

**Act 100/1997 of the Slovak National Council**

**On the management in forests and state administration of forestry**

**Full wording according to the changes and amendments  
of the Act 131/1991 of the SNC  
of the Act 510/1991 of the SNC  
of the Act 183/1993 of the SNC  
of the Act 265/1995 of the SNC**

**unofficial version  
for the needs of the organs of the state administration of forestry and game  
management, forestry organizations and forest users**

**The Slovak National Council resolved on this Act:**

**Part 1  
Management in forests**

**First section  
Introductory provision**

**§ 1**

In all forests regardless the size and administration (ownership, use), a planned management must be applied to ensure and improve the functions of forests with maintaining the permanent effect of forests and creating the prerequisites for the rationalization of forestry. Forest management serves those purposes and forest management plans are its results.

**Second section**

## **Forest management and forest management plans**

### **§ 2**

#### **The mission and contents of forest management and of forest management plans**

**/1/ Forest management includes the measures aimed at the detection of the condition of forest and natural, social, technical and economic conditions of their management. Within the framework of forest management, source documents for the determination of long-term goals, perspectives and planned tasks of integrated management in forests from the viewpoint of increasing the productivity, ensuring rational use and protection of the forests are elaborated. Also the implementation of these goals and fulfilment of the tasks is controlled.**

**/2/ The forest management plans represent a tool of the purposeful management in forests pursuing the improvement of the functions of forests; they determine on the basis of the most recent scientific and technical knowledge the goals and tasks of the management in forests, especially from the point of view of silviculture and forest protection, conservation and formation of the environment (timber logging and other forest functions).**

**/3/ Forest management plans contain:**

**a) binding data that are for the units of spatial arrangement of forest namely silvicultural system and its form, upper limit of the volume of regeneration incidental felling in the stands at the age over 50 years, the lower limit of the volume of tending intentional felling in the stands at the age under 50 years, the area of the thinning and tending felling, regeneration distribution of main tree species,**

**b) guiding indices and data like the economic shape of the forest, location and procedure of the logging, procedure of conversions and amelioration of forest land,**

**c) orientative indices like for instance the characteristics of the natural, economic and technical conditions of the management in forests.**

**/4/ With the determination of the data as quoted in section 3 letter a) also the distribution of the wood supplies, the situation in increments, and fluency of logging are considered; in protective forests and in the forests of special purpose, the forms of**

the silvicultural systems determined in relation to the prevailing function of these forests are considered.

## § 2a

### Spatial arrangement of forest

*/1/* For the purposes of the forest management the forests are classified into the units of spatial arrangement as follows:

- a) working-plan areas
- b) parts of forests according to their use,
- c) permanent subcompartments, stands, eventually partial plots and stand groups.

*/2/* The working-plan areas are determined by the Ministry of Agriculture of the Slovak Republic (hereafter the Ministry) while taking in consideration the natural and economic conditions, and if possible also the ownership's and user's relations.

*/3/* The parts of forests according to their use will be determined by the organ of state administration of forestry based on the proposal of administrator, owner, user or on its own initiative.

*/4/* Permanent subcompartments, stands, eventually partial plots and stand groups are approved on the proposal of the producer of forest management plan by the organ of the state administration of forestry on the occasion of the approval of forest management plan.

## § 3

### Formation and the process of approving forest management plans

*/1/* Forest management plans are being worked out according to the principles approved by the organ of state administration of forestry on the basis of comprehensive investigation of the condition of forests and on the basis of monitoring their development within working-plan areas and from the viewpoint of long-term goals of management and forest protection.

*/2/* Forest management plans are being worked out for the parts of forests according to their use normally for the period of 10 years. If justified by the need of the management in the forest, the organ of state administration of forestry can permit or order an elaboration of the forest management plan for other period.

/3/ The smallest area, a forest management plan is produced for, is 50 ha, the organ of the state administration of forestry can (§ 2 section 3) also determine a smaller area for which a simplified forest management plan will be elaborated, if the rational management of forests and forest protection requires it.

/4/ Proposals of the forest management plans are made by the natural persons and legal entities on the basis of a certificate on professional and technical competency (hereafter certificate) emitted by the Ministry. The legal entity can work out the forest management plans only by the employees who are holders of such certificates.

/5/ The forest management plans are being approved by the organs of the state administration of forestry that control their observance and can permit their modifications in certain justified cases.

/6/ State organizations of forestry directed by the Ministry or by the Ministry of Defence of the Slovak Republic, forest owners or forest users are obliged to keep records on the economic results according to the forest management plans and evidence records of forest management evidence.

/7/ The dealings of the approval of the proposals of the forest management plans according to § 2a section 3 letter a) and approval of the changes of the forest management plans in force and the dealing of the delimitation of the forest part according to their use (§ 2a, section 3) are liable to the general provision on administrative dealing<sup>1a)</sup>. A participant of the dealing can appeal against the decision on the approval of the forest management plan or approval of its change only in the part that concerns his, the force of the decision concerning other participants of the dealing is not impaired.

#### § 4

##### Total forest management plans

/1/ Organizations charged with the elaboration of the forest management plans prepare total forest management plans of the Slovak Republic and if the Ministry decides so also the total forest management plans of forest region.

/2/ Total forest management plans are being approved by the Ministry.

---

<sup>1 a)</sup> Act 71/1977 on administrative dealing (Administrative Order)

/3/ The state organs, forest users and organizations that can influence by their activity the fulfilment of forest functions, supply at the request the Ministry, eventually other organizations delegated by the Ministry, the data necessary for the elaboration and amendment of the total forest management plans; the Ministry or the

organizations delegated by it can in case of necessity also collect these data by themselves.

