

**The President  
of the National Council of the Slovak Republic  
declares**

**the full wording of the Act No 61/1977 Coll. on forests of 26 October 1977 as follows from the amendments and supplements proceeded by the Act No 229/1991 Coll. of 21 May 1991 and by the Act No 183/1993 Coll. of the National Council of the Slovak Republic of 13 July 1993**

**the A C T  
on forests**

**FIRST PART  
INTRODUCTORY PROVISION**

**§ 1**

The forests belong to one of the biggest riches of our country, they are one of the basic components of the environment and provide a permanent source of timber for the national economy. The forests influence and improve the climate, water and soil conditions, create natural environment for many plant and animal species and their communities, preserve natural beauty and are a source of health and refreshment for the population. In order to preserve all these forest functions it is necessary to protect the forest resources which consists of the plots belonging to the forest land resources with tree species on them, at the same time it is necessary to care permanently and following the plan for improvement of forests, manage them applying progressive biology, technology and economy principles.

**SECOND PART  
FOREST LAND RESOURCES AND ITS PROTECTION**

**FIRST PARAGRAPH  
FOREST LAND RESOURCES**

**§ 2**

**DEFINITION OF THE FOREST LAND RESOURCES**

(1) The forest land resources consists of lands permanently assigned to fulfil the forest functions (further "forest lands"). The forest lands are:

a) The lands covered by tree species serving the fulfilment of forest functions (further "forest stands") and the lands where the forest stands have been temporarily

removed with the aim to renew them or to establish forest nurseries or forest seed plantations,

b) The lands without forest stands serving the forest management which are indispensable for it (cleared boundary lines, forest roads, areas of upper timber yards, etc.),

c) The lands above the upper forest limit in alpine areas with the exception of built-up lands and their access communications.

(2) The Body of State Administration of Forest Management can proclaim following lands to be forest lands:

a) The lands which are best suited for afforestation.

b) The lands which are to be afforested for reasons of water management, soil protection, health, recreation and aesthetics.

c) The deforested lands within the forests which serve or should serve the fulfilment of forest functions, especially in creation and protection of the natural environment.

(3) In doubtful cases - i.e. whether the land belongs or not into the forest land resources according to the point 1 - decides the body of the State Administration of Forest Management.

(4) If the lands constitute a part of the agricultural land resources they are no forest lands and cannot be as such proclaimed<sup>1)</sup>.

### § 3

#### FOREST LAND RESOURCES RECORD

(1) The manager, owner or user of forest lands (further "user of forest lands") is obliged to announce all changes in the administration (ownership, use) of forest lands to the Body of the State Administration of Forest Management.

(2) The user of forest lands is obliged to keep his own record of forest lands and constructions he uses. The Ministry of Agriculture of the Slovak Republic (further "Ministry"), by agreement with the Office for Geodesy, Cartography and Cadaster of the Slovak Republic, sets down the method of record keeping in more detail in generally obligatory legal provision.

#### SECOND PARAGRAPH PROTECTION OF FOREST LAND RESOURCES

### § 4

#### CONTENT AND BASIC OBLIGATIONS

(1) The users of forest lands are obliged to protect the forest lands and the forest stands and to use them rationally for the fulfilment of forest functions. For this purpose the Bodies of State Administration of Forest Management can impose the users of forest lands to take necessary measures on the forest lands at their own expense.

(2) The forest lands cannot be taken out from the forest land resources and their use related to the fulfilment of forest functions cannot be restricted, unless this taking out or the restriction of their use is allowed by the Body of the State Administration of Forest Management. The taking out of forest lands from the forest land resources or the restriction of their use is possible in necessary and justified cases only, especially in the case when the tasks of the economic and social development cannot be ensured otherwise.

