The public of the Slovak Republic, represented by Ing. Róbert Oružinský, residing at Krajné 268, 916 16

Ľubomír Jahnátek
***the Minister of Agriculture and Rural Development* Ministry of Agriculture and Rural Development of the Slovak Republic**
Dobrovičova 12
812 66 Bratislava

27 May 2013

Re
Collective comment on the document No. 2752/2013-410

As part of the ongoing inter-departmental comment procedure on the *bill amending Act No. 326/2005 Coll. on Forests, as amended and on amendments to certain Acts*, published on 10-30 May 2013 on the Portal of Legal Regulations under the number 2752/2013-410 (hereinafter referred to as the "draft amendment to the Forest Act") and in accordance with the valid Legislative Rules of the Government of the Slovak Republic, we would like to submit comments on Art. I of the draft amendment to the Forest Act, which are listed below, together with the justifications.

In the event that the Ministry of Agriculture and Rural Development of the Slovak Republic does not comply with the given comments, we request a dispute procedure, to which a public representative listed in the header of this letter will be duly and timely invited.

Wording of the comments on individual provisions of the draft amendment to the Forest Act:

Comment No. 1

We request the following point to be added before point 1:

"Forests are one of the greatest assets of our country, they form one of the basic components of the environment and provide an irreplaceable source of wood for the national economy. Forests affect and improve the climate, water and soil conditions, create a natural environment for many species of living organisms and their communities, preserve natural beauty, biodiversity and are also a source of health and refreshment for the population. All these functions of forests are the reason why we need to protect forests, forest lands and forest trees; at the same time, the forests must be continuously and systematically made to thrive, managed differently, respecting the knowledge of modern science and research, especially in the field of biology, ecology, technology and economics and the principles of sustainable development of society."

Justification:

The Forest Act lacks a summary of the reasons why legislation on forest management is actually needed. Although the reasons given in the comment may seem obvious, we consider it expedient, also in view of the logical structure of the Act, to give a brief summary of the reasons why forests in Slovakia need to be protected and why sound and sustainable forest management is needed. The functions of forests are irreplaceable (as stated in the current wording of the Forest Act), but only well-managed forests provide these functions to an extent that is beneficial to human society and the protection of the environment. The above summary of reasons (preamble) is an amended version of the original Forest Act (No. 61/1977 Coll.).

This comment is crucial.

Comment No. 2

In the entire Act No. 326/2005 Coll. on Forests, as amended, we request the phrase "forest care program" to be replaced by "forest management plan".

Justification:

The document that is now – under the valid wording of the Forest Act – formally called the *forest care program* does not meet the requirements of similar documents (care programs), which in accordance with Act No. 543/2002 Coll. on nature and landscape protection, as amended (§54), are considered the nature protection documentation. The term "forest care program" is an euphemism rather than a real name reflecting the reality, and (probably also for the reasons stated) this phrase has not been adopted in practice. The natural name of such a document is the phrase "forest management plan", which has been used for decades and significantly better expresses the true nature of such a document. Its primary goal has always been and is to set basic indicators, measures, frameworks and limits for the economic use of forests, of course with regard to the non-productive functions of forests. More than 70% of the forests of the Slovak Republic are forests classified as commercial forests, the main purpose of which, in accordance with the Forest Act, is the production of wood. In these forests (which make up the majority of the forest area), we cannot see any relevant reason for calling a document setting out economic measures for wood production the *forest care program*.

Pursuant to Art. 6 par. 2 of the Legislative Rules of the Government of the Slovak Republic (LPV), the law must be terminologically accurate and uniform. Only accurate and legally established terms and accurate legal terminology can be used in it. If there is no suitable phrase or term, another word or phrase that suits the meaning can be used.

This comment is crucial.

Comment No. 3

In point 35, we request the third sentence in 23 par. 5 to be replaced with the following sentence:

"The forest manager is obliged to notify the intention to carry out incidental logging to the competent state forestry administration body within seven days from the day when they identified the need to carry out incidental logging, and in protected areas with third to fifth degree of protection also to the state administration body for nature and landscape protection33) which are obliged to publish these reports on their official websites without delay."

Justification:

According to the currently valid Forest Act, the forest manager is obliged, in order to protect the forest, to perform the incidental logging preferentially in a way that would prevent pests to emerge, spread and multiply. In the case of protected areas with the fifth degree of protection, this obligation applies only after the entry into force of the decision of the state administration body for nature and landscape protection on granting an exemption. If the estimated volume of timber from incidental logging exceeds 20% of the plot inventory at one time during the forest care program (LHP) or if incidental logging is carried out on a continuous area of more than 0.5 hectares, the forest manager shall report this within seven days from when they learn of it, but no later than within 30 days from when it occurred, to the state forestry administration body, and in protected areas with the fourth and fifth degree of protection also to the state administration body for nature and landscape protection.