## § 5

The Ministry will establish by a generally binding legal provision:

- a) details on the determination of the spatial arrangement of forest,
- b) details on the implementation of forest management, preparation, approving, modifications and control of forest management plans,
- c) conditions for the acquisition of the professional and technical competency for the elaboration of forest management plans,
- d) details on the surveys of the results of management according to forest management plans and on evidence records of forest management evidence [statistics].

### Third section Differentiated management in forests

## § 6

Declaring protective forests and forests of special purpose

/1/ Forests of special purpose for the reason of the effect of air pollutants and protective forests are declared by the organs of the state administration of forestry on the proposal of the elaborator of forest management plan, other forests of special purpose are declared by this body at the recommendation of the owner, administrator or user of the forest land or on the proposal of other organs of the state administration or at its own initiative. The dealing is liable to general provisions for administrative dealing 1a).

/2/ If the declaration of protective forests and the forests of special purpose, as well as the approval of forest management plans for these forests concerns the interests protected by special provisions, 2) then the organ of the state administration

---

2) for example the Act 1/1995 of the SNC on state nature protection, the Act 7/1958 of SNC on cultural monuments, the Act 23/1962 on Game in the wording of later regulations, the Act 138/1973 on waters (Water Act) in the wording of later regulations, the Act 20/1966 on the care about public health

of forestry will negotiate these measures with the interested organs of the state administration, eventually if it is regulated by special provisions it will need their agreement; this agreement can be bound to the fulfilment of the conditions established by the quoted provisions. The right of these organs to issue decisions on the conditions of the protection of their interests according to particular provisions remains intact; if the decision concerns forests these organs issue the agreement after a negotiation with the Ministry.

## § 7

### Silvicultural system

/1/ The basic silvicultural system in commercial forests is high forest ensuring the greatest production of high quality wood as well as fulfilling also other forest functions. In protective forests and special purpose forests the silvicultural system will be determined regarding the mission of forests.

/2/ In forest regeneration shelterwood, selection, undergrowth and clear-felling systems will be used.

/3/ In commercial forests a prevailing silvicultural system is the shelterwood system. According to natural conditions the selection system is applied as well. Regarding natural conditions also the clear-felling system can be used in an indispensable extent.

/4/ In protective forests the silvicultural system will be determined regarding natural conditions.

/5/ In the forests of special purpose the silvicultural system will be determined regarding their special mission.

/6/ The details on the determination of the silvicultural system, on silvicultural systems and their forms will be regulated by the Ministry in generally binding legal provision.

### Fourth section Silviculture

## § 8

### Regeneration and tending of forest stands

/1/ Forest users are obliged:

- a) to regenerate forest stands in due time and consistently with the aim to promote their biological value,
- b) to carry out tending of forest stands consistently to improve their species composition, quality, eventually to increase their increments, resistance against the harmful effects and to improve the functions of forests.

/2/ The size of clear felling in logging according to § 10, section 1 letter a) must not exceed 3 hectares; in damaged forests, in pine forests on sandy soils, in poplar and willow stands, and in conversion of forest stands the size of clear felling must not exceed 5 hectares.

/3/ Clearings on forest land must be reforested within 2 years from their formation and forest stands must be secured on them within the following 5 years, if the organ of the state administration of forestry does not determine a longer term. The dealing on the determination of this longer term is not liable to the general provisions on administrative dealing.

/4/ In forest regeneration another clear felling cannot be aligned to the plots with young forest stand that is not secured on the whole area. Similarly the stocking should not be lowered by the clear felling on the whole area below 7/10 of the full stocking if an opening up of young forest stand is not carried out in accordance with planned distribution of forest tree species.

## § 9

### The seeds and plants of forest tree species

/1/ The owners or users of the forests are obliged to ensure a sufficient amount of species and genetically adequate seeds and plants necessary for the regeneration of the forest stands and for the reforestation of the lands intended for that purpose<sup>3)</sup>.

/2/ Legal entities and natural persons, 3b, who for the purpose of enterprising 3c, deal with the collection of the seeds of forest tree species, with seed extraction, storage, production of the plants of forest tree species or with the trade with seeds and plants of forest tree species must be the holders of the certificate on professional competency. In the certificate on professional competency for the collection of the seeds of forest tree species also seed production and silvicultural areas, where such activities can be out, will be determined. The certificate on professional competency is being issued by the Ministry.

/3/) Activities given in section 2 can legal entities carry out through their employees who are the holders of the certificate on professional competency.

---

3) § 2 of the Act 61/1977 on forests

3b) the Act 105/1990 on private enterprising of citizens in wording of the Act 219/1991 and the Act 455/1991

3c) § 2 of the Trade code

/4/ Legal entities and natural persons given in section 2 are obliged to keep records on the origin of seed and plants of forest tree species and in their sale they are obliged to hand over these records to a purchaser.

/5/ Reforestation of forest land by the seed and plants imported from abroad is possible only on the basis of the certificate issued by an organization being charged by the Ministry.

/6/ The Ministry will set up by a legally binding regulation the details on the certification of forest stands and trees for the collection of seeds, on cultivation of forest tree species from seeds, cuttings and plants, on seed production regions, as well as on transfer of seeds and plants, on seed production control, on the records about the use of seeds and plants of forest tree species and on issuing the certificate according to the sections 2 and 5.

## **Fifth section**

### **Timber logging and transport**

#### **§ 10**

#### **Timber logging**

/1/ timber logging is carried out:

- a) in the process of tending and regeneration of forest stands in the extent given by the forest management plans (planned cutting),
- b) when the forest real estate is excluded from the forest land resources and in the deforestation of forest land for the needs of forestry (extraordinary cutting),
- c) during the removal of the consequences of the extraordinary natural effects or other harmful activity (incidental cutting),

/2/ Forest users can carry out timber logging in forest stands according to the section 1 letter a) only in the extent and volume of logging as prescribed by forest management plans; if there is a necessity to implement timber logging according to the section 1 letter c) they are obliged to ensure its preferential processing.