(3) When taking out the forest lands from the forest land resources or when restricting their utilization it is necessary:

- a) To protect especially the forest lands declared to be protection forests or special purpose forests.
- b) To use especially the forest lands on which, due to their natural conditions, only a timber production of little significance can be attained provided these lands do not ensure other forest functions.
- c) To use the inevitably needed areas of the forest lands only and not to admit the splitting of the forest land resources.
- d) To ensure that the use of forest lands affects the interests of forest management to as smallest extent as possible, as well as impedes the management in forests to as smallest extent as possible.
- e) To ensure consistently the protection of the forest stands.
- f) Where necessary and possible from the technical point of view - according to the decision of the Body of the State Administration of Forest Management - to carry out overburden of cultural layers of the soil and to take measures for its rational utilization.
- g) After the termination of the use of the taken forest lands for other purposes to perform a soil adjustment and recultivation as soon as possible and in a way that the relevant forest lands can be afforested. In cases of a larger and long-term concentration of mineral extraction to ensure biological recultivation by suitable forest stands as well.

(4) Under "permanent taking out of forest lands from the forest land resources" a permanent change of forest land utilization is to be understood. If the forest land is to be used for other purposes for a period laid down in the decision (however, not longer than 12 years), it is taken out from the forest land resources temporarily. The restriction of the forest land utilization is applied in the case if the fulfilment of forest functions is to be restricted due to other important interests of the society.

(5) In the case of from the view of society justified mutual exchanges between the agricultural and forest land resources it is necessary to respect the principles of protection of agricultural, as well as forest land resources. From the forest land resources, especially in regions with a low forest coverage, only the straggled forest lands, from the view of forest management, environment and the landscape character unimportant, can be taken out.

(6) From the forest land resources no forest lands for individual building up chalets of similar structures can be taken out. The Central Body of the State Administration of Forest Management of the Republic can permit, in compliance with the approved regional plan, the taking out the forest lands for building up chalets and similar structures for individual applicants in exceptional cases only, i.e. in unbuilt areas in chalet settlements<sup>2)</sup> which were built before the validity of this Act.

Exceptionally it can be permitted in connection with taking out the forest lands from the forest land resources for other purposes if the construction cannot be placed on other land.

(7) The person or the body, on the application of whom the forest land is taken out from the forest land resources, is obliged to pay a charge to the State Fund for Forest Improvement<sup>3a)</sup>. The Government will set down, in a decree, basic tariffs for permanent or temporary taking out the forest lands from the forest land resources, additional charges as well as reduction, increase and exemption allowances according to the forest category.

## § 5

### **OBLIGATIONS RELATING TO THE REGIONAL PLANNING ACTIVITIES**

(1) In connection with regional planning activities carried out according to the special provisions<sup>3)</sup> the regional planning bodies and the bodies elaborating the regional planning documentation are obliged to care for the protection of the forest land resources and of the forest stands and at the same time to respect the provisions of § 4. When elaborating the regional planning documentation the elaborating bodies are obliged to propose and to justify the solution to be from the view of the protection of forest land resources, forest stands and other interests of the society the best one. The details are set down in the generally binding legal provisions of the Federal Ministry of Technical and Investment Development by agreement with the Bodies of the State Administration of Forest Management of both republics.

(2) The drafts of regional plans for big territories, settlement areas or zones have to be discussed during their elaboration and approved by the Bodies of the State Administration of Forest Management before their final approval. For the obtainment of this approval the general provisions on administrative proceedings are not to be applied.

(3) The regional decision,<sup>3)</sup> touching the forest land resources cannot be issued without the approval of the Body of the State Administration of Forest Management.

## § 6

### **OBLIGATIONS RELATING TO THE ELABORATION OF PROPOSALS FOR THE ASSIGNATION OF EXPLOITATION AREAS**

(1) When elaborating the proposals for the assignation of exploitation areas according to the special provisions<sup>4)</sup> the organizations authorized to exploit the minerals are obliged to care for the protection of the forest land resources and forest stands and to respect the provisions of § 4. They are also obliged to propose and justify such a solution which also protects - while securing the rational exploitation of the mine - the forest land resources and the forest stands to the highest possible extent. They also have to evaluate the anticipated losses in timber production in comparison with other alternatives, considering other forest functions, recultivation possibilities and anticipated subsequent damages.

