

## **Act relating to forestry (Forestry Act).**

Proposition No. 28 (2004–2005) to the Odelsting, Recommendation No. 61 (2004–2005) to the Odelsting and Decision No. 55 (2004–2005) of the Odelsting. Decisions of the Odelsting and Lagting respectively 17 March and 12 April 2005. Submitted by the Ministry of Agriculture and Food.

The following Acts are repealed:

- 1 Act of 9 June 1939 No. 17 relating to domestic use forest and joint ownership forest.
- 2 Act of 9 November 1956 No. 4 relating to taxes on timber for the promotion of joint forestry measures.
- 3 Act of 21 May 1965 relating to forestry and forest protection.

The following Acts are amended:

- 1 Act of 29 November 1968 relating to special rights of disposition over another person's property.
- 2 Act of 28 June 1974 No. 58 relating to allodial rights.
- 3 Act of 21 December 1979 No. 77 relating to land consolidation, etc. (Land Consolidation Act).
- 4 Act of 19 June 1992 No. 59 relating to rural common lands.
- 5 Act of 19 June 1992 No. 60 relating to forestry, etc. on state-owned common land.
- 6 Act of 26 March 1999 No. 14 relating to taxation of wealth and income (Taxation Act).
- 7 Act of 24 November 2000 No. 82 relating to watercourses and ground water (Water Resources Act).
- 8 Act of 20 December 2002 No. 99 concerning amendments to the Act of 26 March 1999 No. 14 relating to taxation of wealth and income (Taxation Act).

### **Chapter 1 Introductory provisions**

#### **Section 1. *Purpose of the Act***

The purpose of this Act is to promote sustainable management of forest resources in Norway with a view to promotion of local and national economic development, and to secure biological diversity, consideration for the landscape, outdoor recreation and the cultural values associated with the forest.

#### **Section 2. *Scope of the Act***

This Act shall apply to all forest and forest land. For the purpose of this Act, "forest land" means land which produces forest or which, according to an overall assessment, is most suitable for forest production and is not being used for any other purpose.

The Act shall apply even if an area is protected pursuant to the Nature Conservation Act or, in plans pursuant to the Planning and Building Act, is designated for other purposes than agriculture, unless otherwise provided by protection or planning decisions or by regulations associated with such decisions.

The Act may not be applied in contravention of the rights of Sami reindeer herders to timber and fuel.

### **Section 3.** *Forestry authorities*

The Ministry is the supreme forestry authority. The Ministry may transfer authority to other administrative bodies. The County Agricultural Committee, the County Governor and the municipality hold such authority pursuant to the provisions of the Act, regulations issued by the Ministry and other decisions concerning transfer of authority.

If a matter requires coordination across municipal boundaries or important national considerations so indicate, responsibilities that by or pursuant to the Act are assigned to the municipality may be dealt with by the Ministry or by another forestry authority.

The County Governor is the forestry authority for forest owned by the municipality or county authority.

### **Section 4.** *The administrative responsibility of the forest owner*

The forest owner shall ensure that all activities in the forest are carried out in compliance with statutes and regulations. The forest owner shall have an overall view of the environmental values in his own forest and pay regard to them when carrying out all activities in the forest. Such considerations may prevent the implementation of some activities in the forest. Within these frameworks, the forest owner is free to manage the forest in relation to his own objectives.

The forest owner shall ensure that those who work in the forest comply with the Act and regulations issued pursuant to the Act.

The Ministry may issue further regulations concerning considerations the forest owner shall take with regard to the environment.

## **Chapter 2 Forestry activities**

### **Section 5.** *Forest inventory and forest management plan*

The forest management planning includes forest inventories, listing forest and environmental resources on the property and a plan for management of these.

Forest inventories may be made in an area even if a forest management plan has not been ordered by all of the forest owners. All forest owners shall be notified that such an inventory is being made. Inventories of environmental values made in connection with the forest management plan shall be publicly accessible, cf. the Act of 9 May

2003 No. 31 relating to the right to environmental information and public participation in decision-making processes relating to the environment.

