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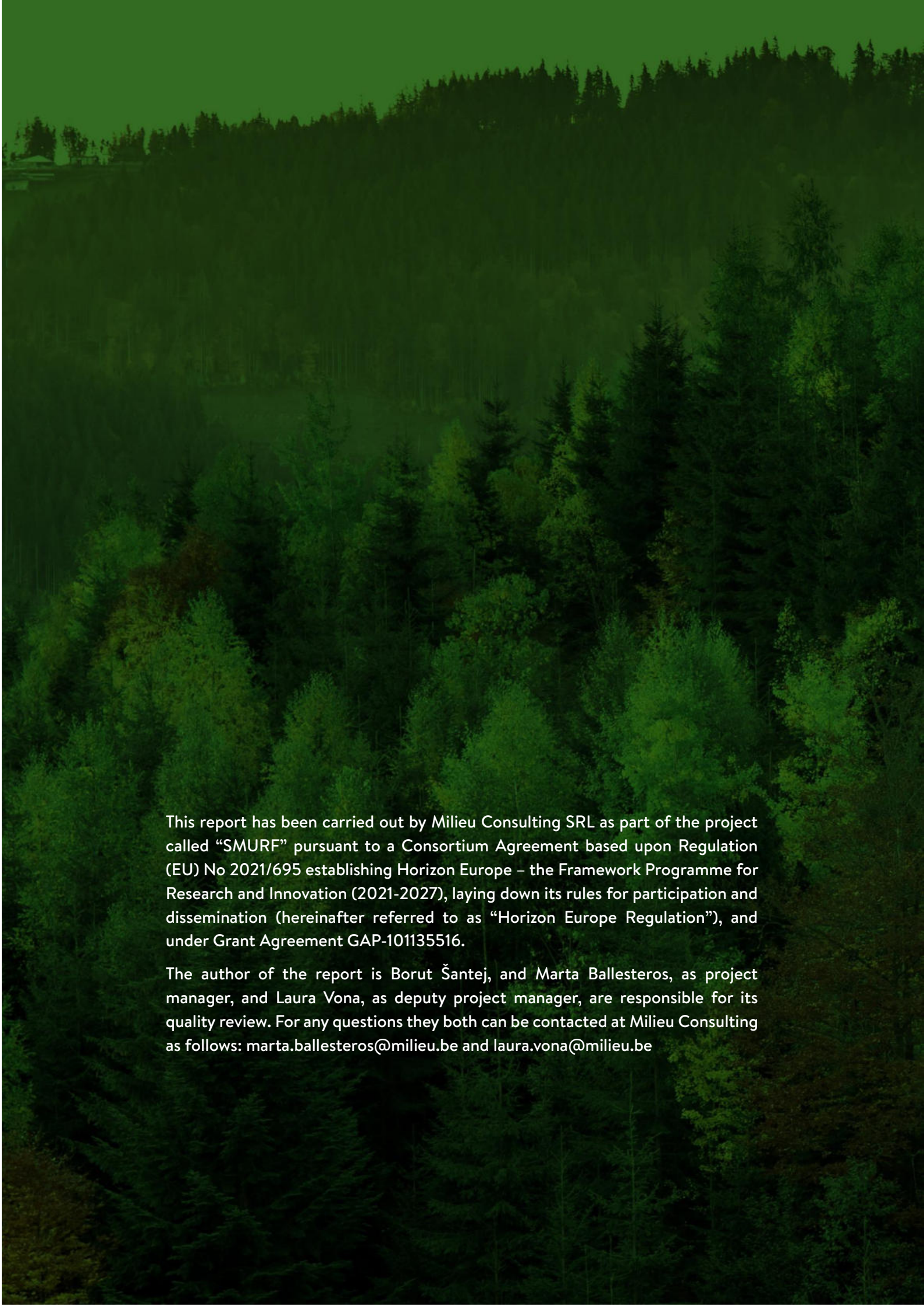
Legal and regulatory framework applicable to Small Forest Owners and Sustainable Forest Management

Country Fact Sheet
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Table of Contents

Executive Summary 4
Introduction 6
1. Basic legal and regulatory framework applicable to small forest owners 8
1.1. Context to the legislation 8
1.2. Basic legal instruments 9
1.3. Basic Regulatory framework 9
2. Governance and institutional framework 11
2.1. Distribution of competences between the State and Regional authorities. 11
2.2. Key representation organisations of the forest sector 13
3. Forest land ownership structure 17
3.1. Data on national forests ownership structure 17
3.2. Definitions of forest ownership in your country 17
3.3. Forest ownership types in your country 19
3.4. Proof of ownership: Land registry and Cadastre 20
4. Rights and obligations: forest owner/holder and forest contractor 22
4.1. Overview 22
4.2. Legal rights of the forest owner/holder 24
4.3. Limitations to the rights of forest owner/holder 26
4.4. Forest owner/holder obligations and requirements. 28
4.5. Forest manager/contractor obligations 31
5. Forest Management plans 33
6. Sustainable forest management. 39
6.1. Sustainable forest management definition and forestry practices 39
6.2. “Closer-to-nature” guidelines and practices 42
6.3. Climate change and Forest carbon absorption 43
7. Forest land market 44
8. Forest companies, Forest incentives and taxation. 46
Forest Companies 46
Forest incentives and taxation 46
9. Enforcement: Forest control and penalties. 49
10. Conclusions 52
10.1. Legal or regulatory barriers for SFM 52
10.2. Legal or regulatory gaps in national forest legislation 53
National experts on forest legislation and references 54

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

Executive Summary

The main emphasis of the Slovenian regulatory framework is the establishment of effective forest management to enable three equally important functions of forests: ecological, social, and economic. The Forest Act is the primary legal instrument governing the ownership and management of forests in Slovenia. It covers all aspects of forest management and ownership, including the rights and obligations of forest owners. On the basis of the Forest Act, different types of forest management plans are adopted by national institutions. In general, the national legislation does not distinguish between different types of owners (small/large, public/private or natural/legal persons) and regulates them equally. While it is very detailed in prescribing various rights and obligations of owners, it does not regulate other stakeholders (managers, agents, forest companies, holders) at all, except the contractors.

Forests cover 58.4 % of the country's surface; 77 % of forests are privately owned. Private forests are very fragmented: the average size of a private forest is 3.3 hectares. Only 2 per cent of Slovenian forest owners owns more than 20 hectares of forests. The Land Registry is an official record of ownership of land and other property rights on immovable property and is the only proof of ownership of land (including forests) in Slovenia. All property rights must be entered into the Land Registry. While the Land Registry contains data on the ownership of plots, the Land Cadastre provides information on their location, dimensions and usage. It serves as the official record for data on land plots, buildings and parts of buildings.

The forest owners have the right to use their forests (harvest of wood and other forest goods), to participate in forest management planning procedures, to carry out forestry activities in their own forests, to apply for subsidies and to apply for compensation in case of reduced timber harvest due to other functions of the forests (recreation, hunting, protection of wildlife etc.). The rights are precisely described in the Forest Act. The owners' obligations are many and show the emphasis of national legislation on social and ecological functions of forests. The owners are not free in their use of forests: they may only manage forests and engage in forest harvesting in accordance with administrative decisions issued to them by the national Forest Service. The owners must also allow free public access, beekeeping, hunting and recreational activities in their forests, to abstain from fencing their forests, and must carry out sanitary felling and other sanitary and measures for the prevention of risks in their forests. The forest managers and their rights and obligations are not regulated in Slovenian legislation.

One of the main goals of national legislation is the sustainability of forest management. According to the Forest Act, forests must be managed sustainably – this is not an option, but a mandatory obligation of all owners and other stakeholders. For that reason, the legislative system places significant obligations on forest owners regarding their sustainable management of forests. A forest owner can obtain a subsidy for forest activities specified in the Forest Act and determined in the implementing forest management plan. Some subsidies are awarded annually (e.g. for forest maintenance), while others are awarded periodically through tenders published

by the competent ministry. Most of the subsidies are meant for the activities related to sustainable forest management and biodiversity conservation.

Forest owners who are natural persons do not pay a tax on the sale of wood gained from their own forests, but a cadastral income tax. A cadastral income is a potential market income from forestry activities that could be achieved with an average level of production of forestry products. The owners of protected forests and forests of special purpose do not pay the cadastral income tax. No special taxes are in place for forest owners who are legal persons – they are liable to pay the same taxes as any type of commercial company (such as VAT and tax on profits).

While the information on the forest market is collected by the national surveying and mapping authority, there are no public institutions or bodies actively contributing to dynamism of the forest market. The forest market is quite small, and it highlights the highly fragmented nature of forest ownership: in 2023, the average size of land sold was just 0.75 hectares.

No gaps were found in the national legislation regarding the comprehensiveness of forest management practices, sustainable development and closer-to-nature measures. The Slovenian legal framework comprehensively addresses forest management practices. On the other hand, except the owners (and contractors), other economic stakeholders active in forests and forestry sector (managers, holders, carriers, agents) are not regulated in Slovenian legislation at all. We cannot estimate if such legislative silence is in any way hurting the small forest owners in Slovenia.

Introduction

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

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

The specific project objectives are:

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

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

When using the term "legal framework" we consider:

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

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

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

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

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

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

1.1. Context to the legislation

The type of forest management in Slovenia is determined by several important natural and social circumstances:

- Forests' cover in Slovenia is substantial: 58 % of the country's surface,[1] or 0.6 ha of forest per citizen.[2]
- The level of private forest ownership is very high: 77% of forests are privately owned.[3]
- Private forest are extremely small and fragmented: the average size of a private forest is 3.3 hectares.[4]
- Natura 2000 sites cover about 37% of the county's territory. 70 % of all Natura 2000 areas are forests. According to the Natura 2000 website, nature protection measures in Natura 2000 forest lands were mostly carried out in state-owned forests.[5]
- Slovenia has a tradition of closer-to-nature forest management which has been entrenched in the forest management from the end of the 19th century - as a response to the previously common clear-cut silviculture system that produced monocultures of coniferous forests.

Alongside their economic function (wood production), Slovenian forest legislation equally emphasises the social and ecological roles of forests. The forestry goals are, in particular, to ensure forest conservation and sustainable development in terms of biodiversity and ecological, social and production functions of forests, and to conserve the natural environment and maintain ecological balance. The sustainable and closer-to nature management of forests have thus traditionally been a modus operandi of Slovenian forest management, that are not only promoted but mandated by the current national legislation and policies in the field of forestry.

To achieve these goals, given the very small forest plots and fragmented ownership, Slovenian government takes a very regulated and hands-on approach to forest management. All forest management plans are produced and adopted by the national authorities and are a mandatory basis for the management of all forests regardless of their ownership (public/private). Owners' obligations are substantial: rights of ownership to forests must be exercised in such manner as ensures their ecological, social and productive functions. Owners must manage their forests in accordance with regulations, management plans and administrative acts. They must allow open access to their forest for recreation, beekeeping and hunting as well as recreational gathering of fruits, herbaceous plants, and mushrooms. On the other hand, the owners have the right to participate in the procedures of drafting and adoption of forest management plans; their needs,

[1] The Slovenia Forest Service *2023 Forest Report*, Ljubljana April 2024. https://www.zgs.si/assets/uploads/files/vsebine/1/7/4/porgozd_za_leto_2023.pdf

[2] The Ministry of Agriculture, Forestry and Food website, see https://www.gov.si/podrocja/kmetijstvo-gozdarstvo-in-prehrana/gozdarstvo/.

[3] Slovenia Forest Service website, https://www.zgs.si/gozdovi-slovenije/lastnistvo-gozdov.

[4] European Forest Institute, *Forest Land Ownership Change in Slovenia* - COST Action FP1201 FACESMAP Country Report, p. 7-8, https://facesmap.boku.ac.at/library/FP1201_Country%20Report_SLOVENIA.pdf.

[5] Natura 2000 in Slovenia, https://natura2000.gov.si/en/.

proposals and demands must be taken into account to the greatest possible extent in accordance with ecosystemic and legislative limitations.

The national legislation and policy documents do not distinguish between types of owners (private – public, natural persons – legal persons) and also do not in any way distinguish between small owners and other owners of forests. No criteria for such distinction are provided, and no separate rules are in place for small owners.

1.2. Basic legal instruments

The most important legal instrument regulating the ownership and management of forests in Slovenia is **the Forest Act** (*Zakon o gozdovih*).[6] The Forest Act regulates all aspects of forest management and ownership: definitions, designation of forests, forest ownership, forest owners and their rights and obligations, forest management planning, principles of silviculture and harvesting of forests, other forest uses, forest infrastructure (such as roads), forest protection measures, rights of public (such as passage and foraging), protected forests and forests of special interest, organisation of national forest service, and monitoring and penalties for the breach of the Forest Act.