(2) Before their final approval the proposals concerning the exploitation place have to be approved by the Body of State Administration of Forest Management. For this approval the general provisions on administrative proceeding are not to be applied.

(3) In cases when the exploitation site adjoins both the forest and the agricultural land resources the Body of the State Administration of Forest Management will specify, in the approval issued according to the par. 2, the recultivation method agreed by the Body for the protection of the Agricultural Land Resources.

#### § 7

### **OBLIGATIONS CONCERNING THE ELABORATION OF THE BUILDING DOCUMENTATION**

(1) When elaborating the building documentation the investors are obliged to care for the protection of the forest land resources and forest stands, to respect the provisions of § 4, and on the basis of efficiency calculation<sup>5)</sup> to propose the placement of the building in such a way so that the damages to the fulfilment of forest function are as small as possible. If the solution is not explicit, they are obliged to propose the placement of the building in alternatives.

(2) For the discussion of the drafts of buildings' project purpose anticipating the permanent or temporary taking out the forest lands from the forest land resources or the restrictions in their utilization, the approval of the Body of the State Administration of Forest Management is needed. For this approval the general provisions on administrative proceedings are not to be applied.

### **OBLIGATIONS CONCERNING THE MINING, BUILDING AND INDUSTRIAL ACTIVITIES, THE DESIGNS AND BUILDING OF DIRECTION AND LINE CONSTRUCTIONS, GEOLOGICAL AND HYDROGEOLOGICAL SURVEY**

#### § 8

The organizations carrying out the mining, building and industrial activities, the designs and construction of direction and line constructions as well as the geological and hydrogeological prospection are obliged to care for the protection of the forest land resources and forest stands and to respect the provisions of § 4. They are also obliged:

- a) To discuss the intended execution of works with the Body of the State Administration of Forest Management and with the user of the forest lands.
- b) To take the measures to prevent damages of the network of forest roads, forest ameliorations, draining installations and other forest technical facilities and to enable its functioning further on. If it is not possible they have to ensure its efficient renewal.
- c) To direct the works in such a way that they are done out of period of intensive forest works or out of the period of rest necessary for the fulfilment of forest functions (afforestation in spring, birth of animals, etc).
- d) To carry out the works in such a way that the forest lands and the forest stands are damaged to the smallest extent possible, especially to take efficient technical measures

in order to prevent or to reduce the leakage of solid, liquid and gas substances damaging the forests.

e) To store the removed materials in exploited places. If it is not possible or from the economic point of view justified, to store them in infertile places and in other places assigned to this purpose.

f) To direct the cleared boundary lines in forest in a way protecting the forest, especially the windwards of forest stands from the wind as much as possible.

g) After the works termination to bring the damaged forest lands into the original condition, unless prescribed by the Body of the State Administration of Forest Management otherwise.

### § 9

In the generally binding provisions the Central Body of the State Administration of Forest Management of the Republic will revise in details the following:

a) The conditions and procedures concerning the taking out the forest lands from the forest land resources, as well as the restrictions in their utilization for fulfilment of forest functions.

b) The protection of the forest land resources in respect of regional planning activities, elaboration of proposals on assignation of exploitation sites, building documentation, exploitation, building and industrial activities, designing and construction of directional and line constructions, as well as geological and hydrogeological survey.

## THIRD PART

### COMPENSATION FOR DAMAGING THE FORESTS

### § 10

(1) Everyone is obliged to see that no damages are done either to the forest resources (§ 1) or to any construction or facility on the lands serving the forest management.