/3/ Timber logging according to section 1 can be carried out only after the timber logging is determined in advance and after written agreement issued by the professional forest manager. A logger is obliged to present this agreement.

/4/ Timber harvested must be marked on the butt by the mark of the forest user that is registered by the organ of the state administration of forestry.

*/5/ Details on timber marking, on marks, marking , registering of marks, and connected records will be set down by the Ministry in a legally binding regulation.*

## **§ 11**

### **Obligations in timber transport and storage**

*/1/ Timber transport and storage must be carried out in a way to prevent the damage, eventually to restrict the damage to the lowest possible extent, on the own or neighbouring forest stands, forest land, forest roads and the timber harvested.*

*/2/ In construction and maintenance of roads, slope roads, skidding trails and other facilities on forest land resources the forest user is obliged to prevent erosion or waterlogging.*

*/3/ The timber transporter or purchaser is obliged, if requested by the members of the Police Corps, of the organs of the state administration of forestry or of forest guard to identify the origin of the transported timber by the document from the forest owner or forest user.*

*/4/ Legal entities and natural persons who process the timber are obliged to identify the origin of the timber being processed and stored to the organs given in the section 3, and to keep records on this timber.*

*/5/ The Ministry will set by a legally binding regulation the details on the documents about timber origin, on records on the timber being stored and on documents circulation.*

## **Sixth section**

### **The forest - technical reclamation**

## **§ 12**

*/1/ The forest users are obliged to implement on the forest land forest - technical reclamation and other measures for the improvement of forest soil fertility and for the improvement of forest functions.*

*/2/ The forest- technical reclamation means mainly biological, technical and hydrological measures for the improvement of the soil, hydrological and climatic conditions, implemented with the purpose to prevent soil erosion and waterlogging, increasing of the production and other forest functions and to ensure their protection.*

**Part 2**  
**Professional forest management**

**§ 13**

/1/ The owners and the users of forests are obliged according to § 1 to ensure the management in forests by a professional forest manager according to the (§ 14 and § 14a).

/2/ The professional forest manager can implement his activity usually on a total area of 2,000 ha, larger area will be permitted by the organ of the state administration of forestry in cases of integrated use of the forests by a sole subject or an association.

/3/ If the owners or users of forests do not satisfy the criteria in compliance with § 14 section 1 they will ensure the activity of professional forest manager by a contract with the negotiated reimbursement 3a).

3a) Labour Code  
Commercial Code  
Civil Code

/4/ If the forest owner or user does not ensure the professional forest manager, he will be assigned with an obligation to reimburse his activity, by the organ of the state administration of forestry.

**§ 14**

**Professional forest manager**

/1/ The professional forest manager can be a natural person with university education in forestry and 5 year-long practice in forestry activities or secondary forestry education and 10 year-long practice in forestry activities and he can prove his competency by an examination.

/2/ The professional forest manager can carry out his activity after enrolling into the list of professional forest managers and after issuing of the certificate 4a) by the organ of the state administration of forestry. The certificate can be withdrawn in case of repeated or gross breach of the obligations specified in § 14a of this Act.

/3/ The activity of the professional forest manager must not be carried out by the employees of the state administration of forestry, if the case is not that of the administration of their own property located outside the territory of the district of their official competency

**/4/ Details concerning the examination, issuing and withdrawal of the certificate, evidencing and reimbursement for the activity of the professional forest manager according to the § 13 section 3 will be established by the Ministry in generally binding legal provision.**

**/5/ The professional forest manager carries out his activity under his proper name, on his account and responsibility.**

**/6/ The activities of the professional forest manager can be ensured also a legal entity by his employees who are the holders of the certificate according to the section 2.**

-----  
**4a) § 2 section 2 letter c of the Commercial Code**

#### **§ 14a**

**/1/ The professional forest manager is obliged to**

**a) to prepare the source materials and participate in the elaboration and approving of the forest management plan and in the control of its fulfilment, to process the proposals of the changes in cases when the situation and the development of forest stands require such changes,**

**b) to direct the implementation of the forest management plan and measures imposed for the protection of forests and increasing of the stability of forest ecosystems,**

**c) to supervise on the adequacy of the seeds and plants of forest tree species for the regeneration of forest,**

**d) to control and to record the works implemented in forest and keep the files of the forest management records,**

**e) to present data necessary for the observation of the state and the development of forests to the particular organ of the state administration of forestry and to an organization accredited for this activity by the Ministry,**

**f) to observe the state and development of the injurious factors in forests and to present reports about them to the organization authorized for protection control,**

**g) to ensure the measures for the preservation and reproduction of the gene pool of main forest tree species,**

**h) to propose ecologically suitable technology for the activities related to the management of forests,**

i) to call attention of the forest owner or forest user and subsequently the organ of the state administration of forestry to any activity that is in discrepancy with the legal provisions,

j) to mark timber logging prior to its implementation and to issue written consent according to § 10 section 3.

/2/ The performance of the obligations imposed by the law, carried out by the professional forest manager cannot be a reason leading to the cancelling of a contract concluded according to § 13 section 3.

### **Part 3**

#### **Access to forests and regulation of some activities performed in them**

##### **§ 17**

###### **Use of forests by citizens**

/1/ Anyone can enter the forest land and the forest stands and collect for his private need the berries and brushwood while obliged to protect the forest, to keep the indispensable caution and do not disturb the forest environment.