On the basis of the Forest Act, a number of implementing legal acts were adopted. The forest management planning is regulated in detail by the Rules on Forest Management Plans and Wildlife Management Plans[7]. These ministerial rules define the detailed content, methodology of production and adoption procedure for the three types of forest management plans. The rules on the harvesting of trees are prescribed by the Rules on the implementation of felling, management of felling residues, harvesting and stacking of forest wood assortments.[8]

The management of game and regulation of hunting are determined in detail in the Act on Wild Game and Hunting.[9] The Act regulates the conservation and sustainable management of wildlife, including the prevention of damage from wildlife in forests and compensation for damage caused by wildlife.

1.3. Basic Regulatory framework

The main emphasis of the Slovenian regulatory framework is the establishment of effective forest management with the aim to enable all three proclaimed functions of forests: ecological, social and economic function. Most provisions of the Forest Act regulate forest management planning and forest management practices and rules (which in effect regulate owners' obligations and rights), transactions with forests (change of ownership), and responsible authorities (such as Forest Service, Inspectorate).

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[6] *Zakon o gozdovih*, the Official Gazette No 30/93, 56/99 – ZON, 67/02, 110/02, 115/06 – ORZG40, 110/07, 106/10, 63/13, 101/13 – ZDavNepr, 17/14, 22/14 – odl. US, 24/15, 9/16, 77/16and and 78/23 – ZUNPEOVE, https://pisrs.si/pregledPredpisa?id=ZAKO270 .

[7] *Pravilnik o načrtih za gospodarjenje z gozdovi in upravljanje z divjadjo*, the Official Gazette No 91/10 and 200/20, https://pisrs.si/pregledPredpisa?id=PRAV10005.

[8] *Pravilnik o izvajanju sečnje, ravnanju s sečnimi ostanki, spravilu in zlaganju gozdnih lesnih sortimentov*, the Official Gazette *No* 55/94, 95/04, 110/08 and 83/13, https://pisrs.si/pregledPredpisa?id=PRAV2997.

[9] *Zakon o divjadi in lovstvu*, the Official Gazette, No 16/04, 120/06 – odl. US, 17/08, 46/14 – ZON-C, 31/18, 65/20, 97/20 – popr., 44/22 and 158/22, https://pisrs.si/pregledPredpisa?id=ZAKO3780.

While the economic function of the forests is extensively regulated by the Forest Act, this act (or any other national legal act) does not regulate economic operators in forestry sector in much detail. The ownership types are not further defined and elaborated; the main stakeholders in the value chain (contractors, carriers, agents, other forest professionals, clusters, forest industry ...) are not mentioned or regulated. Such lack of regulation is not bad *per se*, since it does not abridge or limit a free market in forest services and forest products in any way.

The most important forest management measures are **forest management plans.** Contrary to common practice in other countries the preparation of forest management plans is not the obligation of forest owners but are prepared by the national institution responsible for the preparation of forest plans, i.e. the Slovenia Forest Service[10] (*Zavod za gozdove Slovenije*, hereafter Forest Service), an independent public authority, established by the Republic of Slovenia, which performs public forestry service in all Slovenian forests, irrespective of ownership. Forest management plans are all-encompassing, and they are a mandatory basis for the management of all forests regardless of ownership: they thus cover all forests in Slovenia - public and private. Since they are adopted by national authorities in the form of general legal acts and since they provide mandatory grounds for forest management, they can be considered proper regulatory instruments[11]. Three types of forest management plans exist: regional forest management plans, local unit forest management plans and silviculture plans.[12]

The most important forest management plans for the forest owners are the silviculture plans. They are adopted for the implementation of local unit forest management plans, and they contain the most detailed forest management measures. On their basis, the Forest Service must issue a forest management decision to each forest owner, in which necessary forest protection measures, quantity and structure of felling, guidelines for felling and skidding of timber and other management measures are defined and prescribed.

The foremost national policy document covering forestry is the **National Forest Programme.** It defines the national policy on forest management, the guidelines for preservation and development of forests and the requirements for their exploitation, the management of wildlife and similar. The National Forest Programme specifically emphasises the need for sustainable management of forests, using closer-to-nature management methods. The National Forest Programme must be drawn by the Forest Service, is afterwards proposed for adoption by the Ministry of Agriculture, Forestry and Food (hereinafter: the Ministry) and is adopted by the National Assembly in a form of a resolution. The National Forest Programme was adopted in 2007.[13] For its implementation, the Government must adopt five-year operational programmes. The last operational programme was adopted in 2022 for the period of 2022 to 2026.[14]

[10] Slovenia Forest Service website, https://www.zgs.si/en/about-the-sfs/slovenia-forest-service.

[11] See more about forest management plans below in Section 5.

[12] Zavod za gozdove Slovenije website, https://www.zgs.si/en/forest-management/.

[13] *Resolucija o nacionalnem gozdnem programu*, the Official Gazette No 111/07, see https://pisrs.si/pregledPredpisa?id=RESO56.

[14] Operativni program za izvajanje nacionalnega gozdnega programa za obdobje 2022–2026 https://www.gov.si/assets/ministrstva/MKGP/PODROCJA/GOZDARSTVO/NGP/OPNGP-2022_2026.pdf.

2. Governance and institutional framework

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

Legal background

The relevant competences of authorities responsible for forests and forestry are prescribed by the Forest Act. In Slovenia, only national authorities are responsible for the policy decisions regarding forest management, regulation of management, forest planning and supervision of implementation decisions on forest management and forest management practices are determined in the Forest Act.

National competences

The Ministry of Agriculture, Foresty and Food is a governmental ministry responsible for the preparation and shaping of forestry policy documents, preparation of legislative proposals for the Government, for adoption of implementing rules based on the Forest Act,[15] and for the preparation of legislation relevant for forestry. Specifically, it is also responsible for:

- Preparation of the National Forest Programme and its operating programmes;
- Adoption of forest management plans for local management units (hereinafter: local units forest management plans);
- Adjudication of appeals against the forest management decisions issued to forest owners by the Forest Service.

The Inspectorate for Agriculture, Forestry, Hunting and Fisheries (hereinafter: the Inspectorate) is organisationally an administrative body established within the Ministry but is formally an independent inspection authority responsible for the inspection and supervision of implementation of laws, rules and regulations in the field of agriculture, forestry, hunting and fisheries.

The most important institution responsible for the shaping, determination and enforcement of forest management is **the Slovenia Forest Service.** The Forest Service is a public agency, established by the Republic of Slovenia on the basis of the Forest Act[16] which performs public forestry service in all Slovenian forests, irrespective of their ownership. Its main responsibilities, according to the Forest Act, are the following:

- collecting data on the state and development of forests as an ecosystem;
- monitoring of biotic balance in forests;
- monitoring of forest degradation and damage;
- implementation of forest protection measures;
- drawing up fire safety plans for forests and providing professional assistance in firefighting;
- carrying out tasks of the Reporting, Prognostic and Diagnostic Service;
- preparation of the programme of investments in forests;
- drawing up forest management plans and game management plans;

[15] As the afore mentioned Rules on Forest Management Plans and Wildlife Management Plans.

[16] Forest Act, Articles 54 to 71.

- participation in steering, harmonising and conducting research activities in the fields of forestry and hunting;
- planning of forest road maintenance;
- monitoring and supervision of the implementation of construction, reconstruction and maintenance of forest roads and control of activities carried out;
- providing for the popularisation of forests and for raising public awareness of the importance of forests;
- providing advice, education and training to forest owners;
- carrying out the tasks of supervision in forests and woodlands pursuant to the provisions of this Act;
- providing professional assistance to the competent authorities in carrying out supervision.

The Forest Service has 14 regional offices and 69 local units. Local units are also divided into forest districts – 396 in all. The forest district foresters (employees of the Forest Service) provide the advice and guidance to the forest owners regarding their rights and obligations, forest management, possibilities for subsidies and similar.[17]

The Forest Service is also responsible for the wildlife and game management and monitoring in Slovenia.[18]

Regional competences

The regional level of local self-government does not exist in Slovenia. The lack of political regional authorities does not mean that the forest management does not cover regional level: the forest management on regional level is provided by the regional offices of the Forest Service.

Local/municipal competences:

Municipalities, as the only type of local self-government units, do not have any public responsibility for forest management.[19] Municipalities as owners of forests are not regulated differently than other owners, and have the same rights and obligation under the law.

The monitoring of forests on local level and other local forest management tasks are provided by the 69 local units offices of the Forest Service.

Forest coordination and advisory bodies

The Forest Service, and particularly its local units, also provides forest coordination and advisory tasks.

The Chamber of Agriculture and Forestry of Slovenia (*see Section 2.2 below*) also provides (among its other functions) advice and guidance to forest owners which are its members.

[17] See Forest Service website at https://www.zgs.si/za-lastnike/revirni-gozdarji

[18] The Act on Wild Game and Hunting, Article 4(2).

[19] Forest Act, Article 7.

2.2. Key representation organisations of the forest sector

1. **Forest owners:**

The Chamber of Agriculture and Forestry of Slovenia[20] is the principal interest organisation of natural and legal persons in the Republic of Slovenia engaged in agriculture, forestry and fishery. The chamber is organised as a public professional chamber,[21] with mandatory membership: its members are all agricultural producers and forest owners with annual cadastral income of more than EUR 167.[22] The main task of the Chamber is to protect and represent the interests of its members, to advise them and to accelerate economical and environment friendly activities in the field of agriculture and forestry. Among other, it participates in the preparation of agriculture and forestry laws and regulations, provides forestry advisory service and manage plant nurseries.

In Slovenia, there are currently 20 **forest owners' associations**. These are private non-profit associations of forest owners with voluntary membership.[23] They are regional in their territorial scope. Their purpose is to connect forest owners within their respective regions, to educate them, to help them in obtaining national and EU subsidies and funds, to enable joint purchase of machinery, and similar.

Forest owner associations do not formally possess forests. They were formed on a voluntary basis in the 2000s to better serve the interests of their members and to secure certain benefits, such as networking, education, taking care of building forest roads in fragmented ownership situations, etc.

The Slovenian Forest Owners Association is the umbrella association of regionally organised forest owners' associations. It is a voluntary organisation that connects private forest owners, associated in 20 forest owners' associations. It acts as a representative of the interests of private forest owners, a promoter of economic capacity of forest owners , a promoter of sustainable, multifunctional and environmentally friendly management of Slovenian forests and a provider of information and education to forest owners.[24]) According to its website, it has more than 4,000 members, who are individual private estates, family farms and numerous small forest owners for whom the forest provides additional income. Established in 2006, it helps forest owners to promote their wood more efficiently by organising high-quality timber auctions, promotes new forest mechanisation among the members.[25] The portal provides information about the current wood selling prices and forest operation services, lists open contracts and tenders, and informs about the events related to forest management and forest operations.[26].

The Association of Large Forest Owners[27] connects forest owners who own at least 200 ha of forests in the Republic of Slovenia. The membership is voluntary. The main purpose of the

[20] Kmetijsko gozdarska zbornica Slovenije, https://www.kgzs.si/.

[21] The Chamber was established on the basis of a national law: *The Chamber of Agriculture and Forestry Act*, the Official Gazette No 69/04, 117/06 – ZDavP-2, 26/08, 7/09 – odl. US, 109/23 and 33/24 – odl. US.

[22] See about cadastral income more below in Section 4.4.

[23] Source: https://www.gozd-les.com/

[24] https://www.slovenski-gozdovi.org/.

[25] http://www.mojgozd.net/. The access is members-only.

[26] European Forest Institute, *Forest Land Ownership Change in Slovenia* - COST Action FP1201 FACESMAP Country Report, p. 15, https://facesmap.boku.ac.at/library/FP1201_Country%20Report_SLOVENIA.pdf.

[27] http://www.zvgp.si/?subpageid=1

association is to represent and coordinate the interests of its members and promote the development of the private forestry sector as an integral part of rural development, and its basic mission is to connect forest owners who derive a significant portion of their income from forests.

The Forest Act promotes the forest owners' associations and machine clubs (*see below Section 2.2.11*)[28] (according to a consulted national expert on forestry, such promotion is merely nominal, and necessary funds are not provided in practice). The minister may grant the status of a society operating in the public interest to associations whose purpose of establishment and operation go beyond the pursuit of their members' interests and represents operation in the public interest in the field of forestry.[29] When granted the status of an association operating in public interest, such associations effectively acquire a status of "public concerned" and can represent the owners' interest in the procedure for the adoption of forestry legislation and forest management plans.

2. **Forest municipalities:**

Municipalities, which are owners of forests, have not established any organisation or association for the promotion of their interests regarding forestry.

3. **Forest industry:**

Forest industry is represented by the Forestry Economic Interest Association. [30] The association was established and is owned by five major forest contractors.