(2) In case of damages (par. 1), the person who caused the damage is obliged to bring the damaged places into the original condition. If it is not done or not possible, or from the economic viewpoint purposeful, he is obliged to compensate the damage according to the provisions on compensation for damage. In the case of the forest stands damage also the profit which would have been achieved in case of no damage is to be compensated.

(3) If, in connection with the capital construction, the continuity of compact forest units, forest roads or other constructions and facilities serving the forest management was interrupted, the person who caused it is obliged to compensate the injured person the increased operation costs caused by it as well.

(4) In case of the forest stand removed in connection with the capital construction the investor is obliged to compensate the profit which would be attained if the forest stands were not prematurely cut down minus the amount which the injured person may have gained for timber from the removed forest stand.

(5) If, within the works performed, there is an escape of liquid, solid or gas substances causing damages on the forest lands or on the forest stands, the person operating these facilities is obliged to take measures which prevent or reduce this escape and to participate in the investigations concerning the harmful effects of these substances on the forest lands or on the forest stands which are initiated by the forest owner, supervisor or user and summoned by the Body of the State Administration of Forest Management.

(6) Road companies and users of the forest lands are obliged to take safety measures necessary for the protection of forests against fires which can be caused by the road operations. Basic measures are set down in special provisions<sup>6)</sup>.

(7) The Body of the State Administration of Forest Management can decide that the damage can be compensated by bringing the given area in the original condition. It can also impose to take other measures in order to prevent the damage.

#### **FOURTH PART FOREST PROPERTY IN THE STATE OWNERSHIP**

##### **§ 11**

(1) The forest resources, constructions and facilities serving the forest management which are in the ownership of the state (further "forest property of the state") are managed by the state organizations of forest management established by the Central Body of the State Administration of Forest Management.

(2) The forest property of the state which is indispensable for the defence needs of the state are run by the state forestry organizations established by the Ministry of Defence of the Slovak Republic (further "Ministry of Defence").

(3) Other state organizations can manage the forest property of the state in exceptional cases only, i.e. in cases when they necessarily need it for the fulfilment of their assignments. Exceptions can be given by the Central Body of the State Administration of Forest Management of the Republic.

(4) Transfers concerning the administration and the ownership of forests owned by the state can be effected with the approval of the Central Body of the State Administration of Forest Management of the Republic. A similar procedure is applied to renting.

(5) For the exception according to par. 3 and for the approval according to par. 4, the general provisions on administrative proceedings are not to be applied.

##### **§ 12 Annulled**

##### **§ 13**

Annulled

§ 14

Annulled

§ 15

Annulled

§ 16

Annulled

§ 17

Annulled

§ 18

Annulled

§ 19

Annulled

#### **FOURTH PART A**

### **SPECIAL AUTHORIZATIONS CONCERNING THE FOREST UTILIZATION**

§ 20

#### **MEASURES FOR ENSURING THE SAFETY FOR PERSONS AND PROPERTY**

(1) On the forest lands touched by the construction, the investors of directional, line and other constructions and facilities are obliged to take measures protecting the constructions and facilities against damages which might cause landslide, avalanches, falling of stones or trees, etc. from these lands. The extent and the type of these safety measures will be set down by the pertaining state administration body by the agreement with the Body of the State Administration of Forest Management according to special provisions<sup>12)</sup>.

(2) The user of forest lands is obliged to enable the implementation of the measures according to par. 1.

(3) In cases where, for the safety of persons and property, besides the measures set down in par. 1, also changes in the management or the restrictions in the utilization of forest lands are required, the further measures will be decided by the Body of the State Administration of Forest Management which also determines who has to bear the costs occurred. The legal provisions setting down the relations between road and surroundings remain untouched<sup>13)</sup>.