The volume of timber from incidental logging is included in the total volume of logging. If the total volume is exceeded by incidental logging, the forest manager may, on the basis of the written consent of the state forestry administration body, subsequently carry out only urgent logging [§ 22

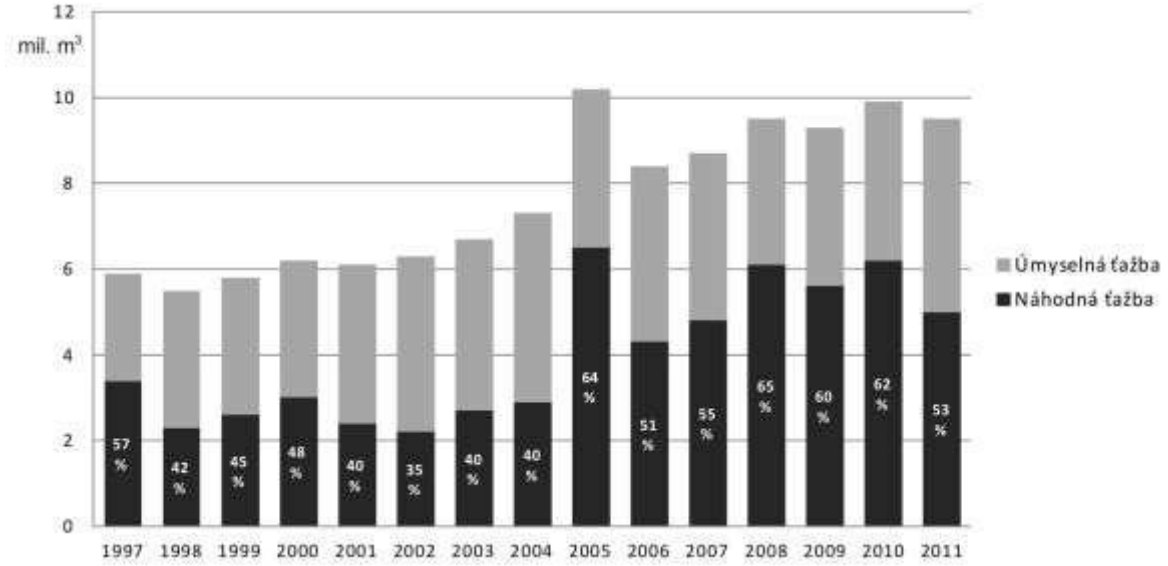
par. 3(a)] **and**, on the basis of the written consent of a professional forest manager **only another incidental logging.**

Incidental logging is the most unsustainable forestry tool in Slovakia. Although § 1 of the Forest Act sets out the purpose of the Act, which is in particular the **conservation, enhancement and protection of forests as elements of the environment and natural resources of the country to fulfil their irreplaceable functions and ensure differentiated, professional and sustainable forest management**, the issue of *incidental logging* is not only ignored by the competent authorities, but they also help to deepen it by constantly softening the obligations of forest managers in carrying out incidental logging, which is also the case of the submitted draft amendment to the Forest Act.

In the last decade, incidental logging has become a serious problem not only for forestry but also for environmental protection. Forests are an important and irreplaceable element of the environment, and if logging significantly disturbs forest ecosystems or even leads to deforestation of larger areas, the quality of the environment in the affected locations and adjacent areas deteriorates, i.e. the degradation, loss of biodiversity, reduction of water retention capacity of river basins, etc.

The share of incidental logging has reached more than half of the total logging in Slovakia since 2005, as shown in the following graph.

Graph 1: *Logging in Slovakia in 1997 - 2011*



© Róbert Oružinský – Source: *Reports on the state of forestry in the Slovak Republic*

Úmyselná ťažba – Intentional logging

Náhodná ťažba – Incidental logging

The significant increase in the trend of logging after 2005 is particularly dangerous, as it has lasted for more than 7 years, and therefore it has been linked to wood processing capacities. The situation when processing capacities are dependent on significant supplies of wood originating mainly from incidental (i.e. unplanned) logging, can also be called the psychological concept of *dependence*. From the point of view of sustainable development, this is clearly *unsustainable*.
For a better understanding of the problem, we can ask this question: How would the wood processing industry react if there was a significant decline in logging in Slovakia to a sustainable level?