4. **Forest clusters:**

Forest clusters do not exist in Slovenia

5. **Forest contractors:**

There are many forest contractor companies in Slovenia, but they do not have any representative organisation. In 2021, there were 1,530 forest contractors (the number includes the farmers participating in the machine clubs (*see below 2.2 point 10)* and farmers who are also active as forest contractors).[31] The Slovenian Forestry Institute runs a website Moj Gozdar (My Forester)[32], which includes the search engine containing data of more than 1,500 forest contractors, based on various criteria (such as type of works offered and region).

Most contractors are small in size. The largest contractor companies are descendants of public forest management companies. Before the independence of Slovenia and its transition into market economy in the early 1990s, such regionally organised companies were responsible for the management of forests in their respective regions, and also for execution of all logging activities and other works in Slovenia's forests. After the transition, the management tasks of these companies were transferred to the newly established Forest Service, whereas the

[28] Forest Act, Article 74.a and 74.b.

[29] According to a consulted national expert on forestry, the Slovenian Forest Owners Association has the status of a society operating in public interest, but this does not facilitate its operation.

[30] https://www.bizi.si/GIZ-GOZDARSTVA/

[31] WCM – InfoGozd website, https://wcm.gozdis.si/sl/podatki/kazalniki/podatki/2021090721484795/izvajalci-gozdarskih-storitev/.

[32] https://www.mojgozdar.si/o-nas/.

"contracting" departments were privatised and transformed into forest contracting companies. Most of these are still active and provide forest activities on the market.[33]

Forest Professionals:

Forest professionals are represented by the Association of Forestry Societies of Slovenia. Its main goals are to form and develop a balanced and professionally based opinions on the most important forest management issues, to develop professional terminology, promote the achievements of Slovenian forestry, and to participate in the formation of policy and regulations in the field of forestry. [34]

6. **Forest Agents or rangers:**

Forest agents are not regulated. Forest rangers do not exist in Slovenia. The closest approximation are the district foresters of the local units of the Forest Service. As explained in Section 2.1 above, the forest district foresters are employees of the Forest Service that provide the advice and guidance to the forest owners regarding their rights and obligations, forest management, possibilities for subsidies and similar. The Forest Service website search engine enables each forest owner to find and contact the district forester responsible for their forest.[35] According to a consulted national expert on forestry, forest owners often would like to seek for a second opinion regarding their management of forests, but there is a lack of forest engineers on the market.

7. **Forest Sciences:**

The Slovenian Forestry Institute is a national public research institute in the field of forestry. It conducts basic and applied research on forests and forest landscapes, forest ecosystems, wildlife ecology, hunting, forest management, and other uses of the resources and services forests provide.[36] According to the Forestry Act, it provides the following public service activities:

- monitoring of the level of degradation and damage to forests;
- reporting, prognostic and diagnostic services for forestry;
- professional guidance of forest seed production and forest nursery activities;
- development and management of an information system for forests;
- preparation of standards for carrying out activities in forests.
- Issuing of certificates for forest seeds and seedlings;
- supervision of forest seed production and forest nursery activities.[37]

The Slovenian Forestry Institute manages a number of useful portals, including the portal WDM - InfoGozd[38] (Info Forest) with useful information for forest owners, and links to academic and

[33] See more on the historical development of forest contracting in Slovenia in Gozd in gozdarstvo, https://www.gozd-les.com/slovenski-gozdovi/slovensko-gozdarstvo/gozdarska-podjetja.

[34] https://zgds.si/.

[35] https://www.zgs.si/obmocne-enote/.

[36] Gozdarski inštitut Slovenije, https://www.gozdis.si/en/.

[37] Forest Act, Article 74.

[38] https://wcm.gozdis.si/.

expert articles, and portal Moj Gozdar (My Forester) with data and contact of forest contractors.[39]

8. **Forest certification:**

Larger owners of forests tend to obtain certifications issued by recognised certification schemes. According to the website Gozd in gozdarstvo (Forest and Forestry),[40] the forest management methods in Slovenia, as determined by the Forest Act, "ensure sustainable and environmentally friendly management". Slovenia, along with Switzerland, certainly has one of the most advanced methods of forest management in the world, which does not deplete or destroy forests, but preserves them. In principle, certification of forests is not necessary nor mandatory. However, certification is an important market tool; foreign buyers of wood and wood products require these certificates, as this makes it easier to sell the products to end customers. The most common certificates used are the Forest Stewardship Council (FSC) and Programme for the Endorsement of Forest Certification (PEFC).[41]

9. **Public enterprises**

Forests in State ownership are managed by the state-owned company Slovenski državni gozdovi (***Slovenian State Forests***),[42] which was established in 2016 with the purpose to manage the state-owned forests.

The type of management of forests owned by municipalities is not homogenous and vary from direct municipal involvement in forest management to devolvement of management to third parties (managers).

10. **Forest cooperatives**

11. In Slovenia, a lot of farmers are members of agricultural cooperatives The agricultural cooperatives (59 in all) are represented by the Association of Cooperatives of Slovenia.[43] Agricultural cooperatives are engaged in all aspects of farmers activities, including forestry - some are also quite active in the organisation of selling of timber.

Forest owners are also sometimes organised into voluntary **machine clubs**.[44] The purpose of machine clubs is to reduce the costs of purchasing machinery and equipment for work in the forest. Machinery and equipment are purchased by all members of the club and shared, or members help each other with their own machinery and equipment.

12. **Other Forest organisations**

None found.

[39] https://www.mojgozdar.si/.

[40] https://www.gozd-les.com/.

[41] Gozd in gozdarstvo website, https://www.gozd-les.com/upravljanje-gozdov/certificiranje-gozdov.

[42] https://sidg.si/.

[43] https://www.zzs.si/

[44] See the Machine Clubs' Association webpage at https://s-k.si/.

3. Forest land ownership structure

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

3.1. Data on national forests ownership structure

In 2023, there were 1,179,599 ha of forests and other woodland in Slovenia. This covers 58.4% of the country's surface. The level of private forest ownership is very high:

- 77 % of forests are privately owned,
- 20 % are owned by the State,
- and 3 % by municipalities.[45]

Private forests are extremely fragmented: the average size of a private forest is 3.3 hectares, which may further be divided into separate plots of land. Only 2 per cent of Slovenian forest owners owns more than 20 hectares of forests.[46] Private forests are owned by 409,000 private forests owners[47] – forests are thus owned by more than one fifth of all residents of Slovenia. Less than half of private forests are owned by family farms (47 %), while 53 % of private forests are owned by other private entities (individuals and private business entities and institutions).[48]

The estimated average annual felling is growing and has increased from 4.3 m3/ha in 2007-2012 to 6.3 m3/ha in the period 2012-2018. Almost 51% of the felling in the recent period is spruce felling, which is probably a consequence of heavy sanitary felling due to bark beetle attack. The average annual gross increment has started to fall: it was 8.6 m3/ha in the period from 2007 to 2012 and 7.86 m3/ha in 2012 to 2018 period.[49] The quantity of felling of trees in 2023 in private forests was 3,094,000 m3 and 1,207,000 m3 in public forests.[50] The effectiveness of harvest was greater in public forests (23% share of ownership and 28 % share of harvest).

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 Forest Act does not provide a definition of forest owners or forest ownership. It only provides that forest owners may be legal and/or natural persons.[51] This means that any owner

[45] Zavod za gozdove Slovenije website https://www.zgs.si/gozdovi-slovenije/lastnistvo-gozdov.

[46] [46] See *Elena Haeler et al, Forest subsidy distribution in five European Countries*, Forest Policy and Economics, Vol. 146, Jan 2023. https://www.sciencedirect.com/science/article/pii/S1389934122001952.

[47] Zavod za gozdove Slovenije website https://www.zgs.si/gozdovi-slovenije/lastnistvo-gozdov.

[48] European Forest Institute, Forest Land Ownership Change in Slovenia - COST Action FP1201 FACESMAP Country Report website, p. 7-8, https://facesmap.boku.ac.at/library/FP1201_Country%20Report_SLOVENIA.pdf.

[49] The Forestry Institute of Slovenia, The State and Change of Slovenian Forests between 2000 to 2018. https://www.dlib.si/stream/URN:NBN:SI:DOC-QXR91AN9/4d4b6ce4-0df8-4baa-a79a-a5fcd8c71fd4/PDF p 37.

[50] SURS database https://www.stat.si/StatWeb/Field/Index/11/48, search for "Posek lesa po lastništvu gozda in po vrstah drevja, letno".

[51] Forest Act, Article 4.

of a land classified as forest is a forest owner. The term is also not defined in any other legislation or policy documents.

– **Forest holder**

The national legislation and national policy documents do not define, regulate or use the term forest holders. The term is also not used in practice within the meaning defined by this study (i.e. the natural or legal person who carries out a forest economic activity). The term may be used in practice when denoting a person who is in a physical possession of a forest, but it is primarily used in a civil law context to distinguish between the legal owner and factual possessor of the forest.

– **Forest manager**

The term forest manager is not defined, regulated or used by the Forest Act or by other forestry regulations. The national legislation assumes that forest management is the duty of forest owners, whereby one part of this activity is already provided as a public service by the Forest Service (forest management planning, issuing decisions on forest management activities). Of course, the owners are free to engage adequate professionals to act as their forest managers, but this profession is not regulated or mentioned in national legal acts.

– **Forest contractor**

According to the Forest Act, the owners are the primary persons carrying out activities in their respective forests. They "may be assisted in this by their legal heirs and their spouses and other natural persons in the form of neighbourly help."[52] The Act afterwards provides that:

> *"Activities in a forest may also be performed by natural persons or legal entities registered to perform such works (hereinafter: operators) who fulfil the conditions regarding professional qualifications.*

The minister responsible for forestry shall prescribe the minimum requirements that contractors must meet in order to perform work in forests".[53] The minimum requirements for forest "operators" are prescribed by the Rules on the minimum requirements for operators of forest activities.[54]

Forest

According to the Forest Act, a forest (*gozd*) is:[55]

- Land covered with forest trees in the form of a stand that can reach at least 5 metres in height and spanning at least 0.25 hectares;
- Land under the process of tree colonisation spanning at least 0.25 hectares, which has not been used for agricultural purposes over the last 20 years and on which forest trees can reach a height of at least 5 metres and tree crown density has reached 75 per cent;
- Riparian zones and windbreaks wider than the height of adult trees, spanning at least 0.25 hectares;

[52] Forest Act, Article 19(1).

[53] Forest Act, Article 19(2) and (3).

[54] *Pravilnik o minimalnih pogojih, ki jih morajo izpolnjevati izvajalci del v gozdovih*, the Official Gazette No 30/93.

[55] Forest Act, Article 2(1) and 3.

– Forest infrastructure not allocated into a separate cadastral parcel is an integral part of the forest;

Forest or other wooded land under this Act do not include individual forest trees, groups of forest trees covering up to 0.25 hectares, tree avenues, parks and forest-tree plantations.[56]

The term used in the above definition of a forest is "gozd", which means "forest" in Slovenian language. The Forest Act also uses a separate definition of "other wooded land". This is a land covered with forest trees or other forest vegetation, covering at least 0.25 hectares, which is not forest and has not been used for agricultural purposes over the last 20 years. Other wooded land includes pens in forests used for raising game and areas within forests spanning at least 0.25 hectares that lie beneath overhead electrical power lines.[57] The Forest Act is also applicable to the other wooded land, unless otherwise specified by this act.[58]

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 legislation does not distinguish between different types of ownership of forests (private forests, public forests, municipal forests, state-owned forests etc.). All forests are regulated equally irrespective of the type of their ownership. All forest owners – public or private, natural or legal persons – have the same rights and responsibilities.

Forests are owned either by natural persons or by legal persons. Traditional users and holders of forests are also "**agrarian commons**", which are traditional cooperatives of farmers.[59] At present, there are 547 agrarian commons in Slovenia. The commons are not legal persons and do not own the land which constitutes the commons. The land under management of a common is co-owned by its members. All members of an agrarian common own equal shares of agricultural land or forests managed by the agrarian common, unless otherwise provided in the constitution of the common. The commons land and forest are indivisible and cannot be sold. All agrarian commons have to be registered in the Register of agrarian commons[60]. The entrance into the Register has a constitutive effect: an agrarian common is established by the registration. The Register has similar purpose as the national business register: to provide information about the establishment of a common, its organisational structure, its representatives, its constitution and similar. The Register also contains the data about the members of agricultural commons including the list of agricultural land and forests managed by the commons and owned by its members. The entrance into the Register of agricultural commons does not provide a proof of ownership but only a proof of membership. For all plots of land that constitute a common, this information is included in the

[56] Forest Act, Article 2(4).

[57] Forest Act, Article 2(2)

[58] Forest Act, Article 1. No such exceptions were found in the Forest Act, which means that »other wooded lands« are treated (at least in the Act itself) equally as the forest.