## § 21

### USE OF LANDS OWNED BY OTHER SUBJECTS

(1) The user of forest lands is entitled to use lands owned by other subjects for the forest transportation free of charge, and in the necessary extent, if he cannot reach the forest land otherwise or with the costs inadequately higher than the detriment occurred by this use. If a damage occurs to the administrator (owner, user) of the lands owned by other subjects, he is entitled to be compensated for damages according to general legal provisions.

(2) The user of forest lands is obliged to discuss with the administrator (owner, user) of lands owned by other subjects, the conditions of forest transportation. If no agreement is achieved, the Body of the State Administration of Forest Management will decide about the time, way, extent and duration of the forest transportation on the lands owned by other subjects and about possible remuneration for the necessary use. The compensation for damages remains hereby untouched.

## FIFTH PART

### THE FOREST FUNCTIONS AND THEIR CATEGORIZATION

## § 22

### MAIN PRINCIPLES OF THE FOREST FUNCTIONS DEVELOPMENT

The users of forest lands are obliged to manage the forest stands economically according to forest management plans approved by the Bodies of the State Administration of Forest Management in order to increase their fertility of forest lands and the production of timber while securing other forest functions.

## § 23

### CATEGORIZATION OF FORESTS

(1) From the point of main forest functions the forests can be divided into the commercial forests, protection forests and special purpose forests.

(2) The commercial forests are the forests the main purpose of which is the production of high quality timber while ensuring other forest functions.

(3) The protection forests are the forests the function of which results from the given natural conditions. These forests have to be managed in a way orientated predominantly on the improvement of their protection function.

(4) The special purpose forests are the forests serving a special purpose resulting from specific and important social needs which determine their management.

(5) The Central Body of the State Administration of Forest Management of the Republic will set down a more detailed specification of respective forest categories in the generally binding legal provision.

§ 24

**FOREST REGIONS**

(1) The forest regions are defined by their forest functions, their natural and economic conditions as well as interests and needs of the society.

(2) The Government of the Republic declares the forest regions in a decree. The Government can also adjust or prohibit the activities endangering the function of forest regions in order to stabilize the territory of forest region from the ecological point of view<sup>13a)</sup>.

**SIXTH PART**

**MILITARY FORESTS**

§ 25

**PERFORMANCE OF THE STATE ADMINISTRATION IN MILITARY FORESTS**

(1) The Ministry of Defence performs - with exception of the cases set down in the par. 2 - the state administration of the forest management in forests which are indispensable for the defence needs of the state in line with the provisions<sup>14)</sup> (further "military forests") and instructions of the Central Body of the State Administration Forest Management.

(2) For ensuing a uniform forest policy in the affairs concerning the military forests the Central Body of the State Administration of Forest Management of the Republic issues binding statements

(a) to the proposals of forest management plans elaborated by the organizations managed by the Ministry of Defence before their approval,

(b) before issuing the decision about the taking out the lands from the forest land resources and about the restrictions concerning their utilization if the area of the lands to be taken out or to be restricted in utilization exceeds 10 ha.

(3) The Central Body of the State Administration of Forest Management of the Republic can - on serious grounds according to par. 2 - reserve the right to decide itself.

(4) In the military forest affairs the Ministry of Defence is obliged to permanently supervise the observance of the provisions of this Act, and of the Acts of National Councils which set down the management in forests, the state forestry administration as well as the observance of the provisions issued on their basis.

(5) Within its competency the Ministry of Defence imposes measures for the elimination of the found mistakes, the fines for the breach of obligations set down by this Act and by the Acts of the National Councils which set down the management in

forests and the state forestry administration or the fines imposed on their basis. These fines are revenues of the state budget.

(6) The Central Body of the State Administration of Forest Management of the Republic executes the top supervision about how the bodies and organizations of the Ministry of Defence observe the provisions of this Act, of the Acts of the National Councils which set down the management in forests and the state forestry administration and the provisions issued on this basis. The Central Body of the State Administration of Forest Management of the Republic, by agreement with the Ministry of Defence, can impose upon the organizations managed by this Ministry, the measures for the elimination of found mistakes, the fines for the breach of obligations set down by this Act and by the Acts of the National Councils laying down the management in forests and the state forestry administration or the fines charged on their basis.

