

**Act**

dated 3 November 1995

**on Forests and Amendments to some Acts  
(the Forest Act)**

*(Text of the Act as before the final proof-reading)*

Parliament has adopted the following act of the Czech Republic:

**CHAPTER ONE**

**Act on Forests**

Section One

Initial Provisions

Part One

§ 1

Purpose of the Act

The purpose of this Act is to determine conditions for the preservation, tending and regeneration of forests as national riches forming an irreplaceable part of the environment, to enable the fulfillment of all their functions and to support sustainable forestry.

§ 2

Definition of Terms

For the purposes of this Act, the following terms shall have the following meaning:

- a) forests shall mean forest stand with its environment and land designated for the fulfillment of forest functions,
- b) forest functions shall mean contributions towards the general well-being of society conditional on the existence of forests, which consist of wood-producing and non-wood-producing functions,
- c) forest stand shall mean trees and shrubs of forest tree species which, in their particular environment, fulfil forest functions,
- d) forestry shall mean regeneration, protection, tending and felling of forest stand and other activities securing the fulfillment of forest functions,
- e) forest protection shall mean activities aimed at the reduction of the influence of harmful factors, protective measures against harmful factors and reduction of their impact,
- f) harmful factors shall mean harmful organisms, unfavorable weather conditions, emissions or chemical factors agents causing forest damage,
- g) harmful organisms shall mean agents causing forest stand diseases and plant or animal pests of forest stands,
- h) forest regeneration shall mean a set of measures resulting in the development of a new generation of forest stand,
- i) afforestation shall mean the establishment of forest stand,

- j) establishing forest stand shall mean reaching such a state of forest stand where intensive protection is no longer required and the number of individual plants and their distribution throughout the forested area, as well as the composition of the forest tree species, create all the prerequisites required for the establishment of a site of suitable forest stand,
- k) forest tending shall mean measures affecting the composition and spatial arrangement, the growth, development, state of health, resistance and quality of forest stand aimed at securing the fulfillment of forest functions; main felling shall not be considered as tending,
- l) planned intermediate felling shall mean felling carried out for the purposes of tending forest stand,
- m) planned main felling shall mean felling carried out for the purpose of stand regeneration, or selection of individual trees in the stand designated for regeneration,
- n) incidental felling shall mean felling carried out for the purpose of processing of dry, uprooted, diseased or damaged trees,
- o) extraordinary felling shall mean felling subject to permission or decision of state forest administration bodies,
- p) natural forest areas shall mean continuous areas with comparable conditions for forest growth,
- q) management sets shall mean units used to differentiate between management methods in forests set out within individual natural forest areas and based on their function, natural conditions and state of forest stand,
- r) stand shall mean the basic unit of spatial arrangement of the forest identifiable in the terrain and shown on a forestry map.

### § 3

#### Land Designated for the Fulfillment of Forest Functions

- 1) The following land shall be designated for the fulfillment of forest functions:
  - a) land with forest stand and areas where forest stand was removed for the purposes of regeneration, forest rides and unpaved forest roads if these are not wider than 4 m, and land where forest stand was removed temporarily on the basis of a decision of a state forest administration body in accordance with § 13 (1) of this Act (hereinafter "forest land"),
  - b) paved forest roads, small water areas, and other areas and land above the upper boundary of wood vegetation with the exception of built-up land and access roads thereto and woodland pastures and fields for wild animals unless such land is part of the agricultural land fund<sup>1</sup> and provided that it is connected to the forest or is used in forestry (hereinafter "other land"). State forest administration bodies may order such land to be marked as part of land designated for the fulfillment of forest functions.
- 2) Nurseries and plantations of forest trees established on land which is not designated for the fulfillment of forest functions shall not be considered land designated for the fulfillment of forest functions, unless decided otherwise by a state forest administration body at the suggestion of the owner of the land.
- 3) Should there be any doubts as regards the status of land as designated for the fulfillment of forest functions, the matter shall be resolved by a state forest administration body.

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<sup>1</sup> Act of the Czech National Council No. 334/1992 Coll. On the Protection of the Agricultural Land Fund as amended in later versions.

- 4) Land not listed in paragraph 1 may be declared as land designated for the fulfillment of forest functions by the decision of a state forest administration body at the suggestion of the owner of the land or with his consent. Provisions of special regulations<sup>1</sup> shall remain unaffected.

§ 4

Management of Forests in the Ownership of the State

- 1) As for forests in the ownership of the state (hereinafter "state forests"), the rights and duties of the owner of the forest under this Act shall apply to the legal entity which has been entrusted with the management of such forests, unless provided otherwise by this Act.
- 2) Legal acts required for the management of forests, in particular agreements on the transfer of the right to manage or the transfer of ownership, and lease or loan agreements with the exception of agreements regulating the lease or loan of land designated for the fulfillment of forest functions where a state forest administration body has decided to restrict or temporarily recall the fulfillment of forest functions (§ 13(1)), shall be valid only with the previous consent of the Ministry of Agriculture (hereinafter the "Ministry"). Provisions of special regulations<sup>2</sup> shall remain unaffected.

§ 5

Prohibition of Lease and Sub-Lease

- 1) It is prohibited to let or sublet a state forest for the purposes of forestry.
- 2) It is prohibited to sublet a forest unless provided otherwise in the lease agreement.

Part Two

Classification of Forests

§ 6

Forest Classes

Forests shall be divided into three classes according to their prevailing functions, in particular into protection forests, special purpose forests and commercial forests.

§ 7

Protection Forests

- 1) The following forests shall be included in the class of protection forests:
  - a) forests at exceptionally unfavorable sites (debris, [stone seas], sharp slopes, ravines, unstable sediment or sand, peatland, spoil banks or spoil heaps etc.),
  - b) high-elevation forests below the boundary or wooded vegetation protecting forests situated lower and forests on exposed ridges,
  - c) forests in the dwarf pine vegetation zone.
- 2) Forests shall be included in the protection forest class on the basis of the decision of a state forest administration body made at the suggestion of the owner of the forest or on its own initiative.

§ 8

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<sup>2</sup> For example, Act No. 92(1991 Coll. On the Conditions of Transfer of State Property to Other Entities and Individuals as amended in later versions.

## Special Purpose Forests

- 1) Special purpose forests are forests which are not protection forests and are situated:
  - a) in zones of hygienic protection of water resources of 1st degree,<sup>3</sup>
  - b) in protection zones of natural healing and table mineral waters,<sup>4</sup>
  - c) on the territory of national parks and national nature reserves.<sup>5</sup>
- 2) The class of special purpose forests can be also applied to forests in relation to which a general interest in the improvement and protection of the environment or any other valid interest in the fulfillment of non-wood-producing functions of the forest is superior to the wood-producing functions.

These include the following forests:

- a) forests in the first zones of protection country areas and forests in natural reserves and at sights of natural interest,<sup>5</sup>
  - b) spa forests,
  - c) suburban forests and other forests with an increased recreation role,
  - d) forests serving the purposes of forestry research and forestry education,
  - e) forests with increased functions in the area of soil protection, water protection, climate or landscape formation,
  - f) forests necessary for the preservation of biological diversity,
  - g) forests in recognized hunting areas and separate pheasantries,<sup>6</sup> and
  - h) forests where important public interest calls for a different method of management.
- 3) Forests shall be included in the special purpose forest class on the basis of the decision of a state forest administration body made at the suggestion of the owner of the forest or on its own initiative.

## § 9

### Production Forests

Production forests are forests which are not included in the class of protection forests or special purpose forests.

## § 10

### Forests Affected by Emissions

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<sup>3</sup> *Guidelines of the Ministry of Health of the Czech Republic On the Basic Hygienic Principles for the Determination, Definition and Use of Areas of Protection of Water Resources Intended for Mass Supply of Potable Water and Water for Industrial Purposes and for the Establishment of Water Reservoirs, ref. HEM324.2-1.9.1978 dated 26 July 1979, registered under No. 20/1979 Coll.*

<sup>4</sup> *§ 48 of Act No. 20/1966 Coll. On Public Healthcare as amended in later versions; § 24 of the decree of the Ministry of Health of the Czech Social Republic No. 26/1972 Coll. On the Protection and Development of Natural Curative Spas and Natural Healing Sources.*

<sup>5</sup> *Act of the Czech National Council No. 114/1992 Coll. On the Protection of Nature and Landscape as amended in later versions, Act of the Czech National Council No. 20/1987 Coll. On National Heritage Protection as amended in later versions.*

<sup>6</sup> *Act No. 23/1962 Coll. On Game Keeping and Hunting as amended in later versions.*

- 1) Forests affected by emissions are ranked in one of four danger zones. The danger zones are defined by a special regulation of the Ministry.
- 2) Exemption from real estate tax shall apply to production forests affected by emissions ranking in the first two highest danger zones as well as to forests referred to in § 7 and 8.

## Section Two

### Forest Preservation

#### Part One

#### § 11

#### Basic Duties

- 1) Every individual must behave in such a way as to avoid any danger or damage to the forests or sites and equipment used for management purposes in the forests.
- 2) While carrying out forestry activities, a forest owner shall be obliged to endeavor not to harm the interests of other forest owners and to ensure that the functions of the forests are preserved (i.e. fulfilled in a consistent and stable manner) and that the gene pool of forest tree species is preserved.
- 3) A forest owner shall be entitled to compensation of any damage resulting from any restrictions of forestry activities by a state administration body which resolved to impose such restrictions. The state administration body may decide that such compensation be covered by the persons whose interests were served by the decision to impose such restrictions.
- 4) Forest land must not be used by anybody for other purposes unless provided otherwise by this Act.

#### § 12

#### Record-keeping and allotment of plots of land

- 1) In order to keep record of plots of land assigned for the fulfillment of forest functions in their respective regions, state forest administration bodies shall be entitled to cost-free use of the data of the Register of Real Estate Property.<sup>7</sup>
- 2) Owners of forest and other land (§ 3 (1)) shall be obliged to notify the relevant state forest administration body of any lease, sub-lease or loan of forest or other land within 30 days of the conclusion of the relevant agreement if the duration of such agreements is or should be less than five years. Such an agreement shall be valid only if concluded in writing.
- 3) Division of plots of forest land, where the area of one part of the divided land falls below one hectare, shall be subject to the consent of the relevant state forest administration body. The state forest administration body shall not give such a consent should the division result in plots of land of unsuitable shape or size which would not allow the proper conduct of forestry activities.

