foresees that forestry activities in public and community forests or "baldios" as well as in private forests above a certain size to be defined in PROF must be carried out in accordance with a PGF.

Decree-Law 16/2009 of 14 January, which approves the new legal framework for forestry planning, management and intervention plans, established three distinct levels of management planning, including the PGFs, in its Chapter II. These are to be developed by different entities depending on the cases, follow the guidelines of the applicable PROF and must include a characterisation of the existing resources of the area as well as an exploitation plan (including the production of timber, use of non-timber resources, and management of biodiversity).

- 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?

No specific legislation has been identified.

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

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

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

Forest Management Plans (PGF) are operational management instruments at the property or management unit level, implementing the PROF guidelines. Their objective is to ensure sustainable management of forest resources.

Article 5 of the Basic Law on Forest Policy foresees that forestry activities in public and community forests or "baldios" as well as in private forests above a certain size to be defined in PROF must be carried out in accordance with a PGF. Pursuant to Article 7(1) of Basic Law on Forest Policy, forests with an area smaller than that defined in the PROF as the mandatory minimum to be regulated under a PGF are subject to the rules contained in the PROF.

According to the 2020 State of Europe's Forests report, 1.86 million hectares of Portuguese forest are under management plans, corresponding to 58% of the total forest area. The 2021 United Nations Economic Commission for Europe Country Market Statement for Portugal further specifies that in the mainland, about 4,336 forest management plans are approved, which cover 1.996 million hectares, corresponding to 62% of the total forest area.

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

These type of plans are not required from the forest owners or managers, though the competent authorities do need to develop some e.g. fire prevention plans.

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

As noted above, all public and community forests are required to develop PGFs. Minimum sizes, therefore, only apply to privately owned forests. The minimum size of forest requiring a PGF is defined by the applicable PROF and thus varies across the country.

- 20 ha in Entre Douro e Minho (Article 44 of Ordinance 58/2019) and Trás-os-Montes e Alto Douro (Article 36 of Ordinance 57/2019).
- 25 ha in Centro Interior (Article 29 of Ordinance 55/2019) and Centro Litoral (Article 37 of Ordinance 56/2019).
- 25 ha in some municipalities and au to 100 ha in others in Lisboa e Vale do Tejo Regional (Article 41 of Ordinance 52/2019).
- 100 ha in Alentejo (Article 37 of Ordinance 54/2019).
- 50 ha is in Algarve (Article 24 of Ordinance 53/2019).

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

PGFs are required by Article 5 of Basic Law on Forest Policy and are enforceable pursuant to Article 6(4) of the same law, which states that whenever the owners or other holders of forest areas do not carry out the minimum forestry operations to which they are obliged by the respective PGF, the legally competent public body may carry out the operations in question, subrogating itself to the respective owner for the period necessary to carry them out.

In addition, pursuant to Article 24-B(1)(b) of Decree-Law 16/2009 of 14 January, the lack of a PGF for private forests is punishable with a fine.

- **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 obligation to develop a PGF is set out in Article 13 of Decree-Law 16/2009 of 14 January and depends on the type of forest and its management context, with responsibility varying between government agencies, local authorities, communal administrators, private owners, and ZIF entities:

  - Public forests: The central government or responsible public agency or local authorities (in case of forest managed by municipalities).
  - Communal forests: The managing bodies of the communal.
  - Private forests: Owners or forest producers .
  - ZIFs: The managing entity of the ZIF.

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

Article 24-A of Decree-Law 16/2009 of 14 January entrust the ICNF with the responsibility for monitoring compliance with its provisions, including the obligation to have PGF. As noted above, pursuant to Article 24-B(1)(b) of Decree-Law 16/2009 of 14 January, the lack of a PGF for private forests is punishable with a fine.

According to a consulted forestry association, oversight and effective application of fines for the lack of plans is, in practice, limited and irregular, due to the ICNF's scarcity of resources and the difficulty in identifying violators (registry issues).

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

There is not an explicitly requirement for forest owners or managers to keep a Forest Book.

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

PGFs last as long as the correspondent PROF, which are enacted for a **maximum period of 25 years**, but can be revised whenever relevant facts justify it (Articles 23 and 24 Decree-Law 16/2009 of 14 January).

- 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?