The municipality may order the forest owner to make forest inventories and resource inventories or a forest management plan. The Ministry may issue regulations concerning forest inventories and forest management planning including, inter alia, requirements regarding the content of the plan and provisions concerning how the data that is collected shall be managed.

### **Section 6. *Regeneration and silviculture of forest***

The forest owner shall ensure satisfactory regeneration after felling, and ensure that there is a correlation between the logging method and the method of regeneration. Necessary measures for providing for regeneration shall be initiated within three years after felling.

The time limit for regeneration may be postponed to five years when justifiable on the basis of climatic and local conditions.

If the forest owner fails to comply with this, the municipality shall decide whether the forest owner shall be ordered to implement measures to ensure that the area is regenerated. The measures must be implemented within a maximum time limit of two years. If the measures are not carried out within the time limit, the municipality shall ensure that the measures are carried out at the expense of the forest owner. The municipality may require that its costs in this connection be covered from funds deposited in the Forest Trust Fund. The costs are enforceable by execution.

If the municipality finds it necessary to prevent major negative effects on the environmental values, including pollution of important water resources, the municipality may refuse forest owners permission to plant in treeless areas, to change tree species, to dig ditches, fertilize or use pesticides. The municipality may also lay down conditions in such cases.

The Ministry may issue further regulations concerning regeneration and management of forest, including requirements regarding satisfactory regeneration, change of tree species, use of foreign tree species, digging of ditches in forest, fertilization of forest, use of pesticides in forest and the supply of seeds and seedlings for forestry purposes.

### **Section 7. *Roadbuilding in forest***

Building and repair of roads for forestry purposes may only be carried out by permission of the municipality.

Planning, building and repair shall be carried out in a manner that shows consideration for important environmental values and ensures overall solutions consistent with agricultural uses. Emphasis shall be placed on providing an adequate road network, which also pays regard to the usefulness of the road for other commercial activities associated with the agricultural properties.

The Ministry may issue further regulations concerning planning, approval and building of forest roads and of other construction and technical intervention associated with forestry.

### **Section 8.** *Felling and scaling*

In connection with felling, regard shall be paid to the future production and regeneration of the forest and to environmental values. It shall be ensured that the use of footpaths, cross-country skiing tracks and other rights of way is not unduly impeded for the general public after completion of the felling. The municipality may order the forest owner to repair damage made by vehicles and other damage following activities in the forest.

If felling is planned or carried out in contravention of this Act, the property considerably reduces its production base or may adversely affect environmental values, the municipality may refuse felling or stipulate conditions for how it shall be carried out.

Unless otherwise provided by the Ministry, the purchaser and seller shall ensure that all timber felled for processing, sale or export is scaled. The Ministry may issue further regulations concerning registration and filing requirements in connection with such scaling.

### **Section 9.** *Preventive measures*

When there is a danger that extensive forest areas may be damaged by attacks by insects or fungi, the municipality shall implement the necessary preventive measures. This may include orders to forest owners. This also applies to forest and trees in areas outside the scope laid down in section 2. The Ministry may issue further regulations concerning such measures and concerning how the costs shall be covered. The municipality's costs in this connection are enforceable by execution.

Where grazing by cervids results in substantial damage to forest undergoing regeneration or where such grazing is a substantial obstacle to compliance with the obligation to regenerate forest pursuant to section 6 of this Act, the municipality as the body responsible for game shall consider whether there is a need to regulate the stocks of cervids in order to reduce the pressure of grazing.

### **Section 10.** *Measures following damage to forest*

When the forest is damaged as a result of inappropriate forest management, decay, fire, wind felling, landslides, or disease attacks by fungi, rodents, cervids or insects, or other conditions that substantially reduce forest production, the municipality may order the forest owner to implement the necessary measures to repair the damage. The municipality shall fix a time limit for such measures. The time limit shall not be longer than two years. If the measures are not carried out within the time limit, the municipality shall ensure that the measures are carried out at the forest owner's expense. The municipality's costs in this connection are enforceable by execution.