#### Part Two

#### Protection of land assigned for the fulfillment of forest functions

#### § 13

#### Contents and basic duties

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<sup>7</sup> *Act of the Czech National Council No. 344/1992 Coll. On the Register of Real Estate Property of the Czech Republic (the Property Register Act).*

- 1) All land assigned for the fulfillment of forest functions must be managed in an efficient manner in accordance with this Act. It is prohibited to use it for any other purposes. Exemptions may be granted by state forest administration bodies on the basis of applications of land owners or in cases where such exemptions are in the public interest.
- 2) While using land assigned for the fulfillment of forest functions for other purposes, the following conditions shall be observed:
  - a) priority must be given to land which is less significant from the point of view of the fulfillment of forest functions and it must be ensured that the minimum interference with forestry activities and the fulfillment of forest functions occurs through such other use,
  - b) care must be taken to avoid any division of the forest which may be unsuitable from the point of view of protection of the forest and danger to any adjacent forests,
  - c) the network of forest roads, reclamation and torrent control in forests and any other mechanisms/implements used in forestry must not be interfered with; if their functions need to be restricted, their original condition has to be restored or, should this not be possible, alternative solution must be provided,
  - d) roads and rides in forests must be established in such a way as to avoid any increase in the danger to the forest, in particular any danger caused by wind and water erosion.
- 3) Legal entities and individuals carrying out construction, felling and industrial activities are also obliged to:
  - a) carry out such work in such a way as to reduce to the minimum any damage to the land and forest stand, and take all necessary measures to put right any damage without delay,
  - b) store waste to be cleared away in the felled area or, should this not be possible or justified from the economic point of view, store such waste mainly on barren land or on non-forest land designated for such purposes,
  - c) continuously create conditions for subsequent reclamation of the freed land, carry out reclamation of the affected land immediately following the conclusion of the use of such land for other purposes so that such land can be returned for the fulfillment of forest functions,
  - d) use suitable technical tools, technologies and biodegradable hydraulic liquids, take efficient measures to prevent emissions of matters damaging to the forests and to the environment.
- 4) While carrying out geological and hydro-geological research, investors of such works shall be obliged to observe the provisions of § 2 and 3, and if such activities are not subject to prior issue of a relevant decision, to notify the relevant state forest administration body of the first degree of such an activity in advance and submit a written consent of the owner of the forest.

#### § 14

##### Processing and consideration of draft documentation

- 1) Persons preparing or commissioning the preparation of site plans<sup>8</sup> and proposals demarcating felling areas<sup>9</sup>, and those preparing building documentation shall be obliged to take forest preservation into consideration, while following the provisions of this Act. They shall be obliged to propose and justify solutions which shall be most suitable from the point of view of forest preservation, environmental protection and other public

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<sup>8</sup> *Decree of the Federal Ministry for Technical and Investment Development No. 84/1976 Coll, On Site Documentation as amended in later versions.*

<sup>9</sup> *Act No. 44/1988 Coll. On the Protection and Use of the Mineral Riches (Mining Act) as amended in later versions.*

interests; in addition, they shall be obliged to carry out an analysis of the expected impacts of the proposed solution, to propose an alternative solution, a method of subsequent reclamation and the arrangement of the area following the completion of the construction activities.

- 2) Should any proceedings under any special regulations<sup>10</sup> affect any interests protected by this Act, the building authority or any other state administrative body shall make a decision only with the consent of the relevant state forest administration body whose consent may be subject to certain conditions. Such a consent shall be required also for any land situated within 50 metres from the edge of the forest.
- 3) Any person intending to construct a pipe line, where permanent or temporary withdrawal or restriction under § 15 (1) is envisaged, shall be obliged to obtain information about the conditions for directing a route through forest land affected by the intended construction works from the relevant state forest administration body prior to the preparation of any material required for the issue of a site permission.

### Part Three

#### Withdrawal of plots land and restriction of their use

#### § 15

##### Basic Principles

- 1) Withdrawal of plots of land designated for the fulfillment of forest functions (hereinafter the "withdrawal") means the release of such land for other use. Restriction of use of plots of land designated for the fulfillment of forest functions (hereinafter "restriction") means a situation where some forest functions cannot be fulfilled on the affected plot of land to the normal extent. Withdrawal or restriction can be permanent or temporary. Permanent withdrawal or restriction means a permanent change in the use of the land, while permanent withdrawal or restriction means that the land is released for other purposes for a period of time set out in the relevant decision (§ 13 (1)).
- 2) Withdrawal or restriction granted for the purposes of construction of recreation facilities on land designated for the fulfillment of forest functions must comply with the approved site planning documentation.<sup>8</sup> In protection forests and special purpose forests, new buildings must not interfere with the fulfillment of the functions which resulted in the inclusion of such forests in the class of protection forests or special purpose forests.
- 3) The following can be placed on plots of land designated for the fulfillment of forest functions without withdrawal:
  - a) signals, stabilization stones and other marks for surveying purposes, poles of overhead electric lines and entrance shafts of underground electric mains, provided that no more than 30m<sup>2</sup> of land is affected in each individual case,
  - b) pumping stations, bore holes and wells, overhead or underground electric mains stations, equipment and stations for the purposes of monitoring of the environment and air shafts, provided that no more than 55m<sup>2</sup> of land is affected in each individual case.

#### § 16

##### Proceedings to grant withdrawal or restriction status

- 1) The application for withdrawal or restriction is submitted to the relevant state forest administration body by the person in whose favor such withdrawal or restrictions is to be affected (hereinafter the "applicant"). Decision on withdrawal or restriction shall be made by the state forest administration body in whose area of competence the land in question or a major part thereof is situated.

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<sup>10</sup> For example, Act No. 50/1976 Coll. On Site Planning and Construction Rules (Construction Act) as amended in later versions, or Act No. 44/1988 Coll.

- 2) The state forest administration body shall include the following information in its decision on withdrawal or restriction:
  - a) details of the forest land affected by the decision,
  - b) the intention served by the decision,
  - c) period of time granted for temporary withdrawal or restriction, and the approval of the reclamation plan, should this be required,
  - d) method and deadline of the re-afforestation of the land if the land in question is to be returned for the fulfillment of forest functions following the termination of the period of use of the land for other purposes,
  - e) in the decision on withdrawal due to extensive construction works or extraction of minerals, deadlines of gradual clearance of the withdrawn areas so that the land was used for the fulfillment of forest functions up to the time of the actual commencement of use for other purposes,
  - f) any other conditions set out in the opinion of the relevant state administration bodies, or conditions called for in the interest of the protection of land designated for the fulfillment of forest functions, forest stand or equipment serving the purposes of forestry activities.
- 3) Should, in accordance with special regulations, construction or other permission be required for further use of forest land withdrawn from the fulfillment of forest functions or subject to restriction of the fulfillment of forest functions, clearance of such land may not be commenced until such a permission comes into force.
- 4) The relevant state forest administration body may, at the suggestion of the applicant or the owner of the land or on its own initiative, change or recall the decision on withdrawal or restriction, should this be required in the public interest or should the land cease to serve the purposes for which such a decision was issued.
- 5) Unless the relevant state forest administration body decides otherwise, the decision on withdrawal or restriction shall cease to be valid and the land in question shall be returned for the fulfillment of forest functions:
  - a) upon the expiry of the duration of the decision,
  - b) if the land is not used for the purposes for which the decision was issued within two years from the time when the decision came into force, the owner of the forest shall be obliged to notify the relevant state forest administration body, which issued the decision, of this; the relevant state forest administration body shall notify the other parties to the proceedings.
- 6) The Ministry shall set out the particulars of an application for withdrawal or restriction and details of the protection of land designated for the fulfillment of forest functions in a special regulation.

#### Part Four

#### Withdrawal Fee

#### § 17

- 1) The applicant who was granted permanent or temporary withdrawal, shall be obliged to pay a withdrawal fee (hereinafter the "fee"). The amount of the fee shall be determined by the relevant state forest administration body in accordance with the schedule to this Act in its decision issued according to § 13 (1).
- 2) The fee shall not be charged should the withdrawal be granted for the following purposes:



- a) construction of a facilities serving the purposes of forestry activities,
  - b) construction of facilities and installations required for sewage treatment,
  - c) construction of facilities and equipment required for collection and production of potable water.
- 3) The body referred to in paragraph 1 shall send a counterpart of the valid decision to the relevant financial authority<sup>11</sup> within 15 days from the date on which the decision came into force. The method and deadlines of transfer of the funds obtained as fees to the recipients of such fees under paragraph 4 shall be determined by a special regulation.<sup>12</sup>
  - 4) 40 per cent of the fee shall be paid to the municipality in whose cadastral area the withdrawal in question occurred, and 60 per cent shall be received by the State Fund for the Environment.<sup>13</sup> The part of the fee received by the municipality may be used only for the purposes of improvement of the environment in the municipality or for forest preservation.
  - 5) The payment of the fee does not affect the obligation of the applicant to compensate the owner of the forest for any damages incurred.
  - 6) Prepaid fees shall not be returned in cases referred to in § 16(5)(b).

## § 18

### Maturity of the Fee

- 1) The fee for permanent withdrawal is paid in a lump sum within thirty days from the day when the decision on withdrawal comes into force. The fee for temporary withdrawal is paid annually according to the rate set out for the first installment, no later than the end of the respective calendar year of the withdrawal. If the withdrawal occurs or commences during the course of a calendar year, the fee shall be calculated as one twelfth part of the annual sum for each month including the month during the withdrawal occurred.
- 2) In exceptional cases, the relevant financial authority<sup>11</sup> may, at the request of the applicant, decide to grant deferment of payment of the fee, or payment of fee in installments.
- 3) If the fee is not paid in full by its due date, the applicant shall pay a fine of 0.1% of the sum due for each day of default starting on the day following the due date up to the day of payment inclusive. The applicant shall be notified of the amount of the fine by the relevant financial authority by way of payment assessment. The applicant may appeal against the payment assessment within 30 days from its service. The fine shall not be charged, if the aggregate sum does not exceed CSK 100.
- 4) Interest or fines shall be transferred by the relevant financial authority to the recipients of the fee according to § 17(4).