[59] The Agrarian Commons Act, *Zakon o agrarnih skupnostih*, https://zakonodaja.com/zakon/zagrs

[60] The Agrarian Commons Act, Article 15 and 15

Land Registry with the purpose to make public the special ownership regime relevant for such land (prohibition of sale or division of plots).

Members of agrarian commons own and manage slightly less than 80,000 hectares of land, mainly forest and pastureland.[61]

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

Private forest properties are very fragmented. One of the aims of the Forest Act is prevention of further fragmentation. According to the Forest Act, forest plots of less than 5 ha cannot be divided, except for construction of public infrastructure, if the plot or part of the plot is not planned to be used as forest and if the plot is in joint ownership with the Republic of Slovenia or with the local community.[62]

The Forest Act also regulates **pre-emptive rights** of forest owners[63] and the Republic of Slovenia. The Inheritance of Agricultural Holdings Act[64], applicable to forest land, was adopted to prevent splitting of agricultural holdings. These frameworks indirectly support land consolidation.[65]

3.4. Proof of ownership: Land registry and Cadastre

While **the Land Registry** is the only proof of ownership in Slovenia, two other national official registries are also important for the determination of forest owners:

- **The Land Cadastre**[66] is the official record of data on plots of land, buildings and parts of buildings. It covers all plots of land (parcels) in the Republic of Slovenia, their exact location, measurement and also their use (including forests). The Land Cadastre is the basic record of data of the Republic of Slovenia on the position, shape, physical and other properties of plots of land, buildings and parts of buildings, which shows the actual condition of real estate. The Land Cadastre does not contain the data on ownership.
- The Land Cadastre receives the data on the land covered by forests and agricultural land from the land use database called **Graphical Unit of Agricultural Use (abb. GERK**). GERK is managed by the Ministry of Agriculture with the aim of obtaining an appropriate database on land and its use and to support subsidies in agriculture. The GERK database is publicly available on the Ministry's website.[67] Forest plots are registered in this database.

The Land Cadastre thus contains the data on the plots of land and their use, whereas the Land Registry contains data on the ownership of plots of land.

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[61] European Forest Institute, *Forest Land Ownership Change in Slovenia* - COST Action FP1201 FACESMAP Country Report, p. 13, https://facesmap.boku.ac.at/library/FP1201_Country%20Report_SLOVENIA.pdf.

[62] European Forest Institute, *Forest Land Ownership Change in Slovenia* - COST Action FP1201 FACESMAP Country Report, p. 9, https://facesmap.boku.ac.at/library/FP1201_Country%20Report_SLOVENIA.pdf.

[63] Forest Act, Article 47.

[64] *Zakon o dedovanju kmetijskih gospodarstev* (ZDKG), the Official Gazette No 70/95, 54/99 – odl. US, 30/13 and 44/22 – ZKZ-G

[65] See section 7 on Land market.

[66] See public access to the Land Cadastre at https://www.e-prostor.gov.si/podrocja/parcele-in-stavbe/kataster-nepremicnin/?acitem=1714-2253.

[67] https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-kmetijstvo-gozdarstvo-in-prehrano/

– How is ownership proved?

The only legal proof of ownership is the entry of ownership into the Land Registry. The **Land Registry** is an official record of ownership of land and other property rights on immovable property. It is not specific to forest lands, but the ownership rights related to them are also registered in this tool.

The entry into the Land Registry has the constitutive effect: any property rights, including ownership right, of an immovable property are acquired or extinguished when the registration becomes effective.[68]

No special rules are prescribed for the forest owners – the same rules apply as for any owner of immovable property.

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

Yes, all property rights have to be entered into the Land Registry. The Land Registry is managed by the court.[69]

– Is there a registration fee?

For every entry into the Land Registry, a court fee has to be paid, depending on the value of the property in question, and is defined in range from EUR 5 for the entering of property worth less than EUR 20,000 and up maximum EUR 5,000 for property worth more than EUR 60,000,000.[70] The entry procedure is digitalised and usually takes less than one month.

– **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 official register of forest owners and of forest holdings.

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

Given the constitutional effect of entry into the Land Register, the Land Register is well updated and reflects the real forest ownership situation.

[68] Land Registry Act (ZZK-1, Zakon o zemljiški knjigi), the Official Gazette Nos 58/03, 37/08 – ZST-1, 45/08, 28/09, 25/11, 14/15 – ZUUJFO, 69/17, 11/18 – ZIZ-L, 16/19 – ZNP-1 and 121/21. Land Registry database is available at https://evlozisce.sodisce.si/esodstvo/index.html.

[69] Land Registry Act, Article 7.

[70] The Court Fees Act (*Zakon o sodnih taksah)*, The Official Gazette No 37/08, 97/10, 63/13, 58/14 – odl. US, 19/15 – odl. US, 30/16, 10/17 – ZPP-E, 11/18 – ZIZ-L, 35/18 – odl. US and 204/21, *https://pisrs.si/pregledPredpisa?id=ZAKO4729*.

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

4.1. Overview

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

As explained above, the Slovenian forest legislation does not regulate holders and forest managers but regulates only the rights and responsibilities of forest owners. They may of course transfer some rights or obligations to managers, tenants, contractors or other persons, but the owner is still ultimately responsible for the management of their forest. The most important obligation of a forest owner is to exercise their ownership rights in such manner as ensures the ecological, social and productive functions of a forest. According to the Forest Act, the owner of a forest must therefore:

- manage the forest in accordance with regulations, management plans and administrative acts issued on the basis of the Forest Act;
- allow open access to their forest, except in cases of profit-generating activities in the fields of tourism or recreation;
- allow beekeeping and hunting as well as recreational gathering of fruits, herbaceous plants, mushrooms and wild animals in their forest in accordance with regulations.[71]

From these general obligation other obligations and tasks of forest owners are derived, as determined by the Forest Act:

- to harvest the forest or allow felling of forest trees, obtain decorative trees or carry out a forest conversion only in accordance and in quantities determined in a management decision issued by the Forest Service;
- to place on the market only legally harvested timber or timber products and to provide proof of ownership of forest wood products upon an order issued by a supervisory authority;
- to carry out all silviculture or protection activities within the set time limit determined in the management decision;
- to fell, skid, carry or stack forest wood products or manage logging residues in accordance with the relevant rules, and to eliminate damage caused to the soil immediately after the completion of skidding or transportation;
- to provide protection measures ordered by a Forest Service management decision;
- to abstain from reducing the productivity of a stand or production capacity of a site, stability or sustainability of a forest or to pose threats to its functions, existence or purpose;
- to abstain from constructing a building or carry out an activity affecting the forest and/or woodlands without the consent of the Forest Service;

[71] The Forest Act, Article 5(1).

- to abstain from performing a deforestation or clear cutting without the Forest Service permit;
- to obtain a permit from the Forest Service before the start of forestry-related investment maintenance activities;
- to gather forest animals, fruits, mushrooms or herbs only within limitations imposed by regulations of by the competent authority and to abstain from causing devastation while collecting seeds of forest trees or other forest goods;
- to enable the Forest Service the monitoring or fostering of biotic balance in the forest or the implementation of preventive protection activities;
- to carry out sanitation felling or preventive protection activities within the set time limit;
- to debark or process forest wood products of spruce, fir, pine or elm and to process their residues within the set time limit;
- to use chemical substances only in accordance with a permit issued by the Forest Service;
- to abstain from pasturage in a forest if not permitted by the silvicultural plan;
- when constructing, maintaining and using forest roads, to abstain from posing threats to a water sources, causing erosion processes, adversely affecting the preservation of wild animals, natural or cultural heritage;
- to construct or maintain tractor roads in accordance with guidelines specified in a silvicultural plan;
- to drive outside forest roads in the forest or woodlands only for the purposes of forest management or rescuing people or their property;
- to abstain from driving a vehicle exceeding weight limitations on a forest road and to abstain from excessively using a forest roads without a permit or contrary to a permit;
- to rectify all potential adverse consequences of excessive use, and to regenerate a forest that has been devastated or clear-cut in violation of regulations;
- to make fires only at designated fire sites in forests, to abstain from burning grassland and fallow land in areas where fire may pose a hazard to forest and to abstain from using open fire in forests in the Karst region or in forests defined as fire-prone forests;
- to use a due diligence system as set out in Article 6 of Regulation 995/2010/EU laying down the obligations of operators who place timber and timber products on the market;
- to keep the information as set out in Article 5 of Regulation 995/2010/EU.

- As seen from the above list, the rights of forest owners are considerably limited by the Forest Act. The (fairly few) challenges of the Forest Act before the Constitutional Court have been unsuccessful: the owners have not been able to prove that the intrusions into their property rights are unconstitutional. Specifically, the Constitutional Court upheld the Forest Act provisions allowing free public access to private forests and the rights of the public to gather forest fruits and mushrooms in private forests.[72] The Forest Act obligation of the owners to allow hunting and the management of wildlife in their forests was also upheld by the Court.[73] In all such cases, the Constitutional Court argued that the limitation posed on the owners property and their rights are in accordance with the

[72] See Decision no U-I 51/95 from 18.3.1999;

[73] Decision U-I-40/06 from 3.2.2006, available at https://www.us-rs.si/sl/zadeve-in-odlocitve/odlocitve/u-i-2718-up-11618?SearchTerm=zakon+o+gozdovih.

Constitution, which provides that the legislator has the right to determine the method of acquiring and enjoying property in such a way that its economic, social and ecological functions are ensured.[74] According to the Court, the legislator thus has the mandate to limit the economic function of the forest owners' property rights to a achieve its social function (the right of the public to access and use of private forests) and ecological function (management of forests and wildlife).

As mentioned, forest holders and managers are not specifically regulated in Slovenia. Forest contractors must respect the above rules, as appropriate, when carrying out activities in forests.

4.2. Legal rights of the forest owner/holder

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

Forest owners are entitled to subsidies granted by the State. This involves co-financing and financing of investments in forests. The state covers the costs of cultivation works, protection works and works that maintain the living environment of forest animals. The maintenance of forest roads and investments to improve the conditions for obtaining and marketing forest products are co-financed. The state also co-finances the activities of forest owners' associations. A forest owner can obtain a subsidy for those forest works that are specified in the Forest Act and is determined in the silvicultural plan. Some subsidies are awarded annually (e.g. for forest maintenance), while others are awarded periodically through tenders published by the competent ministry.

The state fully finances:

- the implementation of planned works in protective forests and in forests in the area of torrents,
- materials for the implementation of silvicultural and protective works,
- seedlings and seeds for forest restoration by planting or sowing,
- the purchase, manufacture and placement of hunting devices and traps for bark beetles,
- the implementation of fire prevention measures in forests at risk of fire.

The State partially finances:

- breeding work, protection work and work to maintain the habitat of wild animals,
- forest rehabilitation when the cause of the damage is unknown,
- forest restoration on fire sites and natural disasters,
- forest restoration after damage caused by animals and diseases,
- maintenance of forest roads and tracks,
- preparation of forest roads and tracks that are urgently needed to carry out the restoration of a damaged forest.[75]

To obtain a subsidy, the forest owner must contact the competent forester of the Forest Service's local unit. At the end of each calendar year, the unit's forester must determine the necessary works for the coming year, which are the entered into the annual forest investment program, which is the basis for issuing of decisions on financial subsidies. The owners should contact the

[74] The Constitution of the Republic of Slovenia, Article 67.

[75] See Gozd in gozdarstvo, https://www.gozd-les.com/upravljanje-gozdov/subvencije-lastnike-gozdov .

local unit's district forester in the last quarter of the year and communicate their proposals for the implementation of the works. The forester will include eligible proposals into the programme according to the urgency of their implementation.[76]

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

No, the owner of a forest must manage the forest in accordance with regulations, management plans and by the management decisions issued on the basis of the Forest Act[77]. However, the forest owners have the right to actively participate in the preparation of forest management plans:

- At the beginning of the preparation of a forest management plan, the Forest Service must notify forest owners and the public concerned who may present their proposals or objections during the preparation of a draft plan.[78]
- All proposals of forest management plans must be publicly displayed for at least 14 days. During the display, a public hearing must take place. Forest owners and the public concerned must be notified of the beginning and duration of public display and the public hearing in the locally customary manner.
- All comments and proposals given by the owners and the public concerned must be considered in the ensuing planning procedure. The Forest Service has to take a position on every proposal.[79] According to a consulted national expert on forestry, the forest management plan is already prepared at the time of public display and is difficult to change in the later phase of the procedure. The regional and local management plans are also so abstract in nature that forest owners cannot determine in most cases if and how they affect their forests.