Pursuant to Article 21 of Decree-Law 16/2009 of 14 January the ICNF is the body responsible for the approval of PGFs. Currently, the ICNF is both the competent authority for forest and nature conservation policies and therefore consistency with Natura 2000 policies and legislation is ensured. It should be noted that in order to ensure compatibility of PGFs with other European policies, Decree-Law 16/2009 of 14 January requires that other competent authorities are heard in the process of their approval, which is a competence of the ICNF. Thus, according to Article 21, the draft PGF is subject to the opinion of the Commissions for Coordination and Regional Development and the regional Authorities for Water Resources in certain cases involving water resources. In addition, Article 21 also requires the PGF to be submitted to the Institute for Conservation of Nature and Biodiversity (ICNB) in case of classified areas - however, this is an outdated provision resulting from the amendment of the legislation from the time where the ICNF was not the authority responsible for the approval of PGFs, but had competence on Natura 2000 matters; the ICNB is actually the old name of the ICNF.

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

Article 15 of Decree-Law 16/2009 of 14 January establishes that PGFs consist of an evaluation document, an exploitation model and graphic pieces.

The assessment document includes:

- The characterisation of existing resources regarding forestry, silvopastoral, hunting and fishing in inland waters, and the use of other resources, such as geological resources and renewable energy;

The exploitation model, in turn, includes:

- Wood production management programme;
- Non-wood resource use programme and other associated services;
- Biodiversity management programme, whenever they are covered by classified areas.

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

The ICNF publishes technical norms for the elaboration of PGFs (see Article 15 Decree-Law 16/2009 of 14 January). The technical norms are available in the ICNF's website.

- 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.

Article 3(1) of Decree-Law 232/2007 of 15 June, as amended, transposing the SEA Directive, establishes that plans and programmes for multiple sectors, including agriculture and forestry, are subject to a strategic environmental assessment. PROFs are always subject to an SEA as they are high-level plans, filling the requirements in the SEA Directive, however, this is not typically

the case of PGFs, which in principle do not meet those requirements. Similarly, PGFs are not typically subject to EIA, regulated under Decree-Law 151-B/2013 of 31 October, as amended, though certain forestry activities included in the PGF can be subject to EIA e.g. deforestation, afforestation, etc.

Sustainability is at the core of the national forest policies, as evident from Article 1(2) of the Basic Law on Forest Policy. In addition, Article 12 of Decree-Law 16/2009 of 14 January defines PGFs as instruments for the administration of forest areas which, in accordance with the guidelines defined in the PROF, determine, in space and time, interventions of a cultural nature and the exploitation of resources, *aiming at the **sustainable production of goods and services*** provided by them and taking into account the activities and uses of the surrounding areas.

- 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?

Pursuant to Article 21 of Decree-Law 16/2009 of 14 January the ICNF is the body responsible for the approval of PGFs. Currently, the ICNF is both the competent authority for forest and nature conservation policies and therefore consistency with Natura 2000 policies and legislation is ensured. The manual explaining the technical norms for the elaboration of **forest management plans** states that species and habitats classified in the Natura 2000 context should be listed in the PGF. A **biodiversity management plan** is then required for classified areas, including areas identified in the Sectorial Plan of Natura 2000. In this regard, Portugal's National Forestry Accounting Plan 2021-2025 explains that the Sectorial Plan "defines for each Natura 2000 site which are the practices and interventions (including in forestry) compatible with the protection of the natural values that led to its classification. In addition, protected areas under other regimes have specific and mandatory plans that have also to be considered, which also address forestry activities compatible with the preservation of natural values".

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 National Forest Strategy defines sustainable forest management as "the management and use of forests and wooded spaces in a manner and intensity that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to perform, in the present and in the future, ecological, economic, and relevant social factors, at local, national and global levels, without causing damage to other ecosystems" (section 2.1). This definition is aligned with pan-European processes (e.g., Helsinki Process, Forest Europe) and its pillars (environmental, social, economic) are internationally recognised.

Sustainable management is one of guiding principles of Portuguese forest policy as enshrined in Article 1(2) of the Basic Law on Forest Policy and its implemented through general legal requirements (e.g., mandatory PGFs, which must promote sustainable management; harvesting rules) and voluntary certification systems (e.g., FSC, PEFC) that use the NP 4406 standard.

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

☒ Yes
☐ No

However, the National Forest Strategy sets out specific objectives directly related with sustainable management being one of its key elements.

☒ Does your country have specific guidelines **on Sustainable Forest Management**? If yes, are those mentioned in the legislation?
☐ Yes, they can be found here: Portuguese Standard: Sustainable Forest Management Systems
☐ No
☐ Other sources defining or implementing Sustainable Forest Management

- 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: National Forest Strategy
☐ No
☐ Other sources setting the Forest strategy/policy

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

1. For forest owners
2. For forest managers

Please see above point 4.4. Compliance with Portuguese Standard: Sustainable Forest Management Systems is voluntary.