## Section Three

### General Use of the Forest

## § 19

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<sup>11</sup> *Act of the Czech National Council no. 531/1990 Coll. On Regional Financial Authorities as amended in later versions, Act of the Czech National Council no. 337/1992 Coll. on the administration of taxes and other levies as amended in later versions.*

<sup>12</sup> *§ 11 of the Decree of the Ministry of Finance no. 25/1994 Coll. On the Method of Recording Taxes and Transfer of Taxes to Their Recipients, § 96(a) of the Act of the Czech National Council No. 337/1992 Coll.*

<sup>13</sup> *Act of the Czech National Council no. 388/1991 Coll. On the State Fund for the Environment of the Czech Republic as amended in later versions.*

## Use of the Forest

- 1) Every individual shall be entitled to enter the forest at their own risk, and to collect for their own needs any forest products and dry brushwood lying on the ground. While doing so, they shall be obliged not to damage the forest, not to interfere with the forest environment and to follow the instructions of the owner or tenant of the forest and their staff.
- 2) Beekeepers may, with the consent of the owner of the forest and in the interest of the promotion of ecological balance, pollination of plants, use of honeydew and improvement of the production of seed of forest tree species, put their bee swarms on forest land provided that they meet their obligations following from the second sentence of paragraph 1.
- 3) At the suggestion of the owner of the forest or on its own initiative, the relevant state forest administration body may, for forest protection reasons or in the interest of health and safety of the public, decide to enforce temporary restriction of entry to the forest or to close the forest. However, it may do so for a maximum period of three months. The same may be enforced by a generally binding notice of the district council.<sup>14</sup> The original period of duration may be extended in the same way by a maximum period of three months. Closures of the forest or any other restrictions of the use of the forest enforced by special regulations or declared in accordance therewith shall remain unaffected. Entry to the forests which are essential for the needs of the defense of the state (hereinafter "military forests") is regulated by special regulations.<sup>15</sup>

## § 20

### Prohibition of Certain Activities in the Forests

- 1) The following shall be prohibited in the forests:
  - a) to disturb peace and quiet,
  - b) to carry out landscaping works, disturb ground cover, build paths, fences and other facilities,
  - c) to lift seedlings and transplants of trees and bushes of forest tree species,
  - d) to fell or damage trees and bushes,
  - e) to collect seeds of forest tree species, mistletoe and [ochmet],
  - f) to collect fruit products in a manner damaging the forest,
  - g) to drive and park motor vehicles,
  - h) to enter areas enclosed by fences or marked as no entry areas,
  - i) to enter areas of forest stand where felling, handling or transport of timber is under way,
  - j) to cycle, ride, ski and sledge away from roads and marked routes,
  - k) to smoke, start or keep open fires and camp outside designated areas,
  - l) to dump burning or smoldering objects,
  - m) to disturb the water regime and to collect bedding,

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<sup>14</sup> *Act of the Czech National Council no. 425/1990 Coll. On District Councils, Their Competence and Some Other Related Measures as amended in later versions.*

<sup>15</sup> *Act. No. 169/1949 Coll. On Military Forests as amended in later versions.*

*Act no. 40/1961 Coll. On the Defence of the Czechoslovak Socialist Republic as amended in later versions.*

- n) to graze livestock, enable runs of livestock and punching of livestock through forest stand,
  - o) to litter the forest with waste and refuse.
- 2) It is prohibited to start and keep open fires also within 50 metres from the edge of the forest.
  - 3) Restrictions referred to in paragraphs 1 and 2 shall not apply to forestry activities; restrictions referred to in paragraph 1(l)-(o) shall apply also to the owner or the tenant of the forest or any other person using the forest on any other legal terms.
  - 4) The owner may grant an exemption from the restrictions referred to in paragraph 1(a)-(k). Should such an exemption interfere with the rights of other owners, the relevant decision shall be made by the relevant state forest administration body.
  - 5) Organized or mass sporting events may be held in the forest on the basis of a notice submitted to the relevant state forest administration body. The notice, submitted by the organizer of the event no later than thirty days prior to the date of the event, shall include the place and date of the event, expected number of attendees, organizational arrangements and the consent of the owner of the forest. The relevant state forest administration body may set out additional conditions within 15 days from the service of the notice. The provisions of paragraph 1(g) and (j) and paragraph 4 remain unaffected.
  - 6) The prohibition to drive and park motor vehicles shall not apply to the staff members of state forest administration bodies in the area of their competence during the execution of their duties in accordance with this Act and to any individuals who carry out activities permitted by special regulations.<sup>16</sup>
  - 7) Restrictions referred to in paragraph 1(a), (h) and (j), and, with the consent of the owner of the forest, also (b) and (g), shall not apply to application of hunting rights in accordance with special regulations.<sup>6</sup>

## § 21

### Compensation for Damages Caused to the Forest

- 1) Legal entities and individuals who, in their activities, use or produce matters damaging the forest, and put the forest in danger and damage the forest, shall be obliged to take measures to avoid or reduce their harmful impact.
- 2) Should construction works result in the disruption of the continuity of self-contained forest areas, forest roads or other facilities serving forestry purposes, the person who caused such disruption shall be obliged to provide the person, who thus suffered any damage, compensation for any losses and increased operating expenses incurred. The provisions on ecological damage under special regulations shall remain unaffected.<sup>17</sup>
- 3) Should any forest stand be felled in relation to construction works, the investor shall be obliged to pay the sum which the owner of the forest would have obtained through due forest management if the forest stand had not been felled early, after the deduction of the sum which the owner may have obtained for timber from the liquidated forest stand.
- 4) After an agreement with the Ministry of Finance, the Ministry shall set out the method of calculation of the amount of damage caused to the forest by way of special regulation.

## § 22

### Safety of Persons and Property

- 1) Owners of real estate or investors in buildings or other facilities shall be obliged to take, at their own expenses, all necessary measures to protect their land and buildings or facilities under constructions against

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<sup>16</sup> For example, Act of the Czech National Council No. 133/1985 Coll. On Fire Protection as amended in later versions, Act of the Czech National Council no. 62/1988 Coll. on surveying works as amended in later versions.

<sup>17</sup> Act No. 17/1992 Coll. On the Environment.

damage caused, in particular, by land slide, falling stones, falling trees or parts thereof, protruding branches and roots, shading and avalanches coming from land designated for the fulfillment of forest functions; they shall be entitled to carry out such measures also on land designated for the fulfillment of forest functions. The extent and method of implementation of safety measures shall be set out by the relevant state forest administration body, unless the issue falls in the competence of another state administration body in accordance with special regulations.<sup>18</sup> The owner of the land designated for the fulfillment of forest functions shall be obliged to tolerate the implementation of such measures.

- 2) Should the safety of persons and property require so, apart from the measures referred to in paragraph 1, any changes in the method of forest management or any restrictions to the use of the land designated for the fulfillment of forest functions, the relevant state forest administration body shall decide on further measures and determine who is to carry the related costs and who is to compensate the owner of the forest for any possible damage. Provisions of special regulations shall remain unaffected.<sup>19</sup>

## Section Four

### Preconditions of Sustainable Forestry

#### Part One

#### Differentiation of Methods of Management

##### § 23

#### Regional Plans of Forest Development

- 1) Regional plans of forest development are methodological tools of the state forest policy and recommend principles of forest management. The preparation of regional plans of forest development is commissioned and draft regional plans of forest development are approved by the Ministry. The approval of regional plans of forest development is subject to a binding position of the central body of the state administration authority for the environmental protection on the introduction of geographically alien forest tree species.
- 2) Expenses sensibly used for the preparation of regional plans of forest development shall be borne by the state.
- 3) General regulations on administrative proceedings shall not apply to the approval of regional plans of forest development.
- 4) Details of the preparation of regional plans of forest development shall be set out by the Ministry by way of a legal regulation.

#### Part Two

#### Forest Management

##### § 24

#### Forest Management Plans

- 1) Forest management plans (hereinafter the "plans") are instruments of the owner of the forest and are prepared, as a rule, for a period of 10 years.

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<sup>18</sup> For example, Act No. 50/1976 Coll. On Waters (the Water Act) as amended in later versions, Act No. 111/1994 Coll. On Road Transport as amended in later versions.

<sup>19</sup> For example, Act No. 266/1994 Coll. On Railways.

- 2) The plans include binding provisions and provisions of recommendation. Binding provisions of the plan are the maximum aggregate volume of felled timber and the minimum share of soil-improving and reinforcing species for stand regeneration. The owner of the forest shall be entitled to partial reimbursement by the state of any increased costs of planting the minimum share of soil-improving and reinforcing species. The rules for the promotion of planting of such species shall be determined by the Ministry by way of a legal regulation. With regard to state forests and forests in the ownership of municipalities, the minimum area of tending activities in stand of under 40 years of age shall also be a binding provision.
- 3) Legal entities entrusted with the management of state forests and other legal entities and individuals who own over 50 hectares of forests in the area of competence of the approving state forest administration body (§ 27) shall be obliged to arrange the preparation of the plans.

Legal entities and individuals who own less than 50 hectares of forest may also carry out forestry activities according to a plan.

- 4) One plan may be prepared for forests of a maximum area of twenty thousand hectares.
- 5) Legal entities and individuals, whose plans have been approved, shall be obliged to comply with the binding provisions of such plans (paragraph 2).

## § 25

### Forest Management Guidelines

- 1) To enable the establishment of the state of the forests and the execution of state administration, forest management guidelines (hereinafter the "guidelines") shall be prepared for forests of an area under 50 hectares in the ownership of individuals or legal entities if no plans are prepared for such forests (§ 24(3)). Guidelines are prepared, as a rule, for a period of ten years, and remain valid in the specified area for the same period of time. The preparation of the guidelines is commissioned by the relevant state forest administration body.
- 2) The relevant state forest administration body shall declare its intention to commission the preparation of the guidelines by way of a generally binding notice. Individuals and legal entities who own forests of an area under 50 hectares (paragraph 1) shall be entitled to notify the relevant state forest administration body of their management intentions and requirements for the preparation of the guidelines within the period of time specified by the forest administration body.
- 3) Should an owner of a forest of an area over 3 hectares wish to use the forest management guidelines and accept such guidelines by way of a document evidencing acceptance, the maximum volume of felled timber, which may not be exceeded, and the share of soil-improving and reinforcing species for stand regeneration shall become binding for such a forest owner. Should an owner of a forest of an area under 3 hectares wish to use the forest management guidelines and accept such guidelines by way of a document evidencing acceptance, the maximum volume of felled timber, which may not be exceeded, shall become binding for such a forest owner. Provisions of § 24(2) shall apply accordingly.
- 4) Each forest owner shall receive the guidelines applicable to his forest from the relevant state forest administration body free of charge.
- 5) The Ministry shall determine the details of the commissioning, preparation and particulars of the guidelines, amendments to the guidelines, method of specification of binding provisions and method of accepting the guidelines by the forest owner by way of a legal regulation.

## § 26

### Preparation of plans and guidelines

- 1) Plans and guidelines may be prepared only by legal entities or individuals who hold a license for such activities granted by the Ministry in accordance with Section Six of this Act.
- 2) Expenses for the preparation of plans shall be borne by the forest owner; expenses for the preparation of guidelines shall be born by the state.
- 3) Legal entities and individuals whose rights and legally protected interests may be affected, and state forest administration bodies may submit their comments and requirements with respect to the preparation of plans or guidelines no later than within the deadline specified by the approving state forest administration body. The provisions of § 25(2) shall remain unaffected.