The owners also have a right to participate in the administrative procedure in which the Forest Service issues a management decision. This decision is an administrative decision, issued by the Forest service to each forest owner, which specifies the quantity and structure of trees for the highest possible felling and other forest management obligation of the owner. The forest Service must invite them to prior consultation and joint selection of trees for possible felling.[80]

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

The right to harvest is not explicitly mentioned by the Forest Act, but it exists in practice, although it is not absolute: the owners must harvest within the thresholds regarding the quantity and structure of trees prescribed for felling in management decisions issued to them by the Forest Service (*see also below Section 4.3.*).[81]

[76] See Gozd in gozdarstvo, https://www.gozd-les.com/upravljanje-gozdov/subvencije-lastnike-gozdov .
[77] Forest Act, Article 5(1).
[78] Forest Act, Article 14(1)
[79] Forest Act, Article 14(4).
[80] Forest Act, Article 17(1)
[81] Forest Act, Articles 17(1).

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 deforestation with the aim of change of land use from forestry to any other use (agriculture, urbanisation ...) is possible if prior permit is obtained from the Forest Service. The Forest Service must issue the deforestation permit if it establishes that deforestation is in accordance with a spatial planning document regulating the territory in which the forest is located. As an exception, the Forest Service may also issue a permit for deforestation even if it is not foreseen in the spatial planning document, where the proposed deforestation area is no greater than 0.5 hectares and if such clearing is not to take place in a forest designated as a protective forest or a forest with a special purpose.[82]

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

The owners must harvest within the thresholds for the quantity and structure of trees prescribed for felling in management decisions issued by the Forest Service.[83] The felling of forest trees and harvesting of resin and decorative trees can only be carried out on the basis of such management decision.[84] According to a consulted national expert on forestry, regional forest plans usually allow the felling of 70-80 % of the increment. Since these plans are not prepared for particular owners but on a more general level, it is almost impossible to prescribe the same percentage of allowed harvest to individual forest owners.

The Forest Service can only issue such management decision to the owner after prior consultation with them and after joint selection of trees for possible felling.[85]

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

Non-forest activities in forest lands are in general not prohibited by the Forest Act. However, a consent of the Forest Service must be obtained for the construction of buildings and for any activities affecting the forest and/or woodland. The consent must not be issued where it can be expected that the effects of the planned construction or activity will substantially undermine the forest functions.[86]

The Forest Act also prohibits any activity which reduces the productivity of stands or the production capacity of the site, the balance or sustainability of forests and/or threatens their functions, existence or purpose. The forest owners may collect the seeds of forest trees and other forest goods in their own forests if this does not cause devastation.[87]

[82] Forest Act, Article 21(4) to (7).
[83] Forest Act, Article 17(1).
[84] Forest Act, Article 17(4).
[85] Forest Act, Article 17(1).
[86] Forest Act, Article 21(1) and (3).
[87] Forest Act, Article 18.

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

Grazing (pasturage) in forests is prohibited. Grazing may exceptionally be permitted by a silvicultural plan on the basis of criteria set out in the regulations on the protection of forests.[88]

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

Hunting is not a forest activity and is regulated in a separate legislation. Hunting is not linked to ownership right: hunting and the access to forests for the purpose of hunting is allowed to anyone with a license to hunt, irrespective of the ownership of the forest.[89] Private hunting grounds are not allowed in Slovenia[90]. All game (wildlife) is the property of the State. As a rule, hunting is allowed everywhere in Slovenia except in non-hunting areas, such as settlements, parks, gardens, plantations, enclosed agricultural land, industrial facilities, pens, playgrounds, off-access areas and other enclosed areas, public roads and other infrastructure and areas where hunting of all types of game is permanently prohibited for nature conservation reasons.[91] The owners of any type of land (forests, agricultural land, building land etc) which does not belong to non-hunting areas must thus tolerate the hunting activities on their land. For the purpose of management and monitoring, the whole territory of Slovenia is organised into 411 hunting areas and 12 special purpose hunting areas.[92]

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

The members of the public are allowed to use the forests for picking mushrooms, fruits of forest trees and fruits of other plants which grow in forests, to pick herbal plants and parts thereof, to engage in beekeeping, hiking, and recreation in forests. These uses are not linked to ownership rights – everyone can engage in these activities, irrespective of the ownership of forests.[93] The allowed quantities of mushrooms and other forest fruits etc. are provided in separate legal acts, such as the Decree on the Protection of Wild Fungi,[94] which regulates the picking, selling and export of wild mushrooms. This Decree allows only recreational picking of mushrooms; a person can pick a maximum 2 kg of mushrooms per day.

[88] Forest Act, Article 32.

[89] Forest Act, Article 3(1) indent 3.

[90] Although State hunting grounds exist.

[91] The Wild Game and Hunting Act, Articles 4 and 10.

[92] The special purpose hunting areas are established for special conservation and directing the development of game populations and their habitat. They are established in the most preserved and characteristic natural environments of the Republic of Slovenia. The Wild-Game and Hunting Act, Article 7.

[93] Forest Act, Article 5(1) indent 3.

[94] Uredba o varstvu samoniklih gliv, the Official Gazette No 57/98, 56/99 – ZON, 41/04 – ZVO-1, 58/11 and 44/22 – ZVO-2. https://pisrs.si/pregledPredpisa?id=URED731

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

The owners must allow open access to their forest, except in cases of profit-generating activities in the fields of tourism or recreation.[95]

4.4. Forest owner/holder obligations and requirements.

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

The Forest Service prescribes the management requirements and obligations with a management decision issued to the forest owner. Such management decisions are issued to all forest owners in Slovenia on the basis of silvicultural plans after prior consultation with the owners and after joint selection of trees for possible felling. Such decisions prescribe:

- necessary silvicultural activities for regeneration of forests and tending of stand initiation up to pre-commercial thinning;
- necessary protection work;
- guidelines and time limits for carrying out and repetition of particular silvicultural and protective activities;
- the quantity and structure of trees for the highest possible felling;
- guidelines and conditions for felling and skidding of wood;
- guidelines and conditions for harvesting of resin and decorative trees;
- the period for which the management decision is issued. [96]

As a rule, a management decision is issued for a period of several years, but not for more than five years. Owners can appeal such decision to the Ministry. An appeal against a decision does not stay its implementation.[97] According to a consulted national expert on forestry, the management decisions are very detailed and also mandatory. For example: if the type of skidding is prescribed, it must be observed by the owner – the omission is an infringement and can be sanctioned. Not a single tree can be harvested without a basis in the management decision.

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

Forest owners do not pay a special tax solely for owning forests. However, the income tax of natural persons is also levied on their cadastral income. A cadastral income is a potential market income from agricultural and forestry activities that could be achieved with an average level of production of agricultural and forestry products on agricultural and forest land in the Republic of Slovenia, based on the land's production capacity. The cadastral income is not based on actual economic gains from forest activities but is calculated as a potential income on the basis of the Act on the Determination of Cadastral Income.[98] The determination of cadastral income depends on many factors. As it concerns forests, it generally ranges from approximately EUR 7/ha per annum for the forests of worst quality to EUR 160/ha per annum for the forest land of best

[95] Forest Act, Article 5(1) indent 2.

[96] Forest Act, Article 17(1).

[97] Forest Act, Article 17(1) and 17a(1).

[98] *Zakon o ugotavljanju katastrskega dohodka*, the Official Gazette No 63/16, https://pisrs.si/pregledPredpisa?id=ZAKO7125.

quality.[99] The persons liable to pay income tax from cadastral income are not necessary the owners of forests but rather those who actually derive economic benefits from the forest, such as tenants or other holders. Therefore, the tax on cadastral income cannot be considered a tax on forest ownership but rather a tax on individuals who actually use forests for economic gain.

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

The owners are issued management decisions on forest management *ex officio*. A management decision is issued by the local unit of the Forest Service on the basis of silvicultural plan in which territory is the forest plot of the owner. The management decision sets (and thus permits) specific activities related to land management. A management decision contains:

- necessary silvicultural activities for regeneration of forests and tending of stand initiation up to pre-commercial thinning;
- necessary protection work;
- guidelines and time limits for carrying out and repetition of particular silvicultural and protective activities;
- the quantity and structure of trees for the highest possible felling;
- guidelines and conditions for felling and skidding of wood;
- guidelines and conditions for harvesting of resin and decorative trees;
- the period for which the management decision is issued. Complaints against the management decision, filed with the ministry responsible for forestry, shall be permitted. A complaint against a management decision shall not stay its implementation.[100]

The felling of forest trees and harvesting of resin and decorative trees may only be carried out on the basis of such management decisions. All management decisions are kept in the registry managed by the Forest Service. However, the law does not prescribe the decision or any type of control regarding the selling of timber.

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

The determination of the trees to be cut is decided by the forester of the local unit of the Forest Service upon consultation with the forest owner and is included into the management decision. The management decision specifies the trees to be cut and also lists special requirements for implementation (forest order, stump peeling). The owner may only cut down trees that have been marked by the local unit forester.

- **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?**

For the purposes of monitoring the traceability of trade in forest wood products, forest wood products that are loaded on a vehicle or are transported by road must be accompanied by a bookkeeping document. After the loading and during the transportation of forest wood products,

[99] Source: Finančna uprava Republike Slovenije (the Financial Administration of the Republic of Slovenia) website at https://www.fu.gov.si/davki_in_druge_dajatve/podrocja/dohodnina/dohodnina_dohodek_iz_osnovne_kmetijske_in_osnovne_gozdarske_dejavnosti/#c4625.

[100] Forest Act, Article 17.

their carrier must keep a bookkeeping document with them or in the vehicle and must, on request, hand it over to an authorised supervising official for examination.

The bookkeeping document must be issued by the person who engaged the carrier (the sender: owner, manager …) and must contain:

- information on the forest owner to whom a decision in an administrative procedure was issued on the basis of which they carried out the felling of trees;
- information on the sender of forest wood products;
- information on the recipient of forest wood products;
- Information on the carrier;
- vehicle type and registration number, the place, date and time of loading, the place and date of unloading;
- type and quantity of forest wood products and the serial number of the bookkeeping document.[101]

The forest harvest contracts are not prescribed.

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

Yes, the management decisions also prescribe "the protection works", which includes the works for the prevention of forest fires, and other risks, such as diseases, pests, and similar.

Fire protection measures include the setting up and maintenance of firebreaks, firewalls, fire trails, fire warning boards, fire-fighting infrastructure sign boards, monitoring service, providing of water supply sites for helicopters, etc. Depending on the actual circumstances these activities can be carried out by owners, the Forest Service, firefighting authorities and other stakeholders.

Regarding the **prevention of other risks**, the Forest Act provides that the owners or other users of forests or owners of forest wood products must carry out all measures prescribed by forest protection regulations for the prevention and eradication of plant diseases and overpopulated insects that can disrupt the biotic balance in forests and for the prevention of other damage in forests. If necessary, such measures must also be carried out by owners of forest trees growing outside forests, and by owners and users of land which is not forest in the close vicinity of a forest.[102] The measures are ordered to the owners by the Forest Service; it may order the owners to carry out sanitation felling, skidding and transportation of infested, insect-ridden, severely damaged or fallen trees from a forest to a site that does not represent a hazard for further spreading of harmful organisms. It may also order the implementation of preventive protection activities and the time limit by which the owner must carry them out. An appeal against the Forest Service's order to carry out preventive or sanitary measures does not stay its execution. If an owners fails to carry out the prescribed activities, they will be carried out by an enforcement agent (a person authorised to enforce final administrative decisions).[103] In such cases, forest wood products which result from preventive felling or sanitary felling are sold by the

[101] Forest Act, Article 17c.
[102] Forest Act Article 28(1)
[103] Forest Act Article 29.

enforcement agent; the sale proceeds are transferred to the owner, minus the costs of execution (felling, skidding, execution of preventive protection activities, transportation).

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

In general, fencing of forests is not allowed. The fencing of individual parts of forests are permitted in the following circumstances:

- if it is envisaged in the silvicultural plan for the protection of stand initiation against game for the period of time necessary to harmonise the game population with the environment;
- if necessary for the protection of drinking water sources, natural values and areas protected on the basis of regulations governing the protection of nature, cultural monuments or for scientific and research studies;
- forests with a special purpose may also be fenced if this is provided by an act designating a forest to be a forest with a special purpose.

The fencing permits are issued by the Forest Service on the proposal of an authority, organisation or individual within 14 days. The permit may also determine measures to restrict movement within the enclosed forest.[104]

The use of forest roads is regulated by the Forest Act. Forest roads are an integral part of a forest. They are "of a public character", even when they are located in private forests. Funds for the maintenance of forest roads is provided by the State and by municipalities.[105] Forest roads are primarily intended for forest management but may, as a general rule, also be used by other users at their own liability. Users must use forest roads in accordance with the regime set out by the Forest Service in cooperation with the forest owners.[106]

The Forest Service, in cooperation with the local community, shall mark forest roads and the regime of their use with warning notices or other signs.

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

All agricultural producers and forest owners with annual cadastral income of more than EUR 167 are *ex lege* members of the Chamber of Agriculture and Forestry of Slovenia (*see above Section 2.2*).