## SEVENTH PART FINES

### § 26

(1) The Bodies of the State Administration of Forest Management levy fines up to 1 million SKK on those who

(a) without the decision about the taking out the forest lands from the forest land resources or without the decision about the restriction of their utilization take away the forest lands from this resources or restrict their utilization,

(b) illegitimately use the forest land resources, use it for other purposes or hinder its proper utilization,

(c) cause the damage of the forest lands, forest stands, constructions, roads and machinery and equipment serving the forestry or who otherwise deteriorate the forest management operation, for example through an unauthorized blocking the access roads to the forests,

(d) do not meet other obligations set down by this Act or the measures set down by the decision of the Body of the State Administration of Forestry Management issued in line with this Act.

(2) If, within one year from validity of the decision about the fine imposition, the organization breaks any obligation for which a fine according to this Act was imposed, it will be charged another fine up to the double of the fine which would have been otherwise charged.

(3) The fine for the breach of the obligations according to § 8 (letter d) cannot be imposed in cases when the fine was charged according to special provisions<sup>15)</sup>.

(4) The proceeding concerning the fine imposition can be commenced within one year only from the day when the Body of the State Administration of Forest Management learnt about the breach of the obligations set down in par. 1 - however, within three years at the latest, in case of the breach of obligations by the users of forest lands within 5 years from the day of the breach of these obligations at the latest.

- (5) The fine is to be paid within 15 days from the validity of the decision.

**EIGHT PART**  
**TEMPORARY AND FINAL PROVISIONS**

§ 27

Annulled

§ 28

Annulled

§ 29

**ANNULLING PROVISIONS**

Annulled are:

1. Act No 166/1960 Coll. on Forests and Forest Management (Forest Act),
2. Decree No 17/1961 Coll. of the Ministry of Agriculture, Forest and Water Management issuing the implementing rules to the Forest Act in the wording of later provisions,
3. Governmental Decree No 94/1962 Coll. by which the Forest Act is executed within the competency of the Ministry of National Defence.

§ 30

**EFFECTIVENESS**

This Act becomes effective on 1 January 1978.

The Act No 229/1991 Coll. became effective on the day of declaration (24 June 1991).

The Act No 183/1993 Coll. of the National Council of the Slovak Republic became effective on the day of declaration (22 August 1993).

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- 1) Act of the Slovak National Council No 307/1992 Coll. on the Agricultural Land Resources Protection
  - 2) Decree No 83/1976 Coll. of the Federal Ministry of Technical and Investment Development on General Technical Requirements Laid on Building Industry
  - 3) Act No 50/1976 Coll. on Regional Planning and Building Regulations (Building Trade Act)
  - 3a) Act of the Slovak National Council No 131/1991 Coll. on the State Fund for Forest Improvement of the Slovak Republic
  - 4) Act No 41/1957 Coll. on the Mineral Riches Utilization (Mining Act)
  - 5) Decree No 163/1973 of the Federal Ministry of Technical and Investment Development on Building Documentation
  - 6) Act No 51/1964 Coll. on Roads in the wording of the Act No 104/1974 Coll. Decree No 52/1964 Coll. of the Ministry of Transportation implementing the Act on Roads in the wording of Decrees No 132/1969 Coll. and No 122/1974 Coll.
  - 12) For example the Act No 50/1976 Coll.
  - 13) § 12 of the Act No 51/1964 Coll.
  - 13a) § 4 of the Act No 17/1992 Coll. on the Environment

- 14) Act No 169/1949 Coll. on Military Districts  
Act No 40/1961 Coll. on Defence of the Czechoslovak Socialist Republic
- 15) Act No 309/991 Coll. on protection of air from pollution (Act on Air Pollution Control)