## § 27

### Approval of and amendments to plans

- 1) A forest owner, who is obliged to carry out forestry activities according to a plan (§ 24(3)), shall be obliged to submit two counterparts of a draft plan for the approval of the relevant state forest administration body no later than 60 days following the expiry of the duration of the previous plan. The relevant state forest administration body shall approve the plan provided that the plan does not violate this Act and any other legal regulations.<sup>20</sup> One counterpart of the approved plan shall be kept by the relevant state forest administration body which shall bear any expenses arising from the obtaining of one copy.
- 2) If continuous forests of one owner are situated in the area of competence of two or more state forest administration bodies, the plan shall be approved by the state forest administration body whose area of competence includes the largest part of the forest property.
- 3) If the relevant state forest administration body does not approve the submitted plan, the forest owner shall be obliged to submit an amended draft plan within the period of time specified by the relevant state forest administration body, or to submit written objections to the relevant body within 30 days of the service of the notice of the refusal to approve the plan. A decision on the objections shall be made by the superior state forest administration body within 30 days. If such a body does not sustain the objections, it shall specify the deadline for the submission of an amended plan to the relevant state forest administration body.
- 4) Should, during the period of duration of the plan, any changes of conditions occur which require any amendment of the binding provisions of the plan, in particular from the point of view of the protection of the forest or the fulfillment of forest designated for the fulfillment of forest functions, the owner of the forest shall be obliged to ask the relevant state forest administration body to amend the relevant binding provision.
- 5) General provisions on administrative proceedings shall not apply to proceedings on the approval of plans or amendments thereto, with the exception of decision on objections referred to in paragraph 3. In the course of proceedings on objections, the participants are the owner of the forests and the person who prepared the plan.
- 6) The provisions of paragraphs 4 and 5 shall also apply, to the relevant extent, to any amendments to the guidelines.
- 7) The Ministry shall determine the details of the particulars and contents, method of specification of binding provisions of the plans and method of approving the plans and conditions of permitting any amendments there to by way of a legal regulation.

## § 28

### Forest Survey

- 1) Forest survey means the establishment of the actual state of forests on the territory of the state.

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<sup>20</sup> For example, Act No. 138/1973 Coll., Act of the Czech National Council no. 114/1992 Coll.

- 2) The execution of forest survey is declared by the government by way of an order which specifies the extent and method of forest survey.
- 3) Forest owners shall be obliged to tolerate the execution of necessary acts related to forest survey and to provide necessary information to the relevant state forest administration bodies.

## Section Five

### Forestry Activities

#### Part One

#### § 29

#### Certified Forest Stand and Certified Plus Trees

- 1) Seeds or transplants of forest tree species from the same or corresponding natural forest area and from the corresponding altitude shall be used for artificial regeneration of forests and afforestation of land declared land designated for the fulfillment of forest functions (§ 3(4)). Seeds or transplants of Norway spruce, Scotch pine and European larch (hereinafter "selected forest tree species") must come from plus trees or forest stand approved for seed collection or from seed orchards. Further forest tree species may be added to the selected forest tree species by the Ministry by way of a legal regulation.
- 2) The decision on the approval of plus trees and forest stand suitable for seed collection, seed orchards and parent tree orchards [matečnice], is taken on the basis of an expert opinion by the relevant state forest administration body at the suggestion of the owner of the forest, or the owner of the land where the seed orchard or parent tree orchard is situated, or on its own initiative. Approval is granted for those plus trees, forest stand, orchards or parent trees which are suitable from the genetic and health point of view and from the point of view of the suitability of the site.
- 3) In its decision on the approval of forest stand for seed collection, the relevant state forest administration body shall specify the protection period for each forest stand during which main planned felling may be carried out only with its consent, or it shall restrict the extent of such felling. Such consent may be granted by the relevant state forest administration body only in relation to felling for the purposes of seed collection, stand improvement or promotion of natural regeneration; general regulations on administrative proceedings shall not apply to the issue of such consent.
- 4) Plus trees and forest stand approved for seed collection, seed orchards and parent tree orchards are published by the Ministry in the Gazette of the Ministry. The Ministry shall also appoint a legal entity to be entrusted with record keeping of plus trees and forest stand approved for seed collection, seed orchards and parent tree orchards and other propagation materials and with the preparation of expert opinions (paragraph 2). Should forest stand suitable for seed collection and plus trees be approved at the initiative of the relevant state forest administration body, the owner of the forest shall be entitled to compensation for any possible losses.
- 5) Import of seeds and transplants of forest tree species from abroad for the purposes of forest regeneration and afforestation of land declared as land designated for the fulfillment of forest functions is possible only with the consent of the Ministry.
- 6) The Ministry shall determine the details of genetic classification, requirements for plus trees and forest stand for seed collection, protection periods, and establishment and approval of seed orchards and parent tree orchards by way of a legal regulation; it shall also specify the areas of origin, details on the transfer of seeds and transplants of forest tree species, details of the forest stand regeneration and afforestation of land declared as land designated for the fulfillment of forest designated for the fulfillment of forest functions, and the particulars of an application for the approval of trees or stand.
- 7) In case of an emergency, the central body of state forest administration may allow collection of cones of conifers also from felled trees of unapproved but quality stands.

§ 30

Handling of Seeds and Transplants of Forest Tree Species

- 1) Legal entities and individuals who carry out collection of seeds of forest tree species, seed extraction, storing, production of transplants of forest tree species or trade in seeds and transplants of forest tree species as business activities must hold a license of the relevant state forest administration body for such activities in accordance with Section Six of this Act.
- 2) Legal entities and individuals referred to in paragraph 1 shall be obliged to keep records of the origin of seeds and transplants of forest tree species and provide the buyers with information on their origin upon the sale of any seeds and transplants of selected forest tree species.
- 3) The Ministry shall specify the details of record keeping for the purposes of handling of seeds and transplants of forest tree species by way of a legal regulation.

§ 31

Regeneration and Tending of Forest Stand

- 1) The owner of the forest shall be obliged to regenerate the forest stand of each site with suitable forest tree species and to tend them in time and in a systematic manner to improve their state, increase their resistance and improve the fulfillment of forest functions. It is desirable to use natural regeneration in suitable conditions; natural regeneration cannot be used in stand unsuitable from the genetic point of view.
  - a) During main planned felling, the area of clear felling must not exceed one hectare, and the width of clear felling must not exceed one times the average height of the felled stand on exposed management sets and twice the average height on other sites. The width of clear felling shall not be restricted during the completion of felling of stand remains and stand of an area under one hectare. In justified cases, the relevant state forest administration body may, in the process of approving the plans or preparing the guidelines, or at the request of the owner of the forest, grant the following exemptions from the specified area or width of clear felling:
    - b) on a management set of natural pinewood sites on sandy soil, and on management sets of natural floodplain sites, up to two hectares of clear felling with no width restrictions,
    - c) on mountain slopes inaccessible for transport longer than 250 m, provided that they are not exposed management sets, up to two hectares of clear felling.

General regulations on administrative proceedings shall not apply to the granting of such exemptions.

- 2) In management sets on exceptionally unfavorable sites in protection forests, shelterwood felling and sampling shall be given priority in the course of stand regeneration.
- 3) It is prohibited to use planned felling to reduce stand density to under seven tenths of full density; this shall not apply to opening up in favor of the next generation of stand or for the purposes of reinforcement of the stand.
- 4) During forest regeneration, it is prohibited, regardless of ownership boundaries, to add another clear felling to young unestablished stands, if the total resulting area of unestablished stands should exceed the area and width specified in paragraph 2. The smallest admissible distance of clear felling from cleared areas and young unestablished stand must not be less than the average height of the regenerated stand.
- 5) A cleared area on forest land must be afforested within 2 years and forest stand on such an area must be established within 7 years from its establishment; in justified cases, the relevant state forest administration body may, in the process of approving the plans or preparing the guidelines, or at the



request of the owner of the forest, permit longer terms. General regulations on administrative proceedings shall not apply to the permitting of such longer terms.

- 6) The Ministry shall specify the details of determining management sets by way of a legal regulation.

## § 32

### Forest Protection

- 1) The owner of the forest shall be obliged to take such measures so as to prevent the effect of harmful factors on the forest, in particular:
- a) identify and record the occurrence and extent of harmful factors and damage caused thereby required as subsequent proof of the implementation of necessary measures; in case of increased occurrence of such factors, to notify the relevant state forest administration body without delay and take necessary measures,
  - b) to take precautionary measures against the development, spreading and outbreak of harmful organisms,
  - c) take precautionary measures against outbreaks of forest fires in accordance with special regulations,<sup>21</sup>
- 2) Upon the occurrence of extraordinary circumstances and unexpected damage in the forest (e.g. wind and snow disasters, outbreaks of pests, danger of fires during periods of draughts etc.), the owner of the forest shall be obliged to take measures, without delay, to eliminate them and to reduce their impact. The relevant state forest administration body may order the owner of the forest to take the following measures:
- a) to suspend any felling other than incidental felling and processing of products of incidental felling within the specified extent and time frame,
  - b) to carry out protective actions aimed at stopping the spreading of pests or at pest control,
  - c) to destroy attacked seeds and transplants,
  - d) to mark clearly and record any felled timber,
  - e) to restrict handling of timber, seeds or transplants of forest tree species.
- 3) The measures referred to in paragraph 2 may be imposed by the relevant state forest administration body also by way of a notice.<sup>14</sup> Should such measures be taken in the interest of a person other than the owner of the forest, the relevant state forest administration body shall also decide who is to bear related expenses.
- 4) Owners of forests, users of hunting grounds and state forest administration bodies shall be obliged to make sure that forest stands are not damaged by wild animals to an unreasonable extent.
- 5) Each forest owners shall be obliged to increase the resistance and stability of the forest, in particular through suitable composition of forest tree species and their distribution in the stand, tending in young stands, establishment of reinforcing belts at the edge and inside forest stands, use of suitable methods and procedures of regeneration, and the sequence of felling.
- 6) Each forest owner shall be obliged to carry out forestry activities in such a manner so as not to endanger the forests of neighboring owners.

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<sup>21</sup> Act of the Czech National Council No. 133/1985 Coll.

- 7) It is prohibited to fence a forest to mark property boundaries or for the purposes of the restriction of the general use of the forest (§ 19(1)); this does not apply to forest nurseries, fencing built for the protection of forest stand against animals and fencing of game preserves.
- 8) Each forest owner shall be obliged to protect the forest against the effect of pollutants discharged or generated in the course of his business activities. He shall be obliged to use solely biodegradable oils to oil engines of power saws and biodegradable hydraulic liquids. In the course of protection of forest stands, he shall be obliged to give preference to efficient technologies preserving the environment.
- 9) Should any harmful organism be found in excessive quantities in the vicinity of forests or at timber yards, the relevant state forest administration body may impose measures to exterminate such harmful organisms or to prevent spreading thereof also on legal entities and individuals who store timber or use land in the vicinity of the forests.
- 10) The Ministry shall specify the details of the measures for the protection of forests against harmful agents.