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

  The criteria and indicators to determine whether the objectives of the National Forest Strategy are being achieved are included in its Table 4.3. The Portuguese Standard: Sustainable Forest Management Systems is not available online.

- 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.

  Compliance with Portuguese Standard: Sustainable Forest Management Systems is voluntary. However, the legal requirements described above in point 4.4, which aim at achieving a sustainable forest management, are legally binding for forest owners and managers.

  Compliance with Portuguese Standard: Sustainable Forest Management Systems is voluntary and monitored as part of the certification system.

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

  Compliance with the legal requirements stemming from Decree-Law 16/2009 of 14 January is ensured by the ICNF (see Article 24-A and 24-B).

  Compliance with the objectives of the National Forest Strategy is monitored by ICNF and other authorities every 5 years.

- 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: while not legally required, it should be noted that this is promoted as a preferred practice in some contexts (e.g., in the reconversion of stands, in protected areas) and is one of the principles of the voluntary standard NP 4406.

  ☐ Clear-cutting

  ☐ Shelterwood system

  ☒ **Selective logging:** e.g. the premature cutting of Eucalyptus and Pinus species in areas superior to two hectares, however, requires authorisation by the ICNF, according to Decree-Law 173/88 of 17 May. Similarly, the cutting or uprooting of cork oaks and holm oaks also requires authorization, in accordance with Decree-Law 169/2001 of 25 of May, as amended.

  ☒ **Afforestation and reforestation to enlarge forest areas:** Pursuant to Decree-Law 96/2013 of 19 July as amended, afforestation and reforestation actions using forest species, as a rule, require authorisation, in some cases it will be sufficient to communicate in advance to the authorities; exceptionally, no authorisation or communications is required.

☒ **Controlled burn:** The Government has adopted the National Programme for Controlled Burn (see – Resolution of the Council of Ministers 59/2017)

☐ Mandatory salvage logging

☐ Other .....

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

While there is no outright ban on clearcutting in Portugal, its application is subject **to strict regulations to ensure sustainable forest management.** The legislation requires **prior authorization** for certain afforestation and reforestation activities, as noted above, and mandates the development of **comprehensive PGFs**, and imposes **region-specific guidelines** through the PROFs.

There is legislation prohibiting the premature cutting of forest stands - according to Decree-Law 173/88 of 17 May - where minimum dimensions of diameter at breast height) or a perimeter at breast height are defined for eucalyptus and maritime pine.

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

The Portuguese Strategy for Nature Conservation and Biodiversity 2030, approved by Resolution of the Council of Ministers 55/2018 of 7 May, states that 22% of Portugal's land territory is integrated in the Natura 2000 network.

It does not set a legal target for forest land to be managed for conservation and species protection objectives but it sets the goal **to increase in at least 20% the forest area covered by a PGF**, while ensuring the implementation of specific measures necessary for the management of forest species and habitats in the PGFs and other complementary management instruments with territorial impact on protected areas at national level and in the Natura 2000 Network.

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

There are no specific obligations in this regard, though these could be included in the PROFs.

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, the key legislation and policy document were adopted before the publication of the guidelines.

- 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

However, many climate-to-nature principles, such as promoting native species, encouraging natural regeneration, and improving biodiversity, are already supported through other instruments, including PROFs and PGFs, which prioritise native species. Additional alignment comes from voluntary forest certification under NP 4406 and from various public projects and incentive schemes that encourage more naturalistic forest management practices.

- 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:
  - ☒ Yes, at regional level – they can be found here: .....
  - ☐ No

  Please describe them and elaborate:

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?

Yes, the National Forest Strategy includes a specific objective to increase the contribution of forests for mitigation of **climate change**, as well as an operational objective to promote forestry techniques that increase soil carbon stocks. In addition, it includes a specific objective to promote forest resilience to fires.

However, the Roadmap for Carbon Neutrality 2050, approved by Resolution of the Council of Ministers no. 107/2019 remains Portugal's strategic document that sets out the path to the decarbonization of the Portuguese economy by 2050, where the Portuguese forest is strategic, acting as a crucial carbon sink that offsets emissions and, simultaneously, as a central element for adaptation and resilience in the face of climate change, provided that sustainable and effective management in fire prevention is guaranteed.