/2/ The organ of the state administration of forestry or the user with the consent of this organ can forbid, eventually limit the use of the forests as quoted in the section 1 if the protection of the forest or other important interests of the society require it; the dealing about the issue and recall of these prohibitions and restrictions are not liable to the general regulations of the administrative dealing. These prohibitions and restrictions are issued for a limited period and must be adequately published. Prohibitions of entry on the forest land or other restrictions in the utilization of forest benefits established by special regulations 8/, or declared according to them, remain intact.

---

8/ for example the Act 1/1995 of the SNC, the Act 138/1973 of the SNC

##### **§ 18**

###### **Use of forests by the organizations according to the special regulations**

/1/ If the organizations perform activities in the forests liable to special regulations 9/ that do not require permission according to the Act on Forests or according to this Act, they must notify the scope and purpose of these activities at least 15 days before the beginning of the activities to the organ of the state administration of forestry and to the forest user.

/2/ The organ of the state administration of forestry can limit, eventually otherwise regulate the activities quoted in the section 1, if the protection of the forest or other important interests of the society require it.

---

9/ for example the Act 41/1957 on the utilization of mineral wealth (mining law)

## § 19

### Prohibition of some activities in the forests

/1/ It is prohibited in the forests:

- a) to start fire and to camp out of the indicated places and to smoke in the time of an acute danger of forest fires,
- b) to enter and to park with motorcars,
- c) to graze the cattle and facilitate free range of farm animals in the forest stands,
- d) to form landfills, to pollute the forest with wastes and garbage
- e) to make any terrain works, to build fences and trails,
- f) to disturb the peace and silence,
- g) to disturb the soil cover,
- h) to enter the forest nurseries and places being fenced,
- i) to cut the trees, shrubs and to collect the seeds,
- j) to cut seedlings of the natural regeneration of forest tree species.

/2/ The prohibitions quoted in the section 1, letters a), b), e) up to j, are not effective for the activities carried out by the owners and users of forests within the fulfilment of their tasks in the management of forests and forest protection, or if the activities are permitted by special regulations.10/

/3/ The organ of the state administration of forestry can permit after the consent of the forest users the exceptions from prohibitions quoted in the section 1. The dealing on the permission of the exception is not liable to the general regulations on administrative dealing.

---

10/ for example the Act 23/1962, the amendment of the Central Committee of the Czechoslovak Union of Physical Training on the uniform control of blazing tourist trails, part 60/1958.

**§ 19a**  
**Offences**

*/1/* The offences in forests are committed when following activities without the permitted exception (§ 19 section 3) are carried out:

- a, starting fire out of indicated places and smoking in the time of an acute danger of forest fires,
- b, camping out of indicated places,
- c, using motorcar,
- d, grazing cattle and facilitating free range for farm animals in the forest stands,
- e, polluting the forest by garbage and wastes,
- f, making terrain works, building fences and trails
- g, disturbing the soil cover,
- h, disturbing the peace and silence,
- i, entering forest nurseries and fenced places,
- j, cutting trees and shrubs,
- k, collecting seeds and cutting the seedlings of the natural regeneration of forest tree species,
- l, removing the forest land from forest land resources or restricting its utilization without the decision of the organ of the state administration of forestry,
- m. breaking the obligation imposed for the protection of forest stands against very dangerous pests or diseases,
- n, mediating the trade with the seeds and plants of forest tree species or timber trade without the certificate (§ 9 section 2) or the permission for enterprising

*/2/* For the offence according to the section 1 letter a, b, c, d, f, g, h, and i, a fine up to 5,000 Sk can be levied.

*/3/* For the offence according to the section 1 letter e, j, k, l, and m, a fine up to 20,000 Sk can be levied.

*/4/* If an offender repeatedly commits the offence for which a fine was levied according to the section 2 or 3 within one year the decision on levying the fine came into force, the fine being levied upon him will be the double sum of the previous fine.

*/5/* In general legally binding regulations 10a) are valid for the offences and theirs dealing if not enacted otherwise in this Act.

---

10a) the Act 372/1990 of the SNC on the offences in the wording of later regulations

## **Part 4**

### **§ 20**

#### **Obligations in forest protection and measures to prevent forest damage**

**/1/ The organs of state administration, organizations and citizens are obliged to care during their activities for the protection of forests. Forest protection must be ensured above all through prevention of the damage originating due to building construction, economic activities, as well as cultural activities, recreations, sport and other activities.**

**/2/ The forest users are obliged:**

- a) to detect and to record the occurrence of the injurious factors and damage caused by them,**
- b) to take measures to prevent the development an outbreak of plant and animal pests, and especially to give the priority to the removal of windbreaks, windfalls, snags as well as infested and damaged trees from the forest stands,**
- c) to take preventive measures for the protection of forests against forest fires,**
- d) carry out regeneration and tending of the forest stands with the aim to preserve and to improve the production capacity and other functions of the forests, and thus to prevent the possible effect of the injurious factors and to increase the resistance of forest stands against the effect of these agents,**
- e) to create during the establishment of forest stands on the plots intended for reforestation adequate conditions to prevcnt damage, mainly through the choice of an appropriate reforestation method and of tree species composition,**
- f) to take immediately measures, when the damage occurs, being aimed at removing or mitigating damage consequences.**

**/3/ In case of the detection of repeated or gross breach of the obligations set down in the section 2 letter b) up to letter d, the organ of the state administration of forestry can ensure the implementation of indispensable measures until the purpose is reached at the costs of the forest owner of forest user. If a yield is obtained during the implementation of the measures it will belong to the owner or the user after the deduction of the costs of the measures. The dealing is liable to the general regulations on administrative dealing 1a; the appeal has not a suspensory effect.**

**/4/ If in the forests or in their surroundings, or at timber yards some of the plant or animal pests occur at an excessive amount the organ of the state administration of forestry can impose an implementation of measures aimed at the**

prevention of an outbreak of these pests and at pest control to the organizations that store the wood and to other users of the plots in the surroundings of the forests.