### § 33

#### Timber Harvesting

- 1) Each forest owner shall be obliged to give priority to incidental felling to prevent the development, spreading and mass outbreaks of harmful organisms. Should such incidental felling result in continuous clear felled areas exceeding 0.2 hectares, the forest owner shall be obliged to notify the relevant state forest administration body of such incidental felling no later than fourteen days prior to such felling. This notice period shall not apply to the implementation of measures under § 32(1)(a) and (2).
- 2) Incidental felling is included in the total volume of felled timber (§ 24(2) and § 25(3)). Should the total volume of felling as set out by the approved plan or the adopted guidelines be exceeded through incidental felling, the forest owner shall be obliged to ask the relevant state forest administration body to amend the plan or the guidelines.
- 3) Felling in forests where the owner carries out forestry activities without an approved plan or adopted guidelines may be carried out only with the consent of a forest manager. Should such felling exceed the annual average of 3 m<sup>3</sup> per one hectare of forest, the forest owner shall be obliged to notify the relevant state forest administration body in writing in advance and to submit the opinion of a forest manager. The forest owner may carry out such felling if he does not receive a negative statement of the relevant state forest administration body within 30 days from the day when the notice was sent out. General provisions on administrative proceedings shall not apply to the issue of such a statement.
- 4) It is prohibited to carry out planned main felling in forests under 80 years of age; in justified cases, during the course of approving the plan or preparing the guidelines or at the request of the forest owner, the relevant state forest administration body may grant exemptions from this rule.
- 5) Legal entities and individuals arranging felling works shall be obliged to carry out such works in a manner reducing the negative impact on the forest ecosystem in the relevant environment.

### § 34

#### Forest Transport

- 1) Skidding, storing and hauling of timber (hereinafter "forest transport") must be carried out in such a manner so as to avoid unreasonable damage to the forest and other land.
- 2) Construction and maintenance of skidding tracks, forest transport network and other equipment in the forests must not result in any danger to the stability of forest stand, increased risk of erosion or unreasonable damage to the soil and the water regime in the relevant area.

- 3) Should it not be possible to accomplish the intended purpose, the forest owner or the person carrying out any activities in the interest of the forest owner shall be entitled to use the land of other persons for forest transport purposes for a fee in justified cases, during the necessary period of time, to the necessary extent and during suitable time. His obligation to provide compensation for any caused losses in accordance with special regulations<sup>22</sup> shall remain unaffected.
- 4) The forest owner or the person carrying out any activities in the interest of the forest owner shall be obliged to agree in advance with the owner or the tenant of the affected land the time period, extent and duration of the use of third party land for the purposes of forest transport and the amount of the fee payable by the forest owner. If an agreement is not reached, the relevant state forest administration body shall determine the terms and conditions of forest transport on third party land and the amount of remuneration.

## § 35

### Reclamation and Torrent Control in Forests

- 1) Reclamation and torrent control are biological and technical measures aimed at the protection of soil and care for the water management situation. Reclamation and torrent control in forests is the obligation of the forest owner unless the relevant state forest administration body or the relevant state water management administration body decides that such measures are to be taken in the public interest. If such measures are taken on the basis of a decision of the relevant state forest administration body in the public interest, the related expenses are borne by the state; the forest owner shall be obliged to tolerate the implementation of such measures. The obligations of the forest owner and the powers of state administration bodies under special regulations<sup>23</sup> shall remain unaffected by this provision.
- 2) The relevant state forest administration body may charge the forest owner with the implementation of necessary measures or have them implemented at his expenses if the need to carry out such measure arises as a result of the activities of the forest owner; the forest owner shall be obliged to tolerate the implementation of such measures.
- 3) Preventative activities to prevent avalanche hazard, development and occurrence of landslides and ravines and high-flood-water waves and to eliminate the consequences of natural disasters shall be funded by the state or those legal entities or individuals, who benefit from such measures. Such measures shall be carried out on the basis of a decision of the relevant state forest administration body and the owner or the user of the affected plot of land shall be obliged to tolerate the implementation thereof.
- 4) The owner or the tenant of the affected plot of land shall be obliged to tolerate the use of his land, to the necessary extent, for the purposes of transport, construction and maintenance of reclamation equipment and torrent control in forests, and to participate in the implementation of funding of the works in accordance with the degree of benefit derived by him from the implementation of such works. The owner or the tenant of the affected land shall be entitled to compensation for any material losses incurred as a result of limited yield or other restrictions of the use of the affected land.
- 5) The Ministry shall specify, by way of a legal regulation, the details of reclamation and torrent control in forests and of the method of determining the amount of compensation for any measures carried out in the public interest.

## § 36

### Forestry Activities in Protection Forests and Special Purpose Forests

- 1) In the interest of special forestry activities in protection and special purpose forests, it is possible to take measures different from some of the provisions of this Act, especially in relation to the size or adjoining

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<sup>22</sup> Act No. 40/1964 Coll., the Civil Code, as amended in later versions.

<sup>23</sup> § 17(1) and § 36(1)(b) of Act No. 138/1973 Coll.

of clear cutting. Such measures may be proposed in the plan or the guidelines or determined by the relevant state forest administration body at the suggestion of the forest owner or on its own initiative.

- 2) Owners of protection forests (§ 7) shall be obliged to carry out forestry activities in such a manner so as to ensure, in particular, the protection functions of such forests.
- 3) Owners of special purpose forests (§ 8(1) and (2)) shall be obliged to tolerate any restrictions during their forestry activities in such forests. Owners of such forests shall be entitled to compensation for any increased costs should these result from the restrictions imposed on their forestry activities. Compensation shall not be paid where forests have been declared as special purpose forests in accordance with § 8(2)(g) and where the compensation for increased costs is provided under special regulations.
- 4) Owners of forests referred to in paragraphs 2 and 3 shall be obliged to take measures imposed by the relevant state forest administration body to achieve the aims pursued through their imposition. Such forest owners shall be entitled to compensation for any increased costs incurred as a result of implementing such measures.
- 5) The relevant state forest administration body shall decide, at the suggestion of the forest owner, who and to what extent shall cover the increased costs of the forest owner resulting from any restrictions of his forestry activities in accordance with paragraphs 3 and 4.
- 6) The Ministry shall specify, by way of a legal regulation, the details of the provision of compensation for increased costs in accordance with paragraphs 3 and 4.

## Part Two

### Forest Manager

#### § 37

- 1) Each forest owners shall be obliged to carry out forestry activities in co-operation with a forest manager. The forest manager shall provide the forest owner with specialist skills required in forestry activities in accordance with this Act and legal regulations adopted for the application thereof.
- 2) The forest manager may be an individual or a legal person holding a license for such activities issued by the relevant state forest administration body in accordance with Section Six of this Act.
- 3) Each forest owner shall be entitled to choose a forest manager; he shall be obliged to notify the relevant state forest administration body of the name of the forest manager. A forest owner who carries out forestry activities according to a plan (§ 24(3)) shall be obliged to conclude an agreement on the provision of services with the forest manager in accordance with paragraph 1. If the forest owner meets the requirements for special forestry education and experience in forestry work (§ 42), the forest owner may carry out the specialized activities of a forest manager in the forests in his ownership himself without a license.
- 4) The activities of the forest manager may be carried out by staff members of the relevant state forest administration body in the area of competence of such a body; this shall not apply to forestry activities on their personal property.
- 5) The forest owner shall be obliged to notify the relevant state forest administration body of any replacements of the forest manager within 30 days.
- 6) If the forest owner does not choose the forest manager himself, the role of the forest manager shall be fulfilled in forests, in respect of which guidelines have been prepared (§ 25(1)), by the legal entity which executes the right of forestry activities in state-owned forests in the given area, unless the relevant state forest administration body decides to appoint another legal entity or individual.
- 7) The costs of the activities of the forest manager shall be borne by the forest owner; the costs of the activities of the forest manager carried out by a legal person or individual in accordance with paragraph 6 shall be borne by the state.

- 8) The Ministry shall specify, by way of a legal regulation, the details of the methods of calculation of the costs of the activities of the forest manager in cases where such costs are borne by the state.

### Part Three

#### Forest Wardens

##### § 38

- 1) A forest warden is a person providing the services of a security guard in forests during the course of the general use of the forests by the public.
- 2) The forest warden shall be appointed, at the suggestion of the forest owner or on its own initiative, by the relevant state forest administration body; the relevant state forest administration body shall also set out the area of competence of the warden in his identity pass. General provisions on administrative proceedings shall not apply to proceedings on the appointment of forest wardens.
- 3) The forest warden appointed by the relevant state forest administration body shall be an individual who is a citizen of the Czech Republic, over 21 years of age, who has not been convicted of a premeditated criminal offence, who is fit to carry out legal acts, who is medically fit, who has shown good knowledge of the rights and duties of forest wardens in accordance with this Act and who has taken the following oath in the presence of the relevant state forest administration body: "I vow that in my position of a forest warden I shall carry out my duties of a security guard with utmost care and diligence, that I shall observe all legal regulation in the course of such activities and shall not overstep the competence of forest wardens."
- 4) Forest wardens shall be issued badges and passes of forest wardens by the relevant state forest administration body. This body shall also keep a record of forest wardens.
- 5) Forest wardens shall be obliged to notify the relevant state forest administration body of any changes related to the conditions referred to in paragraph 3.
- 6) The relevant state forest administration body shall cancel the appointment of a forest warden if the individual in question ceases to carry out the relevant activities, ceases to meet the conditions referred to in paragraph 3, or proves that the appointment was based on incorrect information. The relevant state forest administration body may cancel the appointment of a forest warden for other reasons at the suggestion of the owner or on its own initiative.
- 7) A model badge and pass of a forest warden shall be specified by the Ministry by way of a legal regulation.

##### § 39

#### Rights and Duties of Forest Wardens

- 1) During the course of their activities, forest wardens shall be obliged:
  - a) to identify themselves with passes of forest wardens and to wear their service badges,
  - b) to check that the duties related to the general use of forests are met (§ 19 and 20).
- 2) During the course of their activities, forest wardens shall be entitled:
  - a) to check the identity of persons who violate the provisions of this Act during their use of the forest,

- b) to impose and collect fines for offences referred to in § 53 of this Act in the penalty-ticket trial in accordance with a special regulation,<sup>24</sup>
- c) to bring before a police body a person whom they catch committing an offence, should there be no other way of identifying such a person.

#### Part Four

#### Forest Management Records

#### § 40

- 1) Each forest owner shall be obliged to keep forest management records to show the compliance with the binding provisions of the plan, and records of forest regeneration carried out in individual stands.
- 2) A summary of the information referred to in paragraph 1 shall be annually submitted by the forest owner to the relevant state forest administration body for the previous calendar year by the end of March.

#### Section Six

#### Licensing

#### § 41

#### General Conditions for the Issue of Licenses

- 1) The following general conditions must be met by individuals for the purposes of the issue of licenses:
  - a) 18 years of age,
  - b) citizenship of the Czech Republic,
  - c) fitness to carry out legal acts,
  - d) clean record.
- 2) For the purposes of this Act, persons who have been convicted of the following offences shall not be deemed to have a clean record:
  - a) criminal offences where the facts of the case are related to the subject of the license,
  - b) other premeditated criminal offences where, considering the nature of the license and the person of the applicant, there is a possibility that the applicant might commit the same or similar offence during the course of the activities which are the subject of the license.
- 3) As for legal entities, the conditions referred to in paragraph 1 must be met by their authorized representatives. An authorized representative is an individual appointed by the legal entity who is responsible for the quality of the professional aspects of the activities which are the subject of the license.