Other relevant instruments include:

1. National Plan for Integrated Rural Fire Management: Fire prevention is by far the largest contribution to maintaining forest carbon stocks. This plan is, therefore, a crucial climate instrument.
2. Voluntary Carbon Markets: Although incipient, a voluntary carbon market exists in Portugal where forestry projects (e.g., reforestation, improved management) can generate credits. A legal framework for this is being developed.

According to a consulted forestry association, however, the Portuguese forest carbon sink is highly vulnerable due to the prevalence of pyrophytic species (e.g., eucalyptus) and the high probability of catastrophic fires.

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.

Premise: The forest land market in Portugal is opaque, informal, and underdeveloped, because of the previously identified problems: fragmented ownership, outdated land registry, and lack of ownership information.

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

The general rules of the Civil Code (e.g. the need of a public deed for transferring property above a certain value) will apply to the selling and buying of forest land and there are very few specific legal requirements. Decree-Law 127/2005 of 5 of August, as amended, prescribes that the owners of rural properties included in and adhering to the ZIF enjoy the right of preference under the terms provided for in the Civil Code in the purchase and sale or transfer in fulfilment of rural properties located in that area; if there are several owners with the right of preference, preference is given to, in the case of purchase and sale of a landlocked property, the owner who is burdened with a right of way; in other cases, the owner who owns rural properties closest to the property to be preferred.

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

The Portuguese legislation reflects the objective to avoid the fragmentation of land. From Decree-Law 384/88 of 25 October and Civil Code it results that splitting the property into parcels smaller than the legally defined minimum plot size is not allowed - this is to ensure the viability of agricultural or forestry activities.

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

  There are no specific institutions/bodies providing information related to the forest land market, however, the following could provide relevant information:

1. The National Land Bank, facilitates land transactions, including forest lands (see below for more details).
   - The Directorate-General for Territory provides information on land use, land ownership, and cadastral data.
   - The ICNF provides information about land within protected areas, ZIFs, and other regulatory frameworks.
   - The Institute of Registries and Notaries maintains the official registry of property ownership and transactions.

- 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)

The National Land Bank, is a Portuguese government initiative aimed at facilitating land transactions, including forest lands, to promote sustainable land use and **improve land management.** It includes both forest and agricultural and it was created by the Government in

2023 by Law 49/2023 of 24 August with the aim of **facilitating access to land by making land available, particularly when it is not being used**, and also by better identifying and promoting its supply.

To consider though that there is no regular, reliable, and centralized information on forest land transaction prices in Portugal – this, as raised by a consulted forestry association, can cause market opacity.

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

Decree-Law 294/2009 of 13 October regulates **rural leasing.** According to Article 1, rural leasing is the leasing, in whole or in part, of rural properties for **agricultural purposes, forestry purposes**, or for other activities producing goods or services associated with agriculture, livestock or forestry.

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

Article 20 of the Basic Law on Forest Policy establishes an **affordable forest insurance system as well as establishes a mandatory afforestation insurance for all forest areas that are subject to public financing**, which must be gradually extended to all afforestation. Accordingly, mandatory afforestation insurance is intended to guarantee the financial resources necessary to replace the forested area in the event of accidental failure or destruction of the stand. In addition, there is also a voluntary market for forest multi-risk insurance, which is an important risk management tool for landowners, albeit underdeveloped, according to one consulted forestry association.

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

Article 1 of Decree-Law 298/98 of 28 September establishes **short-term lines of credit, with interest subsidies, aimed at individuals or legal entities dedicated to agriculture, forestry and livestock farming** and the marketing of agri-food products on the continent. According to the Agriculture and Fisheries Financing Institute, such credit aims to finance the exploitation needs of **production units in the agriculture, forestry and livestock sectors**, through the creation of more **attractive conditions** for obtaining short-term credit operations, thus allowing the development and improvement of the competitiveness of companies in these sectors of activity. In addition, it should be noted that there is no specific forest mortgage regime in Portugal. Forest land mortgages follow the general regime, which, according to one consulted forestry association, combined with the lack of registration, is a significant barrier to accessing financing.

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 not a single register of forest industries; instead, there are two relevant registers accessible from the ICNF website:

- the Forest Operator Initial Registration System – this is a voluntary registration for those engaged in forestry activities (ownership, management, exploitation, etc.);

- the Timber and Wood Products Operator Registration – mandatory registration for all operators placing timber on the market, under the EU's EUTR Regulation.

- 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?