4.5. Forest manager/contractor obligations

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

Forest managers are not regulated in Slovenia. The reason for that may be the fact that forest management plans are not prepared by the owners (via forest managers), but directly by the State authorities, and that the outsourcing of forest management to other persons by the forest owners is quite rare in Slovenia (due to small forest plots and small economic gains resulting from

[104] Forest Act, Article 24.
[105] Forest Act, Article 38.
[106] Forest Act, Article 39.

them). The contracts between the owners and managers are civil-law contracts, which are not prescribed.

As regards **forest contractors**, when providing their forest activities, they must follow the same rules and obligation as those prescribed for forest owners. As any other business entity in Slovenia, forest contractors must be registered into the Slovenian Business Register,[107] a central national database of all business entities established or located on the territory of the Republic of Slovenia. A precondition for registration into the Business Register is fulfilment of minimum requirements prescribed by the Rules on the Minimum Requirements for Operators of Forest Activities.[108] These rules prescribe the minimum educational and expert standards for persons employed or hired by forest contractors for different types of forest activities (planning and construction of forest roads, planning of felling, chainsaw logging, tractor harvesting, planting of trees etc.).

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

The rights of Forest managers and forest contractors are not specifically regulated in Slovenian legislation. They are determined in civil law contracts concluded by the forest owners.

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

Forest management plans are mandatory and prepared by the national institution: Forest Service, and not by the owners (see Section 5).

- 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?

Forest managers or contractors do not have to register their responsibility.

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

No specific tax is imposed on forest managers. However, they are liable to pay all taxes prescribed for legal persons or natural persons performing economic activities (income tax, profit tax, VAT etc).

[107] https://www.ajpes.si/prs/Default.asp?language=english.

[108] *Pravilnik o minimalnih pogojih, ki jih morajo izpolnjevati izvajalci del v gozdovih*, the Official Gazette No 30/93. https://pisrs.si/pregledPredpisa?id=PRAV1068

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

Compared to most other European countries, forest management plans in Slovenia, as regulated by the Forest Act,[109] are characterised by certain specific features:

- They cover all forests in Slovenia of all types and ownership (public and private alike).
- They are prepared and adopted by national authorities: the Forest Service prepares all forest management plans, which are afterwards adopted by national regulatory authorities, depending on their territorial scope.
- Forest management plans are legally binding: the owners (public and private) are required to comply with the measures outlined in these plans.

Three types of forest management plans exist depending on their territorial scope:

- regional forest management plans, one for each of 14 regions (regions are regional territorial forest management units, which are further partitioned into local management units);
- local unit forest management plans - one for each 69 local management units;
- silvicultural plans, which are also adopted for local units. On their basis, the Forest Service *ex officio* issues management decisions to forest owners.

Forest management is the most important tool for ensuring the objectives and orientations of nature protection (Natura 2000, sustainable development of forests) and maintaining the favourable condition of qualifying habitat types and qualifying species in natura 2000 areas.

Regional forest management plans comprehensively cover the forest ecosystem and its functions in the forest region, simultaneously addressing forest management, protection of nature, and game and hunting management. Regional plans are adopted for the period of 10 years; at present, the regional plans for years 2021 to 2030 are in effect.

Local unit forest management plans are adopted for every local forest management unit for 10 years; each year, such plans are adopted for one tenth of all forest management units.

Silvicultural plans are implementing plans of forest management units' plans. Contrary to regional plans and units' plans, the silvicultural plans are constantly being updated. Silvicultural plans prescribe the scope, intensity and urgency of silviculture and protection activities, and the extent of felling in terms of quantities, time frame and area.

Based on silvicultural plans, management decisions are issued by the Slovenian Forestry Service to each forest owner, where – among other – trees for possible felling are selected.

[109] Forest Act, Articles 18 to 16.

All forest management plans of all types are prepared by the Forest Service. Regional plans are adopted by the Government of the Republic of Slovenia, while a local unit forest management plans, including the silvicultural plans, are adopted by the Minister responsible for forestry.

All forest management plans are adopted in the form of a general legal act, either a governmental decree (for regional plans) or municipal rules (for local plans). In the planning procedure, members of the public and forest owners are invited to participate; the planning proposals must also be publicly displayed for at least 14 days; a public hearing must be organised.[110]

- Are there other type of plans required such as:
  - ☐ Technical Plan
  - ☐ Financial Plan
  - ☐ Exploitation Plan
  - ☐ **Fire prevention Plan** (in areas with established wildfire hazard)
  - ☐ **Hunting Plan**

Regional forest management plans, which are adopted for all forest management regions, also contain the goals, guidelines and measures for the management of game and hunting.[111]

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

All Slovenian forests are covered by the above-described national forest management plans, irrespective of their size. The proposals of amendments are prepared by the Forest Service. The amendments are adopted by the same authorities which adopted the plans in the first place: regional plans are adopted by the Government, while local unit forest management plans, including the silvicultural plans, are adopted by the Minister responsible for forestry.

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

The Forest Act prescribes the forest management plans and their legally binding nature.[112]

- **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 forest management plans are implemented by the Forest Service and its regional offices and local units, by the owners of forests and other relevant stakeholders, where necessary, such as municipalities, institutions responsible for water management, nature protection authorities etc.

More specifically, on the basis of forest management plans, especially its silvicultural plans, the local units of the Forest Service must issue management decisions to all forest owners, irrespective of their type (private/public; natural persons/legal persons).[113] The management measures have to be implemented by the forest owners and by other stakeholders (contractors, hunting associations, wood carriers, etc.) The local units of the Forest Service also monitor the implementation of the plans in practice by the owners.

[110] Forest Act, Article 14.

[111] Forest Act, Article 10(1) indent 3.

[112] Forest Act, Articles 7 to 16.

[113] Forest Act, Article 17.

The responsibility for the implementation of forest management plans does not differ with regard to different protection status of forests. Of course, the specific obligations may be different in protected forests than in "normal" forests.

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

Yes. The local units of the Forest Service monitor the implementation of forest management plans. In cases of detected infringements of the forest management plans, the Forest Service must notify the Inspectorate.

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

No such obligation is prescribed.

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

All three types of forest management plans must be newly adopted every ten years. If need be, they can also be amended during the time of their 10-year validity. The plans are newly adopted and amended by the authorities which have adopted them in the first place: the Government for regional plans, and the Minister for local unit plans and its implementing silvicultural plans.

- 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?

One of the most important objectives of the Forest Act is to guarantee the alignment with the EU nature protection legislation and programmes (including Natura 2000) (*see content of plans immediately below).*

The environmental protection principles pursuant to the regulations governing environmental protection are a mandatory baseline for the preparation of all forest management plans.[114] Forest management plans must also take into account the guidelines for the management of nature and cultural heritage in woodlands, water management requirements and guidelines for enabling other forest functions.[115] Forest management plans must define measures necessary for the maintenance of special protection areas designated under the regulations governing nature conservation at a favourable conservation status.

In the planning procedure for the preparation of forest plans, the Forest Service must obtain:

- for the regional plan: a prior consent of the minister responsible for the environment, spatial planning and water and of the minister responsible for nature conservation to the proposal of a regional plan,
- for the local unit management plan: a prior opinion of the national authority responsible for nature protection and the opinions of municipalities on whose territory the forest management unit is located.[116]

[114] Forest Act, Article 9(1).
[115] Forest Act, Article 9(4).
[116] Forest Act, Article 14(4).

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

The Forest Act prescribes the structure and content of all types of forest management plans.

Regional forest management plans must contain:

a) in the general part:

- forest functions and their evaluation;
- goals, guidelines and measures for the management of forests and woodlands;
- goals, guidelines and measures for game management pursuant to the regulations governing game and hunting;
- guidelines for the preservation and/or establishment of the natural autochthonous composition of forest associations based on biological indicators.

b) in the spatial part:

- presentation of the state of forests and other forest land;
- within forests and other forest land, indication of areas that are intended for other uses according to spatial planning documents;
- areas designated as protective forests, forest reserves or forests with a special purpose, as well as protected and conservation areas, in accordance with the regulations governing environmental protection, nature conservation and water management;
- areas of individual forest trees and groups of forest trees outside settlement development areas that are important for the preservation and development of landscape or the preservation and development of habitats of wild organisms;
- the concept of forest infrastructure and other developments in woodlands;
- designation of areas where horse riding and riding a bicycle without an engine is permitted on marked tractor roads and other trails.[117]

Local unit forest management plans must, while considering the regional forest management plans and characteristics of the respective local unit, establish or specify:

- forest functions and their evaluation;
- the intensity and objectives of forest and woodland management;
- guidelines for achieving the objectives;
- measures and ways of implementing them according to forest planning units;
- directions for management of individual forest trees and groups of forest trees outside settlements;
- the growth coefficient;
- areas designated as protective forests, forest reserves or forests with a special purpose, as well as protected and conservation areas in accordance with the regulations governing environmental protection, nature conservation and water management;
- areas proposed to be designated as protective forests, forest reserves or forests with a special purpose;

[117] Forest Act, Article 10(1) and (2).

- areas under the process of overgrowing that are classified as forest in a forest management plan for a forest management unit;
- areas in need of recovery;
- the intensity of forest management;
- areas important for the preservation of wild animals;
- areas of individual forest trees and groups of forest trees outside settlements for which professional instructions for their management must be issued;
- an overview and concept of forest infrastructure and other developments in woodlands and designate multifunctional areas;
- areas where individual selection of trees for possible felling is not mandatory.[118]

The **silvicultural plan** is an implementing plan of a local unit forest management plan in which the following must be specified for each individual forest ecosystems or parts thereof:

- silvicultural objectives, directions and measures for management;
- scope, intensity and urgency of silviculture and protection activities;
- areas in which individual selection of trees for possible felling is not mandatory, and which are brought into line with a forest management plan for a forest management unit;
- extent of felling in terms of quantities, time frame and area;
- methods and conditions for wood harvesting;
- directions and activities for simultaneous preservation and fostering of ecological and social forest functions.[119]

Based on the silvicultural plan, trees for possible felling are selected and administrative decisions are issued to owners of forests in the territory of the plan. Due to changes arising during development of forests or due to external effects on a forest, silvicultural plans must be amended or updated in such a way that silvicultural objectives and measures are accordingly adapted to these changes and that the extent of silvicultural and protection activities is specified anew. A motion to amend or update the plan may also be proposed by a forest owner.

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

No, the forest management plans are prepared by public authorities, so no supporting mechanisms are necessary.

[118] Forest Act, Article 11(1) and (2).

[119] Forest Act, Article 13(1).

- 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.

An **impact assessment on protected nature** (including Natura 2000 sites) must be carried out for every plan or amendment of a forest management plan, which could significantly affect a nature protection area, a special protection area or a potential special conservation area, either by itself or in connection with other plans.[120] Also, the strategic impact assessment or an environmental impact assessment in accordance with the legislation covering environmental protection must be carried out during the preparation of an forest management plan, if so mandated by environmental legislation.

The mechanisms to ensure that forest management plans are developed to ensure sustainable forest management practices are the following:

- Their content, as prescribed by the Forest Act, strongly emphasise sustainable forest management practices (*see above the content of forest management plans*);
- All plans are prepared and adopted by public authorities, which ensures the predominance of public interest (including sustainability of forests) in the planning process.

- 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?

In Slovenia, the national Natura 2000 sites plan is adopted by the Government in the form of a management programme of Natura 2000 sites. The current programme has been adopted for the years 2023 to 2028.[121] Given that Natura 2000 sites cover about 37% of the county's territory and that 70 % of all Natura 2000 areas are forests, the Management programme of Natura 2000 sites strongly overlaps with forests and forest legislation and programmes. The two types of plans are otherwise not integrated but coordinated. In the forest management plans, the special management measures necessary for the maintenance of special protection areas designated under the Natura 200 regulations; the measures should ensure a favourable conservation status.[122]

[120] Article 101 of the Nature Protection Act, (the Official Gazette No 96/04 – uradno prečiščeno besedilo, 61/06 – ZDru-1, 8/10 – ZSKZ-B, 46/14, 21/18 – ZNOrg, 31/18, 82/20, 3/22 – ZDeb, 105/22 – ZZNŠPP and 18/23 – ZDU-1O), https://pisrs.si/pregledPredpisa?id=ZAKO1600

[121] https://natura2000.gov.si/natura-2000/life-ip-natura-si/pun-2023-2028/

[122] Forest Act, Article 9(5).

6. Sustainable forest management.

6.1. Sustainable forest management definition and forestry practices

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

  ☐ Yes

  ☒ No (not defined but a SFM approach exists)

The national legislation does not specifically define the sustainable forest management, although the term is used in the Forest Act and in its implementing rules. The Forest Act however defines a closer-to-nature forest management, which is one of the methods for achieving the sustainable forest management: "Closer-to-nature management is a way of managing forest ecosystems that is based on tending forests and ensures their preservation, increase in diversity of autochthonous plant and animal species and establishment of biological balance".[123]However, it should be noted that, even if not explicitly defined, SFM is a primary objective of the National Forestry Programme (*see below*).