#### § 42

#### Special Requirements for the Issue of Licenses

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<sup>24</sup> Act of the Czech National Council No. 200/1990 Coll. On Offences as amended in later versions.

- 1) The following special requirements shall apply to the issue of licenses:
  - a) professional forestry qualification,
  - b) professional experience in forestry.
- 2) For the purpose of the issue of a license in accordance of § 26(1), professional forestry qualification shall mean university level forestry education, while the applicant must have at least 10 years of professional experience.
- 3) For the purposes of the issue of a license in accordance with § 30(1), professional forestry qualification shall mean no less than complete secondary forestry education, while the applicant must have at least 5 years of professional experience. If the subject of the license is to be only collection of seeds of forest tree species, the relevant state forest administration body which issues the license does not have to insist on these special conditions.
- 4) For the purposes of the issue of a license in accordance with § 37(2), professional forestry qualification shall mean university level forestry education or complete secondary forestry education, while the applicant must have at least three years of professional experience if he is a university level graduate, or 10 years if he is a secondary school graduate.
- 5) As for legal entities, the conditions referred to in paragraph 1 must be met by their authorized representatives.

#### § 43

##### Obstacles for the Issue of Licenses

- 1) A license cannot be issued to an individual who has been banned by the court or an administration body from activities related to those which are the subject of the license, throughout the duration of the ban.
- 2) A license cannot be issued to an individual holding a post of a senior manager in a state-owned company, state-owned organization or a joint-stock company involved in business activities in the sphere which is the subject of the license. A license cannot be issued also to staff members of state forestry administration if the issue of such a license is ruled out or restricted by legislation governing their labor relations.

#### § 44

##### Decisions on the Issue of Licenses

- 1) Unless the Ministry is the body responsible for the issue of the license, the issue of the license shall be the responsibility of the relevant state forest administration body in whose area the permanent address of the individual or legal entity in question is.
- 2) If the relevant state forest administration body finds that an applicant meets the prescribed requirements, it shall issue the applicant with a license. The information shown in the license issued to an individual shall include the following:
  - a) full name, permanent address and birth number,
  - b) business name,
  - c) identification number, if it was issued,
  - d) description of the subject of the license and duration of the license.

- 3) The information shown in the license issued to a legal entity shall include the following:
  - a) business name, address, legal form, and name and address of the person or persons who form its statutory body,
  - b) identification number,
  - c) personal details of the authorized representative (§ 41(3)),
  - d) description of the subject of the license and duration of the license.
- 4) A license is not transferable and is valid throughout the territory of the Czech Republic.
- 5) The Ministry shall specify, by way of a legal regulation, the particulars of a license application and further licensing details.

## § 45

### Withdrawal and Expiration of Licenses

- 1) The relevant state forest administration body which issued a license shall withdraw the license if:
  - a) the license holder or the authorized representative of a legal entity ceases to meet the requirements referred to in § 41 and 42,
  - b) obstacles referred to in § 43 arise,
  - c) the license holders requests it to do so,
  - d) the license holder violates, in a serious manner, the conditions prescribed by the decision on the issue of the license or by this Act.
- 2) The issued license shall expiry:
  - a) upon the death of the license holder, should the license holder be an individual,
  - b) upon the dissolution of the legal entity.

## Section Seven

### Promotion of Forestry

## § 46

- 1) The state shall promote forestry through the provision of services or funds. Funds may be provided in particular towards the following:
  - a) ecological and environmentally friendly technologies applicable in forestry,
  - b) tending stand up to 40 years of age of the stand,
  - c) increase of the share of the stabilizing and soil-improving tree species,
  - d) measures for the regeneration of forests damaged by emissions and forests declining due to anthropogenic factors,



- e) measures for the regeneration of stand with unsuitable or substitute composition of tree species (restoration or change of stand),
  - f) afforestation measures in mountain locations,
  - g) forest protection,
  - h) measures to ensure non-wood-producing forest functions,
  - i) preventative measures against forest insect pests and measures required in other extraordinary circumstances and upon the occurrence of unexpected damage endangering the state of the forests, which are beyond the possibilities of the forest owner,
  - j) promotion of the activities of forest owners aimed at the formation of associations, and promotion of forestry activities in coppice-with-standards formed by owners of small areas of forests,
  - k) preparation of plans.
- 2) The Ministry shall decide on the provision of services or funds. General regulations on administrative proceedings shall not apply to such decisions.
  - 3) No legal claims to the provision of services or funds can be made. If a forest owner obtains funding on the basis of incorrect information or uses such funding for different purposes than those for which the funding was provided, he shall be obliged to return the entire sum of the funding.
  - 4) Funding may be provided also from the State Fund for the Environment, unless funding for the same purposes was provided in accordance with this Act.
  - 5) The government shall annually prepare binding rules for the provision of funding and the method of checking the application of such funding, which shall form a schedule to the state budget.

## Section Eight

### State Forest Administration

#### Part One

#### State Forest Administration Bodies

#### § 47

- 1) State forest administration shall be carried out by:
  - a) district offices,
  - b) the Ministry.
- 2) State forest administration in military forests, which fall within the competence of the Ministry of Defense, shall be carried out by military forestry offices at the district office level. The head of the military forestry office shall be appointed and recalled by the Minister of Agriculture at the suggestion of the Minister of Defense.
- 3) State forest administration in the forests of national parks shall be carried out by bodies specified by special regulations.<sup>25</sup>

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<sup>25</sup> Act of the Czech National Council No. 114/1992 Coll.

- 4) The municipal council of the capital city of Prague shall carry out the functions of a district office in the state forestry administration.

## § 48

### District Offices

- 1) District offices shall make decisions on the following:
- a) any doubts as to whether any land under question has been designated for the fulfillment of forest functions (§ 3(3)),
  - b) declaration of land as land designated for the fulfillment of forest functions (§ 3(4)),
  - c) approval of draft planning documentation which is to affect forest land, unless such a decision is the responsibility of the relevant central body of state forest administration (§ 14(2)),
  - d) approval of the issue of planning permissions which are to affect forest land, unless such a decision is the responsibility of the relevant central body of state forest administration, and approval of decisions on the location of construction sites or use of land within 50 metres from the edge of the forest (§ 14(2)),
  - e) division of plots of forest land, where the area of one part of the divided land is to fall below one hectare (§ 12(3)),
  - f) withdrawal of forest land from the fulfillment of forest functions or restriction of its use for the fulfillment of forest functions, and the amount of the withdrawal fee (§ 17(1)),
  - g) temporary restriction of entry or closing of forests (§ 19(3)),
  - h) granting of exemptions from the prohibition of certain activities in the forest (§ 20(4)),
  - i) specification of conditions for organized or mass sporting events in the forest (§ 20(5)),
  - j) imposing measures to protect any persons and property against damage which might be caused by falling stones, land slide, falling stones, falling trees and avalanches coming from forest land, and determining who is to cover the related expenses (§ 22(1) and (2)),
  - k) approval of plus trees and forest stand (§ 29(2)),
  - l) imposing measures under extraordinary circumstances, unless such circumstances fall outside the area of their competence (§ 32(2)),
  - m) exemptions from the prohibition of main felling in forest stand of under 80 years of age (§ 33(4)),
  - n) terms and conditions of forest transport over third party land (§ 34(4)),
  - o) imposing or implementation of reclamation and torrent control measures in forests (§ 35(1), (2) and (3)),
  - p) imposing of measures different from the provisions of this Act in the interest of special forestry activities in protection forests and special purpose forests (§ 36(1)),

- q) specification of the amount of compensation and the payer of the compensation to the forest owner due to restrictions of forestry activities in protection forests or special purpose forests (§ 36(5)),
  - r) issue or withdrawal of a license of a forestry manager (§ 37(2)),
  - s) appointment of a legal entity or individual to the position of a forestry manager (§ 37(6)),
  - t) imposing fines (Section Nine); district offices shall collect and levy such fines,
  - u) imposing measures to eliminate revealed deficiencies, measures to improve the state of the forests and the fulfillment of their functions, and suspension or restriction of production or other activities in the forest in cases of imminent danger (§ 52(1)),
  - v) measures necessary to avert imminent danger (§ 57).
- 2) District offices shall:
- a) keep records of leases and loans of land designated for the fulfillment of forest functions within their area of competence,
  - b) arrange the preparation of guidelines (§ 25(1)),
  - c) approve plans prepared for forests of an area of under 1,000 hectares and amendments thereto (§ 27(1) and (4)); in military forests, plans shall be approved by the relevant military forestry office (§ 47(2)) following a discussion with the central body of state forest administration,
  - d) grant permissions for felling of approved trees or stand (§ 29(3)),
  - e) grant exemptions from the specified area or width of clear felling (§ 31(2)),
  - f) grant exemptions from legal deadlines for afforestation and establishment of young plantations (§ 31(6)),
  - g) appoint and recall forest wardens (§ 38),
  - h) gather forestry management records on forests within the area of their competence and refer them to the authorized legal entity,
  - i) exercise supervision of the compliance with this Act, regulations adopted for the application thereof and decision adopted on their basis (§ 51(1)).
- 3) District offices shall exercise state administration and duties imposed on state forest administration bodies under this Act and regulations adopted on its basis in all other cases, unless another body of state forest administration is appointed to do so.

## § 49

### The Ministry

- 1) The Ministry is the central body of state forest administration.
- 2) The Ministry shall make decisions on the following:
  - a) ranking of forests in the classes of protection forests or special purpose forests (§ 7(2) and § 8(3)),

- b) approval of the issue of planning permissions which are to affect land designated for the fulfillment of forest functions through felling of non-specified minerals, or which are to affect protection forests, special purpose forests (with the exception of military forests referred to in § 47(2)), and, where the affected area is to exceed 5 hectares, commercial forests (§ 14(2)),
  - c) approval of draft planning documentation for large areas of land which is to affect land designated for the fulfillment of forest functions, and of planning documentation of all levels, where recreation and sporting facilities are to be situated on land designated for the fulfillment of forest functions,
  - d) issue or withdrawal of licenses for the preparation of plans and guidelines (§ 26(1)),
  - e) objections to the notice of the notice of the refusal to approve the plan (§ 27(3)),
  - f) permissions to collect cones of conifers also from felled trees of unapproved but quality stands (§ 29(7)),
  - g) issue or withdrawal of licenses to handle seeds and transplants of forest tree species (§ 30(1)),
  - h) imposing measures in extraordinary circumstances, should such circumstances fall beyond the area of competence of the relevant district office (§ 32 (2)),
  - i) imposing fines on persons who fail to meet their obligations imposed by a decision of the central state forest administration body; the Ministry shall collect and levy such fines.
- 3) The Ministry shall:
- a) manage the exercise of state forest administration, including the administration of military forests,
  - b) grant its consent to handling of state forests (§ 4 (2)),
  - c) grant its consent to proposals to establish mining areas which are to affect land designated for the fulfillment of forest functions, and determine the method of reclamation of such land (§ 14(2)),
  - d) give its opinion on the proposals of routes of national and transit pipe lines and any parts thereof,
  - e) announce annually average prices of timber at roadside for the purposes of determining the amounts of duties in accordance with the schedule to this Act,
  - f) commission and approve regional plans of forest development (§ 23(1)),
  - g) approve plans prepared for forests of an area of over 1,000 hectares and any amendments thereto (§ 27(1) and (4)),
  - h) publish the list of approved trees and stands of forest tree species (§ 29(4)),
  - i) grant its consent to the import of seeds and transplants of forest tree species (§ 29(5)),
  - j) appoint and recall forest wardens (§ 38),
  - k) take decisions in disputes over the competence of state forest administration bodies of the first degree,
  - l) exercise supervision of the compliance by state administration bodies, individuals and legal entities with the provisions of this Act, regulations adopted for the application thereof and decisions adopted on the basis thereof (§ 51(1)).