### **Section 11.** *Obligation to notify*

When it is necessary in order to ensure compliance with the Act, the municipality or other forestry authority may decide that forest owners shall be obliged to notify plans for felling and measures associated with regeneration and silviculture of forest. This obligation to notify may apply to one or more forest owners either throughout the municipality or in parts of it.

The notification shall be in writing and provide information of the owner's plans for felling or measures. The notification shall be sent to the municipality at the latest three weeks prior to commencement of the felling or measures.

If the municipality has not responded to the notification within three weeks from the date when the notification was received by the municipality, or made a decision pursuant to section 6, third paragraph, section 8, second paragraph, or regulations pursuant to section 4 or 7, the notified measures may be implemented in compliance with the provisions that apply pursuant to the Act. If the municipality needs more time to make a decision concerning the measures, the time limit may be extended by a maximum of 14 days. The permission shall apply for 10 years.

## **Chapter 3 Protective forest and areas of particular environmental value**

### **Section 12.** *Protective forest*

The County Agricultural Committee may issue regulations that forest shall be protective forest when the forest serves as protection for other forest or provides protection against natural damage. The same shall apply to areas near mountains or ocean, where the forest is vulnerable and may be damaged by wrong forest management.

The regulations shall establish the boundaries for protective forest and provide rules for management of the forest. Rules may also be provided concerning the obligation to notify.

The municipality shall ensure that owners of protective forest are made familiar with the protective forest decision and the rules that are provided, and shall announce the decision in the newspapers the municipality otherwise uses for announcements.

### **Section 13.** *Forest areas of particular environmental value*

The Ministry may in regulations impose more stringent restrictions on forest management in forest areas of particular environmental value associated with biodiversity, landscape, outdoor recreation or cultural heritage than are otherwise authorized by the Act when forest management may result in major damage to or adverse effects on these values.

## **Chapter 4 The Forest Trust Fund, etc.**

### **Section 14. *Payment to the Forest Trust Fund***

The Forest Trust Fund is an obligatory reserve, the intention of which is to provide the forest owner with a sounder basis for financing measures aimed at sustainable management of forest resources.

The forest owner shall allocate funds to the Forest Trust Fund on sale, expropriation or other transfer of felled or extracted timber or of standing trees, on the forest owner's use of timber for further sale or other transfer. This obligation does not apply to the forest owner's use of timber for his own needs in connection with agricultural and forestry activities on the property.

The County Governor may exempt a forest owner from the obligation to make payments to the Forest Trust Fund pursuant to the first paragraph if it is deemed unreasonable to demand such payment, and the forest owner may refer to investments in the forest at least equivalent to the obligatory payments.

The funds on deposit in the Forest Trust Fund accompany the property on transfer to a new owner, and such deposits may not be separated from the property in connection with mortgage, enforcement of claims or in other ways.

The Ministry may issue regulations concerning the Forest Trust Fund scheme, and fix the size of allocations to the fund. Allocations shall not be less than two per cent of the gross value of the timber.

In the event of non-payment to the Forest Trust Fund, a claim from the municipality is enforceable by execution.

### **Section 15. *Use of the Forest Trust Fund***

The Forest Trust Fund shall be used for long-term investments to the advantage of the forest from which the timber is supplied or to the advantage of another forest owned by the forest owner in the same municipality. By approval of the municipality, funds deposited in the Forest Trust Fund may also be transferred to another forest owned by the forest owner.

The Forest Trust Fund shall primarily be used for silviculture, forest management planning, forest production, forest roads and measures aimed at securing important environmental values in the forest.

The Ministry may issue further regulations concerning the use of the Forest Trust Fund, inter alia, rules concerning release of funds if there is no need for investments in the forest.