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

  ☐ Yes

  ☒ **No,** since no definition of SFM exists in the forest legislation, although it must be taken into account that the concept is followed by the Forest Act and in practice. Moreover, the concept of SFM is also further developed within the National Forestry Programme, which specifies its objectives, criteria and indicators for its achievement (*see below*). The main objectives of the National Forestry Programme are sustainable development of the forest as an ecosystem in terms of its biodiversity and all its ecological, economic and social functions, conservation and development of wildlife populations and their environment, sustainable use of all material forest resources for the owner, rural development and society as a whole, sustainable wildlife management, effective system of communication with forest owners and the public and a favourable public policy, legislative and institutional environment, which will support sustainable forest management and their multifunctional use.

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

  ☐ Yes

  ☒ **No.** Specific guidelines on sustainable forest management do not exist. The Forest Act and forest management plans, which not only suggest but prescribe sustainable forest management, are legislative and policy acts and not guidelines. According to a consulted national expert on forestry, these guidelines are not needed in practice because the closer-to-nature approach, legislation on forestry, and the existence of management plans and their related procedures cover all that is needed.

  ☐ Other sources defining or implementing Sustainable Forest Management

[123] Forest Act, Article 3 point 6.

- Does your country have a **Forest Strategy and/or Forest Management Policy** setting policy priorities that implement a SFM approach?
  - ☒ Yes, they can be found here: the National Forest Programme.[124]
  - ☐ No
  - ☐ Other sources setting the Forest strategy/policy

The main goal of the National Forest Programme is sustainable management of forests, as emphasised in its many provisions, including in Article 1, which sets its objective:

> "*The National Forest Programme (NFP) is a fundamental strategic document intended to define the national policy for the sustainable development of forest management. The main principles of the NFP are aimed at preserving forests and ensuring their multifunctional role, which includes environmental, social and economic aspects. […]".*

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

Leaving 3% of dead woody biomass in the forest, prohibition of certain measures being taken during nesting/breeding seasons and around dens (based on Birds and Habitats Directives), following the measures prescribed by the management plans, and all other obligations prescribed for the owners by the Forest Act (*see above Section 4.1).* According to a consulted national expert on forestry, forest owners are usually not aware of all these limitations; only foresters know.

  2. For forest managers

Forest managers are not defined or regulated by the national legislation. The same rules apply as for the forest owners, when managing their forests.

- 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 SFM is being achieved are prescribed in the National Forestry Programme and its Operational Programme 2022-2026. The most important priorities are SFM, Climate change adaptation and mitigation, biodiversity conservation, forest protection, promoting multiple forest functions, stakeholder engagement and participation, research and innovation. The more detailed targets to determine whether SFM is being achieved are mostly prescribed in the forest management plans. The targets and criteria are, for example:

a) for biodiversity: indicators related to area of protected forests, areas of ecological importance, habitat trees, deadwood, number of Natura 2000 species in favourable condition, area of silent zones, share of young growth, browsing and damages by wild animals.

b) for protective functions of forests: indicators related to erosion, water retention, climate and health function,

c) for preservation of the health and vitality of forest, the indicators are structure of forests by levels of preservation, the proportion of crown defoliation, area of damaged forests, quantity of unauthorized logging, and number of endangered plant and animal forest species,

[124] *Resolucija o nacionalnem gozdnem programu*, the Official Gazette No 111/07, see https://pisrs.si/pregledPredpisa?id=RESO56.

d) forests as landscape elements: indicators are the forest area, landscape pattern, areas under afforestation and area of contiguous forest.

- 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.

All Slovenian forests must be managed sustainably – this is not an option, but a mandatory obligation of all owners (and operators). Although the system places significant obligations on forest owners regarding their sustainable management of forests, it is well accepted. This high level of acceptance may be due to the fact that the system has been used in Slovenia for a very long time and is considered traditional.[125] The multitude of forests, their diversity and also their accessibility to public are highly valued among the general public and forest owners alike.

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

The implementation of SFM is supported by the Forest Act and its implementing regulations. SFM is mandatory in all forests. It is up to the local units of the Forest Service to monitor the implementation of the plans in practice by the owners.

Subsidies may be seen as a supporting mechanism, considering that the State fully or partially finances several activities that cam support the implementation of SFM (*see above, first question under Section 4.2*).

- 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 – required**
    - **Clear-cutting – prohibited**
    - Shelterwood system
    - Selective logging
    - Afforestation and reforestation to enlarge forest areas
    - **Controlled burn – prohibited**
    - **Mandatory salvage logging - required**
    - Other:

Clearcutting and controlled burn are specifically prohibited (except in special cases and based on a permit – *see above Section 4.4*). In general, the most used forest management practice (not specifically required though) is adaptive and sustainable closer-to-nature forestry with emphasised multifunctionality of forests (irregular shelterwood system)[126]

[125] For example, the forests cover in Slovenia has been growing continuously for the last 140 years (from 38 % in 1875 to 58 % at present). Source: the Forest Service Annual report 2023, at https://www.zgs.si/assets/uploads/files/vsebine/1/7/4/porgozd_za_leto_2023.pdf. This fact shows a lesser role of agriculture and consequent reforestation, but also a continuity of sustainable forest management.

[126] See Forest Stewardship Council Adria – Balkan website at https://adria-balkan.fsc.org/sl/gozdni-ekosistemi/gozdovi-v-sloveniji.

- 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?**

Management models are determined in the forest management plans and in management decisions, issued to owners on the basis of such plans. Clearcutting is prohibited in Slovenia.[127] In practice, adaptive and sustainable closer-to-nature model is mostly used in Slovenia: it mixes different models (shelterwood, selective logging, etc.) to achieve the best results in the given circumstances.[128]

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

Yes. The National Forest Programme and its Operational programme 2022 – 2026 follow the principles of closer-to-nature forestry and contain general species protection objectives and detailed targets. For example: the National Forest programme contains objectives for the biotic diversity in forests, for conservation functions of forests, for the protection of wildlife, including targets for various species, which are then further developed and defined by the Operational Programme. [129]

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

Yes, forests must be restored after harvest.

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 information was found on this aspect, even though closer-to-nature is a well-known concept in Slovenia (*see right below*).

- 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 following legislative and policy acts**: the Forest Act, the National Forest Programme, the Operational Programme. A closer-to-nature approach has been the modus operandi of Slovenian Forest management for a long time. It is the basic principle of forest management, as prescribed by the Forest Act, which states in its first article that the Forest Act itself "shall regulate the silviculture, the protection, harvesting and use of forests as well as the disposing of forests as a natural asset with the aim of providing sustainable, close-to-nature and multi-purpose management in accordance

[127] See Gozd in gozdarstvo: https://www.gozd-les.com/upravljanje-gozdov/gospodarjenje-gozdom/golosecno-gospodarjenje.

[128] See Gozd in gozdarstvo: https://www.gozd-les.com/upravljanje-gozdov/gospodarjenje-gozdom/sproscena-tehnika-gojenja-gozdov

[129] Operativni program za izvajanje nacionalnega gozdnega programa za obdobje 2022–2026 https://www.gov.si/assets/ministrstva/MKGP/PODROCJA/GOZDARSTVO/NGP/OPNGP-2022_2026.pdf.

with the principles of protection of the environment and natural values, permanent and optimal functioning of forests as an ecosystem and the fulfilment of their functions". The closer-to-nature forest management is also one of the major goals of policy documents, such as the National Forest Programme and its Operational Programme and also mandated in forest management plans prepared by the Forest Service.

☐ No

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

  ☒ **Yes, at national level – they can be found here:** the national Forest Programme, the Operational Programme 2022 - 2026, and in the 14 regional forest management plans[130]

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

  ☐ No

  Please describe them and elaborate:

The criteria for SFM objectives (increasing structural complexity, promoting natural forest dynamics, promoting natural tree regeneration, ensuring respectful harvest conditions, preserving and restoring soil and water ecosystems etc) are set in the National Forest Programme and in its Operational Programme, whereas the targets are set in the forest management plans.

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?

Climate change targets and objectives are contained in the National forestry Programme and in its Operational Programme.[131]

[130] See regional plans at https://www.gov.si/zbirke/projekti-in-programi/gozdnogospodarski-in-lovsko-upravljavski-nacrti-obmocij-2021-2030/.

[131] https://www.gov.si/assets/ministrstva/MKGP/PODROCJA/GOZDARSTVO/NGP/OPNGP-2022_2026.pdf

7. Forest land market

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

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

The Forest Act also regulates **pre-emptive rights** of forest owners. [132] The owners of land which borders on forest which is being sold shall have a priority right of purchase to this forest. If this priority right is not exercised, it shall fall to another owner whose forest is nearest to the forest which is being sold.

The Republic of Slovenia has a **pre-emptive right of purchase** of **protected forests** (forests in adverse ecological conditions, and forests in which there is a particular emphasis on any other ecological function), and of **forest of special purpose** (forests with an especially emphasised research, recreational, tourism-related, educational, health, cultural heritage or nature protection function).[133] The State also has the right of prior purchase of forest plots greater than 30 hectares.

The company Slovenian State Forests, which manages state-owned forests, is also empowered to purchase private forests for the State. Increasing the area of state forests is one of Slovenian State Forests strategic business goals. It prioritizes purchasing forests in border or buffer zones and forests with special purpose, such as forest reserves and protective forests.

Municipalities also have a pre-emptive right to purchase forests of special purpose, if they have particular interest of function for respective municipalities. If the local community does not exercise its priority right to purchase, the right shall fall to the owner whose land borders the forest which is to be sold. The pre-emption right is also guaranteed to the farmers whose land borders the land that is being sold.[134]

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

The Inheritance of Agricultural Holdings Act[135], applicable to forest land, was adopted to prevent splitting of agricultural holdings; it provides that as a rule a protected agricultural holding can only be inherited by a single successor.[136] The law determines the procedure by which the successor of a protected farm is defined. If a protected farms owned by a single owner and there are several lawful successors, the farm is inherited by the one who intends to cultivate the land with the consent of all other successors. If agreement is not reached, preference is given to the spouse or descendants that are qualified or are being educated to undertake agricultural or forestry work. Among these candidates, preference is given to those who have grown up on the farm and have contributed to its development.

[132] Forest Act, Article 47.

[133] Forest Act, Articles 44 and 47.

[134] European Forest Institute, *Forest Land Ownership Change in Slovenia* - COST Action FP1201 FACESMAP Country Report, p. 9, https://facesmap.boku.ac.at/library/FP1201_Country%20Report_SLOVENIA.pdf

[135] *Zakon o dedovanju kmetijskih gospodarstev* (ZDKG), the Official Gazette No 70/95, 54/99 – odl. US, 30/13 and 44/22 – ZKZ-G

[136] ZDKG, Articles 7 to 24.

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

No such institutions exist.

- 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)

There are no public institutions or bodies actively contributing to dynamism of the forest market. The Slovenian Forest Owners Association, which is a private association of forest owners, manages a website Steza (*Path*), which provides information on offers for the sale of agricultural land and forests, data on public contracts and tenders in forestry, information on public auctions of vehicles and data on prices of wood and services in forestry.[137] The website is members-only and is not publicly available.

The information on the forest land transfers and the prices of transmissions are collected and published twice annually by the national Surveying and Mapping Authority. In its 2023 Annual Report, it stated that 3,397 transfers of forest land have occurred that year, with 5,323 hectares in total. This highlights the highly fragmented nature of forest ownership and, consequentially, the forest market – the average transfer size was just 0.75 hectares. The average price of forest land in 2023 was EUR 0.73 per m2.[138]

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

Leasing of forest land is not regulated.

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

No such obligations exist. Also, the insurance companies seem not to offer insurance for forest land or forest activities.

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

No such specific regulations exist.

[137] See https://www.slovenski-gozdovi.org/za-lastnike-gozdov

[138] Poročlo o slovenskem trgu nepremičnin za leto 2023 (The Report on Slovenian Real Estate Marktet in 2023) p. 156 -161, https://www.e-prostor.gov.si/fileadmin/Podrocja/Trg_vrednosti_nep/Trg_nepremicnin/Porocila_o_trgu_nepremicnin/2023/Letno_porocilo_za_leto_2023.pdf

8. Forest companies, Forest incentives and taxation.

Forest Companies

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

Specific registers of forest industries and forest contractors do not exist. As every business entity, companies active in forestry, contracting etc. have to be registered in the national business register.

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

Companies which provide services in forestry (felling, carrying etc.) are regulated in the same way as any other commercial companies. No specific regulation exists.

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

The small forest owners can also access the status of forest contractors, if they fulfil the requirements prescribed for forest contractors (skills, education, machinery). They can act as such as "natural persons performing economic activity" or can establish any type of commercial company.