In Portugal, forest ownership, cooperatives, and other forest-related entities are governed by both general laws (Civil Law, Company Law) and specific regulations tailored to the forestry sector:

  - Law 75/2017 of 17 of August, as amended, defines the regime applicable to "baldios" and other means of community production.
  - Decree-Law 127/2005 of 5 of August) promotes the expansion of the cooperative management of the forest lands through the ZIFs .
  - Decree-Law 66/2017 of 12 June recognises two other types of "associations": EGFs and UGFs.

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

There is no official CAE (Portuguese Classification of Economic Activities) specific to "forestry companies". Activities fall under more general codes (e.g., Silviculture and logging; Forestry production in nurseries; Forest support activities).

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.

In Portugal, between 2013 and 2021, the **Permanent Forest Fund** aimed to support sustainable forest management efforts, including forest planning and management; fire prevention and related infrastructure; afforestation and reforestation with forest species of environmental relevance and long production cycles; land restructuring, re-parcellation and land acquisition; forestry insurance; specific applied research, demonstration and experimentation actions; forest management and product certification systems.

In 2021, however, the fund was extinguished by Decree-Law 114/2021 of 15 December and merged with the **Environmental Fund,** regulated by Decree-Law 42-A/2016 of 12 August**.** The Environmental Fund finances entities, activities or projects that fall into several areas of activity, including:

- Mitigation of climate change, through actions that contribute to the reduction of greenhouse gases (GHG) and, in this way, to the achievement of goals, notably in the field of GHG emissions, renewable energy and energy efficiency;
- Adaptation to climate change, with special emphasis on actions to increase resilience and reducing the territory's vulnerabilities to climate change;
- Carbon sequestration and use;
- Protection and conservation of nature and biodiversity;
- Forest and sustainable forest management;
- Enhancement of territorial planning and landscape;
- Research, development and innovation projects;
- Cooperation in the area of environment and climate action, especially to comply with international commitments.

A consulted forestry association raised the following:

1. Complexity and access: Access to funds is often criticized for being bureaucratic and complex, especially for small landowners who lack the technical capacity to prepare applications.
2. Discontinuity: Funding is generally allocated through annual, one-off grants (calls for proposals), which does not allow for medium- or long-term planning by beneficiaries.
3. Reactive vs. proactive Focus: A significant portion of the funding is channelled toward post-fire recovery (reaction), to the detriment of stable funding for preventative management and ongoing forest appreciation (proactive action).

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

Decree-Law 88/2022 of 30 December establishes a special contribution to the conservation of forest resources. The contribution applies to economic activities that intensively use, incorporate or transform forest resources, annually consuming more than 40% of the total wood at national level (Article 3).

The contribution rate is **0.2% of the revenue from these economic activities** (Article 4) but investments or expenses that promote the protection, conservation and renewal of forest resources can be deducted, up to a 75%, from the value of the contribution (Article 5).

In addition, pursuant to Articles 59-D and 59-G of the Tax Benefits Statute, approved by Decree-Law 215/89, of 1 July, as amended, properties classified as forest land and included in a ZIF or covered by an approved and implemented PGF benefit from full exemption from the Municipal Property Tax (Article 59-D(7)–(11)) and, in certain transactions, also from Municipal Tax on Onerous Property Transfers and stamp duty exemptions (Article 59-D(2)–(6)). In personal income tax, expenses related to ZIF contributions may be increased by 130% (Article 59-D(12)–

(15)). In corporate income tax, income earned by EGFs with an approved PGF is exempt (Article 59-G(1)), and these entities also enjoy additional benefits such as stamp duty exemptions and reduced taxation on leases and capital gains (Article 59-G(7)–(13)).

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.

The set of different **authorisations, procedures, requirements** needed in the Portuguese legal framework to carry out any forestry interventions is a way to maintain control and supervise the work of forestry operators.

In addition, there are a series of administrative *penalties* set out in the forest specific legislation, the application of which is mainly competence of the ICNF (though other authorities such as the municipalities and the GNR's Nature and Environmental Protection Service are also competent for certain matters):

- Pursuant to Article 24-B(1)(b) of Decree-Law 16/2009 of 14 January, the lack of a PGF for private forests is punishable with a fine between EUR 500 and EUR 3700 for natural persons and between EUR 2500 and EUR 44000 for legal persons.
- Article 15 of Decree-Law 96/2013 of 19 July, as amended, lists a series of infringements punishable between EUR 1000 and EUR 3740 for natural persons and between EUR 3000 and EUR 37400 for legal persons, including carrying out afforestation or reforestation actions without authorisation.
- Article 72 of Decree-Law 82/2021 of 13 October lists a series of infringements punishable between EUR 150 and EUR 25000 for natural persons and between EUR 500 and EUR 125000 for legal persons, including carrying out afforestation and reforestation actions and projects that do not respect fuel management strips.