/5/ For issuing the decision on the location of construction and on the utilization of the territory 11/ within the distance of 50 m from the border of forest plots the consent of the organ of the state administration of forestry is necessary. The dealing on granting this consent is not liable to the general regulations on administrative dealing.

/6/ In operational, economic and other activities in forests and in their vicinity, technologies damaging the forest stands must not be used; the organ of the state administration of forestry can impose in individual cases conditions necessary for the use of particular technology with regard to local terrain, water runoff situation, etc. in the forests or to the determined distance from their border.

---

11/ the Act 50/1976 on territorial planning and building order (building law) .

## § 21

### Measures in case of extraordinary circumstances and unpredictable damage

/1/ In case of extraordinary circumstances and unpredictable damage (wind or snow calamities, pest outbreak, danger of forest fires during a drought, etc.) the forest users are obliged to take measures to prevent them and to remove the consequences of the damage.

/2/ The organ of the state administration of forestry can temporarily prohibit or otherwise regulate the use of the forests in cases quoted in § 17 section 2, § 18, section 2, § 19 section 3 and § 20 section 4; it can also order to the forest users to take necessary measures to resolve successfully the extraordinary situation. The dealing about these measures is not liable to the general regulations on administrative dealing.

/3/ With an aim to ensure the claim according to § 20 section 3 a lien in favour of the state can follow from this Act. The decision about the lien will be sent to the user of forest plots who can appeal against it within 15 days from the day he received the decision. This appeal has not suspensory effect.

/4/ The decision according to section 3 must include the amount of the claim and the object of lien.

/5/ The decision on exercising a lien with the indication of its validity and execution will be passed by the organ of the state administration of forestry to particular office to be registered to the real estates cadastre 11a).

/6/ If the right of lien can be exercised in relation to several assets the right of lien according to this provision 11b) will be preferred.

---

11a) § 7 of the Act 265/1992 on the records of ownership and other material rights on immovable assets

11b) § 72 section 1-3 of the Act 511/1992 of the SNC on administration of taxes and charges and on the changes in the system of regional financial organs

## § 22

### Prevention against the damage caused by game

/1/ Users of the forests are obliged to protect consistently the forest stands against the damage caused by game. The forest users and the organs of the state administration of the forestry are obliged to care for that the abundance of game and their keeping in the forest hunting grounds is in harmony with the principles of proper management in the forests.

/2/ Forest users are obliged to detect annually, before July 30 the latest the amount of the damage caused by game in forest stands in preceding 12 months; they are obliged to invite to the damage assessment also the users of the forest hunting grounds.

/3/ If the damage caused by game in the forest stand can not be reduced by technically adequate and economically reasonable ways to the level that does not impair the state of the forest stands the forest user is obliged:

a) to require according to special regulations 12/ a decision on the reduction of the number of game in the forest hunting ground,

b) to observe whether the user of the forest hunting ground carried out the permitted or imposed reduction of the number of game,

c) to apply the claim on the damage compensation according to special regulations 13/,

d) do not prolong the validity of the contract on submission of the rights to hunt in the forest hunting ground if the user of this ground seriously or repeatedly violates the obligations aiming at the reduction of the damage caused by game in the forest stands.

---

12/ the Act 23/1962

13/ for example the Act 23/1962

## § 23

### Obligations and rights of the organs and organizations in forest protection

The employees of the state organizations of forestry being administered by the Ministry, who ensure the tasks of the development, administration, management and protection of forests and the employees who carry out the state administration of forestry according to the act on forests and according to this act are obliged in their activities to promote and to improve forest protection. These employees have a right to wear in the performance of their obligations as defined by the employment relation, a forest uniform with the national emblem and service signs. Details on the forest uniforms are regulated by the Ministry.

## § 24

### Forest guard

/1/ Users of the forest are obliged to ensure a correct performance of the protection service in the forest. The organs of the state administration of forestry establish and recall at their proposal, at the proposal of the Ministry, eventually at their own initiative the forest guard; the dealing on the establishment or recalling of the forest guard is not liable to the general regulations on administrative dealing. The forest guard carries out his function in all forests of a determined district of the sphere of activity regardless the ownership or user's relations to the forests.

/2/ A member of the forest guard identifies himself in the service by his service identification card. The member of the forest guard is entitled:

- a) to identify the persons who violate the provisions of the Act on Forests, of this Act and the related regulations on the forest protection,
- b) to impose fines for the offences in the sphere of forestry in a block dealing in the range and conditions established by separate regulations <sup>14)</sup>,
- c) to bring before the organ of the Police Cops a person caught at a criminal act, offence or misdemeanour in the sphere of forestry if it is indispensable to identify him, to prevent his flight or to ensure an evidence for the Police,
- d) to withdraw from a person's disposal a thing obtained by an activity that is damaging or endangering the forest land resources:

/3/ If the member of the forest guard finds out that the infringement of the regulations on forest protection resulted in damage, he will notify the forest user. If the member of the forest guard disposed a thing obtained by an activity that is damaging or endangering the forest land resources, he will hand over the thing to the organ taking decision on illegal activity that lead to obtaining such thing.