## Part Two

### Supervision in Forestry Activities

#### § 50

- 1) The Ministry of the Environment, as part of its function of the supreme state supervisor<sup>26</sup>, shall supervise the compliance by state administration bodies, individuals and legal entities with the provisions of this Act, regulations adopted for the application thereof and decisions adopted on the basis thereof. It shall be entitled to impose measures to eliminate any revealed deficiencies.
- 2) Staff members exercising supreme supervision shall be entitled, in the course of the execution of their duties, to enter land, buildings and facilities, unless authorization to do so is required under special regulations,<sup>27</sup> establish and verify necessary facts, demand necessary information and explanations and inspect necessary documents. While doing so, they shall be obliged to keep confidential any state, commercial or official secrets which they have learned in the course of their activities, and to identify themselves with a pass of the body which has charged them with the exercise of state supervision. They shall be entitled to wear an official uniform.

#### § 51

- 1) State forest administration includes the supervision of the compliance with this Act and any legal regulations and decisions adopted on the basis thereof. State forest administration bodies shall also check whether owner or tenants of forests carry out their activities in accordance with approved plans or adopted guidelines. They shall impose measures to eliminate any revealed deficiencies, or measure to improve the state of the forests and the fulfillment of their functions. In case of imminent danger, they shall be entitled to decide to restrict or suspend any production or other activities in the forest until such deficiencies or their causes are eliminated.
- 2) Professional members of staff of state forest administration bodies shall be entitled to wear official uniforms in the course of the execution of their duties.
- 3) The Ministry shall specify, by way of a legal regulation, details of official uniforms of staff members of state forest administration bodies and marking thereof.

#### § 52

### Duties of Professional Foresters

Staff members of legal entities (§ 4(1)), professional forest managers (§ 37(6)) and staff members of state forest administration bodies shall be obliged, in the course of the execution of their duties, to observe the rules of forest protection and proper conduct of forestry activities.

## Section Nine

### Sanctions

### Part Once

### Offences

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<sup>26</sup> § 19 of the Act of the Czech National Council No. 21/1969 Coll. On the Establishment of Ministries and Other Central State Administration Bodies of the Czech Republic as amended in later versions.

<sup>27</sup> Act No. 169/1949 Coll.

§ 53

- 1) An offence is committed by an individual who, in the course of the general use of the forest, shall:
  - a) disturb peace and quiet,
  - b) collect bedding,
  - c) lift seedlings and transplants of trees and bushes of forest tree species,
  - d) collect seeds of forest tree species, mistletoe and [ochmet] without permission,
  - e) collect fruit products in a manner damaging the forest,
  - f) camp outside designated areas,
  - g) violate the prohibition to drive and park motor vehicles without permission,
  - h) enter areas enclosed by fences or marked as no entry areas,
  - i) enter areas of forest stand where felling, handling or transport of timber is under way,
  - j) cycle, ride, ski and sledge away from roads and marked routes,
  - k) graze livestock, enable runs of livestock and drive of livestock to pasture through forest stand,
  - l) disturb the ground cover or the water regime through unauthorized extraction of soil, sand or stone,
  - m) carry out landscaping or other construction works without permission (e.g. paving or fencing), unless such activities constitute an offence under special regulations,<sup>24</sup>,
  - n) fell or damage trees and bushes of forest tree species,
  - o) start or keep open fires or dump burning or smoldering objects within 50 metres from the edge of the forest,
  - p) hold organized or mass sporting events without the consent of the relevant state forest administration body,
  - q) dump waste or refuse,
  - r) smoke.
- 2) A fine of up to CSK 5,000 may be imposed by the relevant state forest administration body for any offence referred to in paragraph 1(a) to (k). A fine of up to CSK 15,000 may be imposed by the relevant state forest administration body for any offence referred to in paragraph 1(l) to (s).
- 3) Unless provided otherwise in this Act, general regulations<sup>24</sup> shall apply to offences and proceedings thereon.

Part Two

Fines

§ 54

Fines Imposed on Entrepreneurs

- 1) The relevant state forest administration body shall impose a fine of up to CSK 1,000,000 on an entrepreneur<sup>28</sup> who shall, in the course of his entrepreneurial activities:
  - a) refuse to use land designated for the fulfillment of forest functions for the fulfillment of such functions, or restrict such use of the land, in the absence of a decision of the relevant state forest administration body on withdrawal or restriction,
  - b) use land designated for the fulfillment of forest functions, or obstruct the use of such land for the fulfillment of forest functions, without a permission,
  - c) cause damage to the forest through felling carried out in violation of this Act, or otherwise impede forestry activities,
  - d) fail to take measures imposed by the decision of the relevant state forest administration body adopted in accordance with this Act.
  
- 2) The relevant state forest administration body shall impose a fine of up to CSK 100,000 on an entrepreneur who shall, in the course of his entrepreneurial activities:
  - a) lift seedlings and transplants of trees and bushes of forest tree species in the forest without the consent of the owner or tenant of the forest,
  - b) collect seeds of forest tree species, mistletoe and [ochmet] without authorization,
  - c) carry out activities prohibited in the forest,
  - d) fail to keep prescribed records on the origin of seeds and transplants of forest tree species,
  - e) abuse the information found in plans or guidelines, forest management records or forest survey documentation.

§ 55

- 1) The relevant state forest administration body shall impose a fine of up to CSK 1,000,000 on a forest owner who shall, through his intentional activities, cause considerable damage to the forest and thus endanger the fulfillment of its functions; refuse to use land designated for the fulfillment of forest functions for the fulfillment of such functions, or restrict such use of the land, in the absence of a decision of the relevant state forest administration body on withdrawal or restriction; or use land designated for the fulfillment of forest functions, or obstruct the use of such land for the fulfillment of forest functions, without authorization.
  
- 2) The relevant state forest administration body shall impose a fine of up to CSK 100,000 on a forest owner who shall:
  - a) carry out activities prohibited or not permitted in the forest,
  - b) fail to take measures for the protection of the forest, in particular, fail to give priority to incidental felling,
  - c) deliberately exceed decenal volume of felling,
  - d) fail to take measures imposed by the decision of the relevant state forest administration body adopted in accordance with this Act.

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<sup>28</sup> § 2(2) of Act No. 513/1991 Coll., Commercial Code, as amended in later versions.

## § 56

### Common Provisions on Fines

- 1) Proceedings on the imposition of fines may be initiated within one year from the day when the relevant state forest administration body learned about the breach of an obligation, within three years from the day when the violation of the obligation occurred. This provision shall not apply if the breach of the obligation continues.
- 2) When determining the amount of the fine, the gravity, manner, duration and consequences of the unlawful action shall be taken into account. The fine shall be due within 30 days from the day when the decision on the imposition of the fine came into force.
- 3) If any of the persons referred to in § 54(1) or § 55(1) breach, within one year from the day when the decision on the imposition of a fine comes into force, the same obligation in respect of which a fine has been imposed in accordance with this Act, another fine may be imposed of up to twice the amount set out by this Act.
- 4) The imposition of a fine does not affect the obligation to compensate for damage or pay duties in accordance with this Act, or the obligation to rectify an unlawful state of affairs.
- 5) The body which imposed the fine shall collect and levy the fine, while following special regulations.<sup>29</sup>
- 6) Fines are the income of the State Fund for the Environment.

## § 57

In cases where the forest owners fails to meet vital obligations as set out by this Act and endangers thus the existence of the forest and neighboring forests, while sanctions under § 55 remain ineffective, the relevant state forest administration body shall decide on necessary measures to avert the imminent danger.

### Section Ten

#### Common and Temporary Provisions

## § 58

### Common Provisions

- 1) Rights and obligations of a forest owner under this Act shall pass on to the tenant or sub-tenant of the forest, unless the agreement between the owner and the tenant or the owner and the sub-tenant explicitly provides otherwise.
- 2) Unless provided otherwise by this Act, relevant state forest administration bodies shall, in the course of proceedings on matters regulated by this Act, follow the Administrative Code.<sup>30</sup>
- 3) If a decision of a state forest administration body might affect forestry activities in forests or the fulfillment of forest functions in an area falling within the competence of another state forest administration body, the relevant state forest administration body shall make a decision following a previous discussion with the other body.

## § 59

### Temporary Provisions

- 1) Plans approved before this Act came into force shall remain valid in respect of the forests of owners who are obliged to carry out their activities according to a plan in accordance with this Act (§ 24(3)), unless they

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<sup>29</sup> *Act of the Czech National Council No. 337/1992 Coll.*

<sup>30</sup> *Act No. 71/1967 Coll. On Administrative Proceedings (the Administrative Code).*



submit a new plan or amendments to the existing plan in accordance with § 27 for approval within 28 months from the day when this Act comes into force.