### **Section 16. *Interest on deposits in the Forest Trust Fund***

The forest owner is not entitled to interest on deposits in the Forest Trust Fund.

Interest deriving from the Forest Trust Fund shall be used for administration of the Forest Trust Fund scheme and to cover any losses in connection with collection of obligatory payments to the Forest Trust Fund. Interest not used for these purposes

shall be used for various forestry purposes pursuant to further regulations issued by the Ministry.

**Section 17.** *Tax on timber for the promotion of research and development in forestry*

The Ministry may in regulations provide that a tax shall be paid on timber in order to promote research and development in forestry, and may provide further rules concerning payment, use and administration of this tax and concerning how long such a tax shall be collected.

**Chapter 5 Final provisions**

**Section 18.** *Restriction of competition*

The Ministry may provide in regulations that forest owners and their organizations shall be entitled to cooperate on production and sale of agricultural products.

**Section 19.** *Grants*

The Ministry may issue regulations concerning distribution and conditions for the disbursement of grants for industrial and environmental measures in forest according to frameworks granted by the Storting. Regulations may contain provisions stipulating repayment of such grants if the conditions for the grants are not fulfilled.

**Section 20.** *Supervision, control and reporting*

The municipality shall supervise compliance with the provisions of the Act and control that decisions pursuant to the Act are carried out. The Ministry may issue regulations concerning the municipalities' reporting and result control.

In connection with supervision, forestry authorities have a right of access to forest and uncultivated land including by means of motor vehicles.

When preparing inventories of forest and timber development, the forestry authorities have a right to inspect certification reports and similar inventories prepared by forest owner organizations or by bodies associated with these.

**Section 21.** *Appeals*

Decisions of the municipality pursuant to this Act may be appealed to the County Agricultural Committee unless the Ministry has decided that the County Governor shall be the appeal body.

The Ministry or the agency so authorized by the Ministry shall be the appeal body in respect of decisions made by the County Agricultural Committee or the County Governor at first instance.

## **Section 22. *Penalties***

Any person who wilfully or negligently violates or is accessory to violation of the provisions of sections 6, 7, 8, 11, 12, 13, 14 or 15, regulations issued pursuant to these sections or decisions pursuant to these provisions or regulations shall be subject to fines or imprisonment for a term not exceeding one year.

Any person who wilfully or negligently violates or is accessory to violation of regulations issued pursuant to section 4, third paragraph, or section 17 or decisions pursuant to these regulations shall be subject to the same penalties.

Penalties pursuant to the first and second paragraph may only be applied in cases involving material breaches.

## **Section 23. *Coercive fines***

In order to ensure that the provisions of the Act and decisions made pursuant to the Act are carried out, the municipality may order the forest owner to pay coercive fines. Such coercive fines may be imposed from the expiry of the time limit set by the municipality for rectification of the matter. The coercive fines may also be fixed in advance. It may be laid down that the coercive fines shall increase until the unlawful matter is rectified.

Coercive fines are enforceable by execution.

## **Section 24. *Entry into force***

The Act shall enter into force from such date as the King decides.

From the same date, the following Acts are repealed:

- a) Act of 9 June 1939 No. 17 relating to domestic use forest and joint ownership forest.
- b) Act of 9 November 1956 No 4 relating to tax on timber for the promotion of joint forestry measures.
- c) Act of 21 May 1965 relating to forestry and forest protection.

## **Section 25. *Transitional provisions***

Regulations and decisions pursuant to the Acts referred to in section 24, second paragraph, shall apply until the Ministry makes new decisions or issues new regulations pursuant to this Act.

The provisions of the Act of 9 June 1939 No. 17 relating to domestic use forest and joint ownership forest shall apply for Nystaul and Finsbu domestic-use forest in Kilen in Telemark until the owners of the forest have adopted a different organization for management of the property.

## **Section 26. *Amendments to other Acts***



From the date decided by the King, the following amendments shall be made to other Acts: ---