**/4/ The member of the forest guard is entitled to carry a weapon during his service and use it only in the cases as follows:**

- a) in necessary defence to deviate an attack or against an attack immediately threatening him, or against an attack threatening the life of other person,**
- b) in neutralizing animals that threaten the life or health of persons,**
- c) in shooting out a warning shot into the air to avert great damage that immediately threatens the existence of the forest, the safety of performing forest operations or other important interests of the society,**
- d) in shooting out a warning shot into the air during the flight of a person whom the member of the forest guard is entitled to bring before the Police Corps according to the section 2.**

**/5/ A member of the forest guard is obliged to use milder means like persuasion, reprimand and warning before the use of the weapon, if the circumstances allow it.**

**/6/ At the use of weapon the member of the forest guard must:**

- a) maintain the highest caution not to threaten the life of other persons,**
- b) care for the like of the persons against whom the intervention is used,**
- c) find out the immediate consequences of the use of weapon immediately after this can be done without threatening himself or other person and provide the first aid to the affected person.**

**/7/ The member of the forest guard is obliged to notify immediately the Police Corps as well the organization (organ) that delegated him to his post about the use of the weapon against a person.**

**/8/ By the provisions of the sections 4 to 7 the special regulations on carriage and use of weapon remain intact.15/**

**/9/ The Ministry will impose by general legally binding regulation the details on the establishment and recall of forest guard, on determining the districts of its service and the number of the members of forest guard, on their duties, rights, identification cards and promise; after agreeing with the Ministry of Interior of the Slovak Republic it will set down conditions under which the member of the forest guard is entitled to carry weapon or eventually other details.**

---

14) the Act 372/1990 of the SNC on offences in the wording of the Act 524/1990 of the SNC

15/ the Act 147/1983 on weapons and ammunition in the wording of the Act 49/1990

## Part 5

**The organs of the state administration of forestry and the scope of their activities**

### § 25

**The organs of the state administration of forestry**

/1/ The tasks in the area of the state administration of forestry and game management according to the Act on Forests, this Act and the Act on Game 16/, as well as the tasks established by the provisions issued on their basis are performed by:

a) forest office

b) regional forest office

c) the Ministry as a central body of the state administration of forestry and game management

/2/ The seats of the regional forest offices are the cities quoted in Enclosure 1.

/3/ The prerequisite for the performance of some posts in forest offices and in regional forest offices is passing the examination for professional competence.

---

16/ the Act 347/1990 of the SNC on the organization of ministries and other central organs of state administration in the wording of the Act 197/1991 of the SNC and the Act 298/1991 of the SNC

### § 26

**Forest office**

/1/ The forest office takes decisions:

a) on declaring a plot for forest plot according to the § 2 section 3 of the Act on Forests and according to § 2 section 3 of the act on Forests in case of doubts whether the plot in question is a part of forest land resources,

- b) on imposing measures necessary for the protection and rational use of the forest plots and forest stands according to § 4 section 1 of the Act on Forests,
- c) on excluding forest plots from forest land resources and on restrictions related to their use according to § 4 section 2 of the Act on Forests,
- d) on the duty to carry out a removal of the cultural layers of soil and on the measures aimed at its economic use according to § 4, section 3 letter f) of the Act on Forest,
- e) on granting consent according to § 5 section 2 of the Act on Forests, for the proposals on the territorial plans of settlements and according to § 5 section 3 of the act on forests on issuing territorial decisions concerning the forest land resources,
- d) on the removal of the damage to forest land resources as well as to objects and equipment located on the forest plots that serve the forestry and returning them into the original state, as well as on the measures of preventing the damage and against the further damage according to § 10 section 7 of the Act on Forests,
- g) on appointing the professional forest manager according to § 13 section 4,
- h) on measures according to the § 20 section 3,
- i) on imposing the measures according to § 20 section 3 of the Act on Forests being necessary to secure the safety of persons and property against damage, eventually caused by the land slides, falling of stones, tree falls, avalanches, etc. from the forest plots for the entity covering the related costs,
- j) on restricting some activities or modification of their performance in the forests according to § 18, section 2, as well as on determining the conditions of the use of certain technologies in forest operations and other activities in forests and in their vicinity according to § 20 section 6,
- k) on imposing the measures against propagation of pests and their eradication in the forests, at timber yards and on other plots in the surroundings of forests according to § 20 section 4,
- l) on imposing fines according to § 26 of the Act on Forests and according to § 34,
- m) on offences in the sphere of forestry and game management according to § 35 and 46 of the Act 372/1990 of the SNC on the offences in the wording of the Act 524/1990 of the SNC.

*/2/ Forest office*

- a) grants consent according to § 7 section 2 of the Act on Forests to the proposals about projects of buildings that concern the forest land resources; with the proposals of the routes of the directional and line constructions, only if the route is not passing through the forests situated in various regions,

- b) grants consent to issue the decision about the location of the construction and about the use of the area in the distance within 50 m from the border of forests plots according to the § 20 section 5,
- c) grants prolongation of the term for the reforestation of clearings on the forest plots and ensuring of the forest stands on clearings according to § 8 section 3,
- d) issues according to § 17 section 2 prohibitions and restrictions of forest use,
- e) grants exceptions of the prohibitions on some activities in the forests according to the § 19 section 3,
- f) imposes measures in case of extraordinary circumstances and unexpected damage according to § 21 section 2,
- g) designates and recalls the forest and hunting guard,
- h) judges the requests on granting finances from the State Fund for Forest Improvement of the Slovak Republic 17/ and controls their use,
- i) collects the results of silvicultural operations, controls the health condition and damage to forest and observance of the sanitary principles in the forests,
- j) keep records on the forests according to the forest owners and forest users and according to the scope of competence of professional forest managers,
- k) verifies competence, keeps records, issues and recalls the certificates according to § 34a section 1,
- l) keeps the register of the marks of forest users according to § 10 section 4.