- 2) Plans whose preparation started before this Act came into force shall be prepared, considered and submitted in accordance with previous regulations; provable financial circumstances shall be taken into account. Such plans may be approved in accordance with previous regulations within two years from the day when this Act comes into force.
- 3) On the day when this Act comes into force, exemptions for the administration of state forest property, granted under § 11(3) of Act No. 61/1977 Coll. On Forests as amended in later versions, shall cease to be valid. If the forests, whose administration was affected by these exemptions, are the property of the state on the day when this Act comes into force, the right to carry out forestry activities in such forests shall pass on to the legal entity charged with the forestry activities in state forests as of the same day.
- 4) Provisions of paragraphs 1 and 2 shall not affect the provisions of § 27(4) of this Act. In respect of forests of an area under 50 hectares in the ownership of individuals, plans referred to in paragraphs 1 and 2 shall be considered guidelines in accordance with § 25 of this Act.
- 5) A forest owner, for whose forest a plan is prepared in accordance with paragraph 2, may notify the relevant state forest administration body within 60 days of the day when this Act comes into force that he shall arrange the preparation of a plan in accordance with this Act (§ 24).
- 6) Ranking of forests in classes (§ 7 and 8) must be brought into compliance with this Act within five years from the day when this Act comes into force.
- 7) Proceedings on matters regulated by Act No. 61/1977 Coll. as amended in later versions, Act of the Czech National Council No. 96/1977 Coll. and legal regulations adopted for the application thereof, initiated before this Act comes into force, shall be completed in accordance with previous regulations. The relevant state forest administration bodies must decide on these matters by 31 December 1996.
- 8) Land of the forest land fund shown in forest management plans, approved in accordance with previous legal regulations, as unstocked forest land shall be considered forest land in accordance with § 3(1)(a) of this Act.
- 9) Plus trees and forest stand approved for the collection of seeds before this Act comes into force shall be deemed approved in accordance with this Act unless the owner raises objections thereto.
- 10) Legal entities and individuals who carry out collection of seeds of forest tree species, seed extraction, storing, production of transplants of forest tree species or trade in seeds and transplants of forest tree species as business activities must, within three months of the day when this Act comes into force, apply to the relevant state forest administration body for a license in accordance with Section Six of this Act.
- 11) Forest owners shall be obliged to notify the relevant state forest administration body of the name of the forest manager (§ 37(3)) within two months from the day when this Act comes into force; should they fail to do so, the relevant state forest administration body shall appoint a forest manager within six months from the day when this Act comes into force. During this period, the duties of the forest manager shall be carried out by the legal entity which was in charge of forest management in accordance with previous regulations.
- 12) Forest wardens appointed in accordance with previous regulations shall be deemed, at least till 31 December 1996, forest wardens appointed in accordance with this Act.

## CHAPTER TWO

### **Amendments to Act of the Czech National Council No. 2/1969 Coll. On the Establishment of Ministries and Other Central Bodies of State Administration of the Czech Republic as Amended in Later Versions**

§ 60

Act of the Czech National Council (hereinafter "CNC") No. 2/1969 Coll. On the Establishment of Ministries and Other Central Bodies of State Administration of the Czech Republic as amended by Act of CNC No. 34/1970 coll., Act of CNC No. 60/1988 Coll., Act of CNC No. 173/1989 Coll., legal regulation of the Presidium of CNC No. 9/1990 Coll., Act of CNC No. 126/1990 Coll., Act of CNC No. 203/1990 Coll., Act of CNC No. 288/1990 Coll., legal regulation of the Presidium of CNC No. 305/1990 Coll., Act of CNC No. 575/1990 Coll., Act of CNC No. 173/1991 Coll., Act of CNC No. 283/1991 Coll., Act of CNC No. 167/1992 Coll., Act of CNC No. 239/1992 Coll., legal regulation of the Presidium of CNC No. 350/1992 coll., Act of CNC No. 358/1992 Coll., , Act of CNC No. 359/1992 Coll., Act of CNC No. 474/1992 Coll., Act of CNC No. 548/1992 Coll., Act of CNC No. 21/1993 Coll., Act of CNC No. 166/1993 Coll., Act of CNC No. 285/1993 Coll. and Act of CNC No. 47/1994 Coll. shall be amended as follows:

1. § 15(1) shall read as follows:

"(1) The Ministry of Agriculture is the central body of state administration for agriculture, with the exception of the protection of the agricultural land fund, and for the food industry. It is also the central body of state administration of forests, game keeping and hunting, and fishing and fish-processing industry, with the exception of national parks."

2. In § 16(1)(e), the words: "forests and" shall be deleted.

3. § 19(2) shall read as follows:

"(2) The Ministry of the Environment is the central body of state administration for water management, air protection, protection of the nature and landscape, protection of the agricultural land fund, exercise of state geology services, protection of mineral riches, ecological supervision of mining, waste industry and consideration of the impact of individual activities and their consequences on the environment including activities which fall beyond the scope of the national border. It is also the central body of state administration for game keeping and hunting, fishing and fish-processing industry, and forestry in national parks. It is also the central body of state administration for state policy on ecology."

### **CHAPTER THREE**

#### **Amendments to Act of the Czech National Council No. 114/1992 Coll. On the Protection of Nature and Landscape As Amended in Later Versions**

##### **§ 61**

Act of the Czech National Council No. 114/1992 Coll. On the Protection of Nature and Landscape as amended by the legal regulation of CNC No. 347/1992 Coll. shall be amended as follows:

1. In § 4(3), the words: "from the point of view of the protection of the ecological stability system" shall be replaced with the words: "from the point of view of this Act", and the words: "and forest management guidelines" shall be inserted after the words: "forest management plans".

2. Paragraph 4 of § 4 shall be deleted.

3. In § 5(4), the full stop after the first sentence shall be replaced with a semicolon and the following words shall be added: "this shall not apply to geographically alien plant species, if forestry activities are carried out in accordance with an approved forest management plan or guidelines for forest management record keeping adopted by the owner."

4. In § 59(3), the words: "and protection of the forest land fund" shall be deleted.

5. In § 78(4), the words: "forestry activities, game keeping and hunting" shall be deleted.

6. In § 78(5), the words: " approve forest management plans for forests on the territory of national parks" shall be deleted.

7. In § 79(3)(I), the following words shall be added: " approve forest management plans for forests on the territory of national parks and their protection zones."

## **CHAPTER FOUR**

### **Amendments to Act No. 23/1962 Coll. On Game Keeping and Hunting as Amended in Later Versions**

#### § 62

Act No. 23/1962 Coll. on Game Keeping and Hunting as amended by Act of CNC No. 146/1971 Coll., Act of CNC No. 96/1977 Coll., Act of CNC No. 143/1991 Coll. and Act of CNC No. 270/1992 Coll. shall be amended as follows:

1. New paragraph 3 shall be added to § 16, which shall read as follows:

"(3) The agreement on the lease of a hunting ground must provide for adequate measures to prevent damage to animals, and set out who shall carry out such measures."

The existing paragraph 3 shall be marked as paragraph 4.

2. In § 24, the words: "or the administration of the national park" shall be deleted.

3. In § 29(1), the following sentence shall be inserted after the first sentence: "If the damage caused by wild animals cannot be reduced by technically adequate and economically viable methods, the district office may, at the suggestion of the owner of the hunting grounds or a state forest administration body, order a reduction of the standing crop, or order that the wildlife species causing the damage ceases to be kept in the area in question."

4. In § 38(2), the words: "shall be carried out by the administration bodies of national parks" shall be replaced with the words: "shall be carried out by the Ministry of the Environment".

## **CHAPTER FIVE**

### **Amendments to Act of the Czech National Council No. 200/1990 Coll. On Offences as Amended in Later Versions**

#### § 63

Act of CNC No. 200/1990 Coll. On Offences as amended by Act of CNC No. 337/1992 Coll., Act of CNC No. 344/1992 Coll., Act of CNC No. 359/1992 Coll., Act No. 67/1993 Coll., Act No. 290/1993 Coll., Act No. 134/1994 Coll. and Act No. 82/1995 Coll. shall be amended as follows:

§ 33 shall be deleted.

## **CHAPTER SIX**

#### § 64

#### Repealed Legislation

The following shall be repealed:

1. Act No. 61/1977 Coll. On Forests as amended by Act No. 229/1991 Coll.

2. Act of the Czech National Council No. 96/1977 Coll. On Forestry Activities and State Administration of Forestry, with the exception of § 36, as amended by Act of the Czech National Council No. 425/1990 Coll.

3. Decree of the Ministry of Forestry and Water Management of the Czech Republic No. 97/1977 Coll. On Professional Forestry as amended by Decree No. 121/1992 Coll.

4. Decree of the Ministry of Forestry and Water Management of the Czech Republic No. 98/1977 Coll. On Forest Wardens
5. Decree of the Ministry of Forestry and Water Management of the Czech Republic No. 99/1977 On the Procedures for the Protection of the Forest Land Fund
6. Decree of the Federal Ministry for Technical and Investment Development No. 12/1978 Coll. On the Protection of the Forest Land Fund during Planning Activities
7. Decree of the Ministry of Forestry and Water Management of the Czech Republic No. 13/1978 Coll. On Ranking of Forests, Methods of Management and Forest Management Planning
8. Guideline of the Ministry of Forestry and Water Management of the Czech Republic, ref. 35050/OSS/79 dated 1 June 1979 On the Procedures for the Removal of Land from the Forest Land Fund for the Purposes of Construction of Recreation Cottages and Recreation Facilities, registered in part of a No. 20/1979 Coll.

§ 65

This Act shall come into force on 1 January 1996, with the exception of the second sentence of § 32(8) and § 36, which shall come into force on 1 January 1997.

Calculation of fees for the withdrawal of forest land

I. Calculation of the fee for temporary withdrawal

The annual fee for 1 hectare shall be calculated according to the following formula:

$$OLP = PP \cdot CD \cdot f \text{ (CSK ha}^{-1}\text{)}$$

- OLP - fee for the withdrawal of forest land
- PP - average annual potential production of forests in the Czech Republic in m<sup>3</sup> per ha<sup>-1</sup>
- CD - average price of timber at roadside in CSK per m<sup>3</sup>
- f - factor of the ecological value of the forest

Average annual potential production of forests in the Czech Republic is stable and reaches 6.3 m<sup>3</sup> per ha<sup>-1</sup>.

Average price of timber at roadside is determined on the basis of the sale price reduced by production costs and costs of skidding to roadside. This average price of timber is annually determined and calculated by the Ministry (§ 49(3)(e)).

Values of the factor of the ecological value of the forest are to be found in the table. The values have been set up according to the classes and sub-classes of forests.

II. Calculation of the fee for permanent withdrawal

The fee for permanent withdrawal of forest land (OLP) shall be calculated as the capital value of annual duties with the interest rate of 2%, i.e. according to the following formula:

$$OLP = \frac{PP \cdot CD \cdot f}{0.02} \text{ (CSK ha}^{-1}\text{)}$$

Tables of values of factors of the ecological value of forests (f)

Forest Class	f
Commercial forest	1.4
Protection forest	
a) Forests at exceptionally unfavorable sites	3.0
b) High-elevation forests below the upper limit of tree vegetation	5.0
c) Forests in the dwarf pine vegetation zone	5.0
Special purpose forests	
a) Forests in the protection zones of water resources of 1st degree	5.0
b) Forests in the protection zones of medicinal waters	5.0
c) Forests of national parks	Zone 1 5.0
	Zone 2 4.0
	Zone 3 3.0
d) Forests in specially protected areas	5.0
e) Forests in the ecological stability systems of the area	5.0
f) Spa forests	4.0
g) Forests in suburban areas with increased medical and recreation function	3.0
h) Forests of scientific research institutes and forestry school	2.0
i) Forests declared as gene bases	3.5
j) Forests in approved hunting areas and separate pheasantries	1.5
Other forests	
a) Forests in water protection zones	
IIInd degree (internal)	4.0
IIInd degree (external)	2.0
IIIrd degree	2.0
b) Forests in protected areas of natural water collection	2.0