A consulted forestry association affirmed that the forestry enforcement system in Portugal is weak and with irregular application of fines, despite the law providing for a wide range of infractions and sanctions. The ICNF chronically lacks human and material resources to effectively and extensively monitor the territory. It added also that the lack of registration and ownership make it extremely difficult to identify and notify the person truly responsible for an infraction (e.g., illegal logging, unauthorized burning).

10. Conclusions

10.1. Legal or regulatory barriers for SFM

- What are the main legal and regulatory barriers and enablers affecting the implementation of SFM in your country?

One of the main regulatory barriers affecting the implementation of SFM in Portugal is the **fragmentation of forest land ownership**. This was confirmed also by a consulted forestry association. This barrier hinders professionalised management, the implementation of management plans, the adoption of concerted fire prevention measures, and reduces economic profitability, often leading to the abandonment and decapitalization of forest areas. It also hinders law enforcement.

However, the introduction of concepts such as ZIFs, EGFs and UGFs, even with its limitations (e.g. the difficulty in identifying and contacting owners in face of the 20% unknown ownership) has contributed to mitigate this, by encouraging **collective action among small forest owners**, improving coordination and sustainable practices. In addition, the Emparcelar para Ordenar Programme was also created with the aim to enlarge and consolidate small rural properties (including forests).

The consulted forestry association affirmed also that the **process for obtaining permits** (e.g., for felling, for afforestation projects) is often perceived as complex, slow, and disproportionate, especially for small landowners, discouraging active management.

The lack of up-to-date and accurate land ownership records represents a major regulatory barrier. Without clear identification of property owners, it becomes difficult to enforce forestry laws, collect taxes, or assign management responsibilities effectively.

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

Closer-to-nature approach is not specifically mentioned in policy or legislation. The main issue in this regard therefore consist in the lack of knowledge and of appropriate implementation of this concept. In addition, the fragmentation of ownership is also a relevant factor. Also, the economic pressure for intensive and short-term management models (e.g., eucalyptus) plays a role, being antagonistic to the principles of close to nature.

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

While closer-to-nature approach is not specifically mentioned in policy or legislation, as noted above **sustainability is at the core** of the national forest policies, as evident from Article 1(2) of the Basic Law on Forest Policy. In addition, Article 12 of Decree-Law 16/2009 of 14 January defines PGFs as instruments for the administration of forest areas which, in accordance with the guidelines defined in the PROF, determine, in space and time, interventions of a cultural nature and the exploitation of resources, ***aiming at the sustainable production*** *of goods and services* provided by them and taking into account the activities and uses of the surrounding areas.

10.2. Legal or regulatory gaps in national forest legislation

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

- The revocation of the Forest Code in 2012 left a fragmented and incomplete legal structure and the current laws are piecemeal and lack cohesion, making it difficult for forest owners and stakeholders to navigate and comply with regulatory requirements.
- Only about 46% of forest properties are registered, and more than 20% have undefined or disputed ownership – this absence of a comprehensive land registry undermines enforcement and limits coordinated management efforts.

11. 91% of the Portuguese forest is privately owned, predominantly composed of very small units, which makes sustainable management and compliance with legal obligations, such as the preparation of PGFs, economically unfeasible.

- There is no clear legal requirement for reforestation or ecological restoration after harvesting.
- While the National Forest Strategy promotes biodiversity and climate resilience, these principles are not strongly integrated into enforceable laws and there are no explicit legal requirements for adopting closer-to-nature forest management approaches.
- The ZIFs model is promising but lacks adequate legal and operational support, since participation in ZIFs is voluntary, and the managing entities (often forest producer organizations) do not have the legal power to intervene directly in the territory, leading to gaps in collective forest management coverage and implementation.

National experts on forest legislation and references

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

1. Fernanda Paula Oliveira, professor of administrative, urbanism and environmental law at the Faculty of Law of the University of Coimbra.
2. Alexandra Aragao, professor of environmental law at the Faculty of Law of the University of Coimbra.
3. Lucila de Almeida, professor of environmental law at the Faculty of Law of the University of Nova de Lisboa.

- 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.

Florestas E Legislação: Que Futuro? – Coordinated by Maria João Antunes and Dulce Lopes,

PARTNERS



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