/3/ The forest office is headed by the principal appointed and recalled by the head of the regional forest office.

---

17/ § 5 section 4 and 5 of the Act 131/1991 of the SNC on the State Fund for Forest Improvement of the Slovak Republic

## § 27

### Regional forest office

#### /1/ Regional forest office

- a) grants consent according § 5 section 2 of the Act on Forests to the proposals of the territorial plans of zones (non-recreational zones) according § 6 section 2 of the Act on Forests to the proposals of designation of the areas planned to be exploited that might eventually concern the forest land resources and forest stands and according § 7 section 2 of the Act on Forests to the proposals for discussing the project of the routes

of the directional and line constructions, only if the route is passing through the forests in several regions,

b) observes management in forests from the viewpoint of ensuring the functions of forests and from the viewpoint of the development of particular region and gives opinions on the concepts of the development of forestry,

c) determines parts of forests according to their use according § 2a section 3,

d) grants or determines the elaboration of forest management plans for the period shorter than 10 years according § 3 section 1,

e) approves the principles of the elaboration of forest management plans according to § 3 section 1,

f) approves according to § 3 section 5 forest management plans, controls their observance and grants their modifications,

g) declares according to § 6 protective forests and forests of special purpose,

h) imposes according to § 21 section 2 measures in case of extraordinary circumstances and unexpected damage in forests, if these circumstances and damage are within the territory of the forest office or its possibilities,

i) keeps records of professional forest managers, issues certificates necessary for the performance of their activities and decides on withdrawal of these certificates.

/2/ The regional forest office is an appealing body in the matters that were decided about in the first degree by the forest office.

/3/ The regional forest office is headed by the principal appointed and recalled by the minister.

## § 28

### Ministry of Agriculture of the Slovak Republic

#### /1/ The Ministry

a) controls the performance of the state administration of forestry,

b) grants consent according § 5 section 2 of the Act on Forests to the proposals of territorial plans for large territorial units and settlements and the territorial plans for recreational zones,

c) determines working-plan areas according to § 2a section 2,

d) organizes and controls the examinations of professional forest managers,

- e) approves according to § 4 section 2 the total forest management plans,
- f) imposes according to § 21 section 2 the measures in case of extraordinary circumstances and unexpected damage in forests if these circumstances and damage are also beyond the territory of regional forest office or beyond its possibilities.
- g) grants exceptions according to § 11 section 3 of the Act on Forests,
- h) grants consent according to § 11 section 4 of the Act on Forests on the transfers of the administration of state-owned forests,
- i) organizes and directs the examinations of the professional competence of the employees of forest offices and of the employees of regional forest offices according to § 25 section 3,
- j) issues certificates of the competence to elaborate forest management plans according to § 3 section 4.

#### § 29

The local competence of the organs of the state administration of forestry

For the dealing according to the Act on Forests and according to this Act is competent particular organ of the state administration of forestry in the district of which the greatest part of forest land resources is situated the dealing relates.

### Part 6

#### Supervision in forestry

#### § 30

Supervision performed by the forest office and by the regional forest office

/1/ The forest office and the regional forest office permanently supervise the observance of the provisions of the Act on Forests, of this Act and the regulations issued on their basis. Within the scope of their competence they supervise whether the forest owner and forest users manage in the forests according to the forest management plans, enhance the fertility of forest land and ensure, eventually improve other forest functions.

/2/ In performing the supervision according to section 1 the forest office and the regional forest office impose measures for the elimination of shortcomings detected and consequently also the eventual indispensable measures for the improvement of forest condition and fulfilment of their functions.

## § 31

### Supervision performed by the Ministry

The Ministry supervises whether the organs, organizations, owner and users observe the provisions of the Act on Forests, of this Act and the regulations issued on their basis; it is entitled to impose measures aiming at the elimination of the detected shortcomings.

## § 32

### Measures and duties of the employees of the organs performing the supervision

The employees of the organs quoted in § 30 and 31 who are charged with the performance of supervision are entitled within the performance of their activities to enter forest plots, forest enterprises, facilities and objects, if a special permission according to special regulations 18/ is not necessary, with an aim to detect and verify necessary facts, to require necessary data and explanations, to control corresponding documents; at the same time they are obliged to keep the state, economic and service secret on the facts they have learnt about in the performance of their activity and to identify themselves by the identification card of the organ that committed them to the performance of the supervision.

---

18/ the Act 102/1971 on the protection of state secret  
the Act 169/1949 on military districts

## Part 7

### Dealing

## § 33

/1/ If the Act on Forest or this Act does not provide otherwise the organs of the state administration of forestry continue in the matters regulated by these Acts (hereafter only dealing) according to the administrative order 19/.

/2/ The organ of the state administration of forestry in the decision on the exclusion of forest plots from the forest land resources or on restrictions on their use will quote the area of forest plots or the parts being excluded, eventually the parts the use of which will be restricted. If further use of excluded forest plots will be conditioned by the permission for construction 11/, or by some other decision according to special regulations 20/, the deforestation of these plots should not be started before such decision comes into force. The decision on permanent, eventually temporary exclusion during more extensive construction, eventually during exploitation of minerals are being issued by the organ of the state administration of

forestry in a way the excluded forest plots will be used for fulfilment of forest functions until they are actually used for other purposes.

/3/ Decision on permanent or temporary exclusion of the forest plots from the forest land resources also sent to particular organ of geodesy and cartography.

/4/ The validity of the decision on the exclusion of forest plots from forest land resources or on restriction on their use is abolished

a) after expiring the time of validity,

b) if the entitled person entry does not implement the intention, for the implementation of which the decision was issued within 2 years the validity comes into force, if the organ of the state administration of forestry does not prolong this term.