Forest incentives and taxation

Regarding incentives, forest owners benefit of some tax breaks. Forest owners who are natural persons do not pay a tax on the sale of wood gained from their own forest, but a cadastral income tax. The owners of protected forests and forests of special purpose do not pay the cadastral income tax.

A person liable for payment of cadastral income tax may claim exemption from paying income tax on gains from the provision of services within the framework of machine clubs. An agricultural household can receive up to EUR 420 per hectare of agricultural land (maximum up to 20 ha) and up to EUR 85 per hectare of forest (maximum up to 30 ha) per year with income tax-free receipts. [139]

[139] Source: WCM InfoGozd, The Legal Framework for Forest Management, at https://wcm.gozdis.si/sl/infogozd/prirocnik-za-lastnike-gozdov/zakonski-okviri-gospodarjenja-z-gozdovi/.

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

The Slovenian Ministry of Agriculture, Forestry, and Food coordinates the main strategic orientations for the implementation of the Common Agricultural Policy. The Ministry is also responsible the allocation of funds in agriculture, forestry, fisheries, the food industry and rural development. The subsidy system focuses on three main areas that reflect identified national priorities:

- improving biodiversity, water and soil protection, and similar, which are directly related to SFM goals;
- competitiveness of the agricultural sector, and
- social inclusion and rural development.[140]

A forest owner can obtain a subsidy for those forest works that are specified in the Forest Act and are determined in the silvicultural plan. Some subsidies are awarded annually (e.g. for forest maintenance), while others are awarded periodically through tenders published by the competent ministry. Most of the subsidies are meant for the activities related to sustainable forest management and biodiversity conservation, for example:

- seedlings and seeds for forest restoration by planting or sowing,
- purchase, manufacture and placement of hunting devices and traps for bark beetles,
- implementation of fire prevention measures in forests at risk of fire
- breeding work, protection work and work to maintain the habitat of wild animals,
- forest rehabilitation when the cause of the damage is unknown,
- forest restoration on fire sites and natural disasters,
- forest restoration after damage caused by animals and diseases,
- preparation of forest roads and tracks that are urgently needed to carry out the restoration of a damaged forest.[141]

According to the comparative study of subsidies in forestry in five EU countries (Austria, Finland, Germany, Slovenia and Sweden) the subsidies in the period 2014 to 2020 amounted to EUR 11.91 per year per hectare in Slovenia. This was by far the highest amount compared to other countries (the 2nd highest subsidies were EUR 5.89 per year per hectare).[142] The authors also concluded that in all countries where the available data allowed for comparison (including Slovenia), the owners with plot smaller than 20 hectares received a disproportionately small share of the subsidies.[143] The reason for that may lie in lesser interest for subsidies by smaller owners, since their forests are of little economic importance for them. They also may not be sufficiently informed about the financing possibilities or have lesser capacity for effective applications. A

[140] See *Elena Haeler et al, Forest subsidy distribution in five European Countries*, Forest Policy and Economics, Vol. 146, Jan 2023. https://www.sciencedirect.com/science/article/pii/S1389934122001952

[141] See Gozd in gozdarstvo, https://www.gozd-les.com/upravljanje-gozdov/subvencije-lastnike-gozdov

[142] See *Elena Haeler et al, Forest subsidy distribution in five European Countries*, Forest Policy and Economics, Vol. 146, Jan 2023. https://www.sciencedirect.com/science/article/pii/S1389934122001952

[143] Such data were available for Austria, Finland and Slovenia.

general opinion of forest owners is that subsidies for forest management are not sufficient to allow for effective forest management.

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

Forest owners who are natural persons and other natural persons gaining economic activities from forests must pay a cadastral income tax (*see above Section 4.4.*). The owners of protected forests and forests of special purpose do not pay the cadastral income tax.

Forest owners must also pay a fee for the use of forest roads.

No special taxes are in place for forest companies – they are liable to pay the same taxes as any type of commercial company (such as VAT and tax on profits).

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.

As mentioned in Section 2.1 above, the enforcement of compliance is in the responsibility of the Inspectorate for Agriculture, Forestry, Hunting and Fisheries.

The penalties for the breach of forestry legislation are prescribed in the Forestry Act.[144] The penalties in the form of administrative fines are prescribed in range. For each infringement, they are prescribed for legal persons, natural persons and for independent entrepreneurs. The infringement related to forest management requirements are the following:

A fine of EUR 2,500 to EUR 50,000 can be imposed on legal entities, self-employed persons or sole traders who:

- fell or allow felling of forest trees, obtain decorative trees or carry out a forest conversion without a management decision issued by the Forest Service, or in violation of such decision;
- place on the market illegally harvested timber or timber products or place on the market timber and timber products for which they fail to provide proof of lawful origin (paragraph one of Article 4 of Regulation 995/2010/EU); or
- fail to provide proof of ownership of forest wood products upon an order issued by a supervisory authority.

A fine of EUR 3,000 to EUR 50,000 can be imposed on legal entities, self-employed persons or sole traders for the offence of felling or allowing the felling of forest trees or obtaining decorative trees, in an amount exceeding the possible felling for a 10-year period, without a decision or in violation of a decision.

A fine of EUR 1,200 to EUR 42,000 can be imposed on legal entities, self-employed persons or sole traders who:

- fail to carry out all silviculture or protection activities within the set time limit or carry them out in violation of a decision, or gather resin without a decision or in violation thereof;
- fell, skid, carry or stack forest wood products or manage logging residues or enable these activities in violation of the regulations governing forest protection, or fail to eliminate damage caused to the soil immediately after the completion of skidding or transportation;
- fail to act in accordance with regulations governing felling, management of logging residues, skidding, transportation and stacking of forest wood products;

[144] Forest Act, Articles 77.c to 81c.

- fail to provide activities ordered by a Forest Service management decision;
- act in a way that reduces the productivity of a stand or production capacity of a site, stability or sustainability of a forest or poses threats to its functions, existence or purpose;
- cause devastation while collecting seeds of forest trees or other forest goods;
- construct a building or carry out an activity affecting the forest and/or woodlands without the consent of the Forest Service;
- construct a building outside a forest without the consent of the Forest Service;
- perform deforestation without the Forest Service permit;
- fail to obtain a permit from the Forest Service before the start of forestry-related investment maintenance activities;
- perform clear cutting although this is not envisaged in the forest management plan;
- fail, within the time limit specified by the Forest Service, to regenerate a forest that has been devastated or clear-cut in violation of regulations;
- gather forest animals, fruits, mushrooms or herbs regardless of limitations or prohibitions imposed by a competent authority;
- prevent the monitoring or fostering of biotic balance in the forest or the implementation of preventive protection activities;
- fail to carry out all measures prescribed by forest protection regulations to prevent the disruption of biotic balance and other damage in forests;
- fail to carry out sanitation felling or preventive protection activities within the set time limit or carry them out in violation of a decision;
- fail to debark or process forest wood products of spruce, fir, pine or elm or fail to use or process their residues within the set time limit;
- fail to carry out activities specified in a decision issued by the Forest Service;
- use chemical substances or provide for their use without a permit issued by the Forest Service;
- perform pasturage in a forest although this is not permitted by the silvicultural plan;
- by construction, maintenance and the use of forest thoroughfares pose threats to a water source, cause an erosion process, prevent water outflow from torrents at high water levels, increase the risk of landslides, disrupt the balance on unstable ground, reduce meteoric water runoff, adversely affect an area important for the preservation of wild animals, adversely affect natural or cultural heritage and pose threats to another function or the multi-purpose use of forests;
- use a forest thoroughfare for a purpose not related to forest management;
- construct or maintain tractor roads contrary to guidelines specified in a silvicultural plan

- drive outside forest roads in the forest or woodlands, except for the purposes of forest management or rescuing people or their property, with the exception of riding a bicycle without an engine;
- drive a vehicle exceeding weight limitations on a forest road on which such driving is prohibited due to waterlogged ground;
- excessively use forest roads without a permit or contrary to a permit;
- fail to rectify potential adverse consequences of excessive use or fail to pay compensation.

A fine of EUR 1,000 to EUR 30,000 for an offence shall be imposed on legal entities, self-employed persons or sole traders who:

- make fires at non-designated fire sites in forests;
- burn grassland and fallow land in areas where fire may pose a hazard to forest or burn plant residues in fields without the permanent presence of an adult person who maintains control over the fire;
- use open fire in forests in the Karst region or in forests defined as fire-prone forests;
- fail to use a due diligence system as set out in Article 6 of Regulation 995/2010/EU or acts in violation thereof;
- fail to keep the information as set out in Article 5 of Regulation 995/2010/EU or Article 5 of Regulation 607/2012/EU.

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?

The implementation of SFM in Slovenia is well-supported by a comprehensive legal framework. Key enablers include:

- The Forest Act, which provides a strong legislative foundation for mandatory SFM and closer-to-nature practices.
- National and regional forest management plans, which are legally binding and cover all forest types and ownerships.
- The National Forest Programme, which sets clear objectives for sustainable forest development and biodiversity conservation.

There are no specific legal and regulatory barriers affecting the implementation of SFM. The main challenges are practical: the high fragmentation of forest plots and forest ownership. Closer-to-nature forest management involves making light but regular interventions specific to the site to increase habitat complexity, community diversity and ecosystem. Owners, who are very small on average (average forest plot is 3,3 ha), sometimes do not have an interest or capacity to actively manage their forest properties in such manner,

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

No explicit legal or regulatory barriers to implementing a closer-to-nature approach exist in Slovenia. Regarding practical challenges, see previous answer.

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

The primary legal drivers for the closer-to-nature approach include:

- The Forest Act, which mandates this approach for all forests in Slovenia, integrating ecological, social, and economic functions.
- The National Forest Programme, which explicitly promotes sustainable, multifunctional, and closer-to-nature forestry practices.
- The legally binding nature of forest management plans ensures that closer-to-nature principles are implemented in practice.
- The operational programme of the National Forest Programme (2022–2026), which further specifies the implementation of closer-to-nature forestry.

10.2. Legal or regulatory gaps in national forest legislation

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

No gaps were found in the national legislation regarding the comprehensiveness of forest management practices, sustainable development and closer-to-nature measures. The Slovenian legal framework comprehensively addresses forest management practices.

On the other hand, except the owners (and contractors in a small degree), other economic stakeholders active in forests and forestry sector (managers, holders, carriers, agents ...) are not regulated in Slovenian legislation at all. We cannot estimate if such legislative silence is in any way hurting the small forest owners in Slovenia.

According to a consulted external national expert on forestry, the predominantly small-scale forest owners, who are not economically dependent on forest income, are mostly not motivated to harvest timber given the limited size of their properties and small rejuvenation surfaces in a system of close to nature management. The Forest Service is not tasked with incentivising the forest owners to manage their land in accordance with optimal growth and yield principles. Except in a few cases of national interest, where the Forest Service encourages the owner to harvest, the harvest initiative is left to the owners themselves. Furthermore, there are only a few private foresters available to provide this service, and they are mostly employed by the largest private owners. Comprehensive consulting, which would include a detailed economic review of small owners' property, assessment of optimal returns, including the determination of the culmination of timber stock or value (the economically optimal time for harvesting) should be performed by the Forest Service.

National experts on forest legislation and references

- **Please provide the names and contacts of 3 to 5 experts in forest legislation in your country**,
  - Aleš Poljanec, Assistant Director at the Slovenia Forest Service, ales.poljanec@zgs.si
  - Nike Krajnc, Director of Slovenian Forestry Institute, nike.krajnc@gozdis.si
  - Jernej Stritih, head of Stritih Sustainable Development, Bovec, jernej@stritih.com
  - Matjaž Harmel, director of Zavita, d.o.o. Ljubljana, matjaz@zavita.si

- 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.
  - The annual reports of the Slovenia Forestry Institute on the State of the forests[145]
  - The annual reports of the Forest Service[146]
  - The Forest Service, *Gozd in gozdarstvo v samostojni Sloveniji*, Ljubljana 2019[147]
  - *Zakonodaja o gozdovih: odprta vprašanja in predlogi rešitev*, biotechnical Faculty of the University of Ljubljana, Ljubljana 2015[148]
  - The Forestry Institute of Slovenia, The State and Change of Slovenian Forests between 2000 to 2018.[149]

[145] https://www.gozdis.si/publikacije/

[146] https://www.zgs.si/informacije/publikacije/letna-porocila

[147] Available at https://www.gozdis.si/publikacije/.

[148] Available at http://web.bf.uni-lj.si/go/gsd2015/material/Zbornik%20Zakonodaja%20o%20gozdovih%202015.pdf

[149] Available at https://www.dlib.si/stream/URN:NBN:SI:DOC-QXR91AN9/4d4b6ce4-0df8-4baa-a79a-a5fcd8c71fd4/PDF

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