/5/ The organ of the state administration of forestry can after concluded dealing at its own initiative or at the proposal of the decision can change, or abolish the decision, issued by this organ, on the exclusion of forest plots from forest land resources or on the restrictions on their use

a) if the entitled does not repeatedly observe the conditions of the decision, eventually the duties expressed in it,

b) if the plot does not serve the purpose for which the decision was issued.

/6/ The costs on the expert opinions in the dealing started at the proposal of the participant of the dealing are reimbursed by the proposing party.

/7/ If the decision of the organ of the state administration of forestry can influence the management in the forests or the mission or the forests in the territorial area of other organ of the state administration of forestry, the corresponding organ of the state administration of forestry will decide after discussing the matter with the organ of the state administration of forestry, the solution that concerns it.

-----  
19/ the Act 71/1967

20/ for example the Act 41/1957, the Act 79/1957 on the production, distribution and consumption of electric power (electrification law)

## Part 8

### Fines

#### § 34

/1/ The organs of the state administration of forestry impose fines up to the sum of 500,000 Sk to natural persons who are the owners or users of forest, to natural

persons who are dealing with timber transportation or timber processing, 3c) or to legal entities who:

- a) do not observe the obligatory indices or the data of forest management unit,
- b) do not ensure the priority processing of the exploited timber being carried out in the removal of the consequences of extraordinary natural circumstances or other harmful activity,
- c) carry out activities that are in the forests forbidden or not allowed,
- d) do not observe the measures of forest protection, or other obligations as imposed by this Act or on its basis.

*/2/ If natural persons who are the owners or users of forest, natural persons dealing with timber transportation or processing, 3c) or legal entity who disturb any obligation that is penalized according to the Act on Forests or this Act within one year the decision on fines comes into force, another fine will be imposed up to the sum equal to the double amount of the fine that would be otherwise imposed.*

*/3/ Dealing on the imposition of fine can be started only within one year since the day when the organ of the state administration of forestry learnt about the breach of the duties quoted in section 1, but the latest within 3 years, and if the case is that of the breach of duties by the forest users the latest term is within 5 years since the day when the duties were infringed.*

*/4/ The fine is mature within 15 days since the decision comes into force.*

*/5/ Fines imposed according to the Act on Forests and this Act constitute the income of the State Fund for Forest Improvement of the Slovak Republic.*

#### **§ 34a**

*/1/ Until 31 December 1995 the activities of the professional forest manager can be carried out by persons that meet the conditions quoted in § 14 without passing the examination.*

*/2/ Forest users are obliged to notify the organ of the state administration of forestry about their professional forest manager within 60 days since this Act comes into force, the changes must be notified within 14 days.*

*/3/ Examinations performed according to the public notice No 17/1991 are considered the examination of the professional forest manager.*

## § 34b

Wherever the Act uses the words "Federal Ministry of the National Defence" and the "Corps of National Security" and the "Federal Ministry of Interior" these are substituted by the words "Ministry of Defence of the Slovak Republic" and "Police Corps of the Slovak Republic" and the "Ministry of Interior of the Slovak Republic".

## Part 9

### Common, abolishing and concluding provisions

## § 36

The Act 23/1962 on Game is being amended as follows:

1. § 21 section 1 letter a) the first sentence is:  
"Detain with the purpose of identification, a person caught at not permitted performance of the right of hunting or at an action forbidden by this Act, or detain a person caught at the hunting ground with hunting equipment, eventually gun, if is not a person entitled in sense of separate regulations to carry a gun also in the hunting grounds.
2. § 36 section 1 words "in case of damage of forest cultures within 30 days since the damage originated", substitute the words "since the day when the damage originated; in case of damage on forest stands originated in the period from 1 July of the preceding year until 30 June of the current year within 30 days since the quoted period expired". A part of the last sentence after the comma is omitted.
3. The state administration of game management according to the Act on Game, as well as the tasks provided by the regulations issued on its basis are performed by the forest office as a first degree institution.
4. The Act 131/1991 on the State Fund for Forest Improvement of SR in the wording of the Act 183/1993 of the SNC is amended as follows:  
"in § 3 letter b/ after the word "to persons" the words "and to natural persons" are added.

## § 37

**There are cancelled as follows:**

1. The Act 12/1948 about external signalization of the guard under oath for the protection of forests, field property, game management and fishery.
2. The Act 86/1949 on gamekeepers under oath protecting forests, field property, hunting, fishing, waters and water works.
3. Public notice of the Ministry of Agriculture No 815/1949 that determines the pattern of certificate on establishing gamekeepers under oath protecting forests, field

property, game management, fishery, waters and water works, and about taking them under oath.

4. The guideline of the Ministry of Agriculture, Forestry and Water Management about the constitution of integrated forest parts (Collection of guidelines for the national committees 1963 No. 14).

5. Items 12-19 of the Enclosure A, item 18 of the Enclosure D and the item 10 of the Enclosure E of the Act 159/1971 of the SNC that amends the Act on national committees and modifies the scope of activity of the national committees in some areas of state administration.

6. Public notice 9/1976 of the Ministry of Forestry and Water Management of the Slovak Socialist Republic about the competence of the professional forest managers.

7. Public notice 101/1977 of the Ministry of Forestry and Water Management of the Slovak Socialist Republic on professional administration of forests.

8. Items 57-59 of Enclosure A, items 22-93 of Enclosure C and items 5-21 of Enclosure G of the Act 472/1990 of the Slovak National Council on the organization of the local state administration.

#### § 38

This Act comes into force on the day of its declaring with the exception of § 9 section 2, 3 4 5 and 6 that come into force on 1 May 1996.