Sustainable logging is also essential to keep timber supplies stable in the future. It is not only unsustainable but also immoral to ignore the consequences of the oversaturated wood market. Although wood is generally considered a renewable source, but it is only the case if the basic principles of sustainable forest management are observed (e.g. the principle of long-term equilibrium of logging, etc.).

Longer-term prospective studies of forestry research institutions also present a forecast of allowable cuts (logging possibilities). Allowable cut is actually a determination of sustainable logging, and therefore we can

understand it as ***sustainable logging.*** The graph below shows what the logging forecasts were and what the reality was. From this graph it is clear that the acceptable logging has been exceeded by more than 50% in recent years. It should be noted again that incidental logging is the main contributor to the allowable cut exceeding.

Graph 2: *Comparison of implemented logging with the forecast of logging possibilities in the Slovak Republic in 1990 - 2011*

ťažba dreva skutočná – actual logging

ťažbové možnosti (udržateľná ťažba) – logging possibilities (sustainable logging)

Since 2005, after several amendments to the Forest Act, the incidental logging has become a virtually uncontrollable type of logging. Uncontrollable logging and dependence on high wood supplies is a "deadly" combination. Incidental logging is directly linked to § 28 of the Forest Act (forest protection), which can be considered one of the most problematic legal provisions in relation to forest management. Mainly the provision of § 28 in connection with the provision of § 23 par. 5 of the Forest Act allow dishonest forest managers to abuse the incidental logging to harvest trees that are not problematic from the point of view of forest protection. A distinctive but clear example is the case of Smrekovica, where in 2010 there was an intensive incidental logging under the pretext of damage to the forest by bark beetle (or defoliation), despite the fact that a more pronounced occurrence of bark beetle was not confirmed in this location. The fact that the incidental logging in Smrekovica in the Veľká Fatra National Park was not legitimate was also confirmed by the Regional Court in Žilina in the judgement of 23 May 2012, file No. 21S/95/2011, in which – among other things – the court emphasized that "**the basic principle in nature and landscape, or environment protection is the precautionary principle**". For this reason, we also consider it necessary to establish a system of prior reporting of incidental logging that will create an opportunity for effective control, including public (civil) control, which we consider to be the cheapest and most effective control not only in detecting unjustified and illegal incidental logging, but also in relation to the state treasury and taxpayers (citizens), who have to contribute to it increasingly more, almost unbearable, amounts of their assets.

However, the Smrekovica case is most probably not an isolated case, but given that incidental logging is practically impossible to control, in particular its justification, it is not possible to realistically assess the extent to which incidental logging is being abused to harvest healthy and undamaged trees (spruce in particular). The impossibility of any meaningful and effective control of the justification of incidental logging is the main reason why it is necessary to amend the relevant provisions of the Forest Act and adopt effective measures in the National Council of the Slovak Republic for stricter control of incidental logging.

As mentioned above, the purpose of the Forest Act is to **ensure differentiated, professional and sustainable forest management**. The concept of sustainable forest management is mentioned in the Forest Act a total of 10 times, mostly in connection with key forestry tools. However, the reality is clear even from the facts mentioned above.

The concept of sustainable development is broad and complex. To evaluate progress, or to achieve its objectives, it is appropriate to use statistical tools – collect and evaluate information and introduce certain measurable characteristics. This is already stated in the Agenda 21, which points out the need to harmonize efforts to develop sustainable development indicators at national, international and global levels, including the preparation of regularly updated and generally publicly available reports and databases.

At its meeting in New York on 18 April 1996, the United Nations Commission on Sustainable Development approved **sustainable development indicators**. Of the entire set, 125 sustainable development indicators were relevant for the Slovak Republic (7 indicators of the set concerned seas and coastal areas and arid, desert and semi-desert areas). This set of sustainable development indicators was approved by the Resolution of the Government of the Slovak Republic No. 655/1997 on the implementation of **Agenda 21** and the evaluation of sustainable development in the Slovak Republic and it imposed on the ministers, heads of other central state administration bodies of the Slovak Republic to evaluate the implementation of individual chapters of Agenda 21 and indicators of sustainable development in the Slovak Republic according to UN requirements and methodology.

The strategic document **National Strategy for Sustainable Development of the Slovak Republic** (NSTUR) adopted by the Government in 2001 and subsequently by the parliament in 2002 includes the main aspects of environmental, social, economic and institutional sustainable development in monitoring relevant chapters of Agenda 21 and sustainable development indicators (specified in Annex 1).

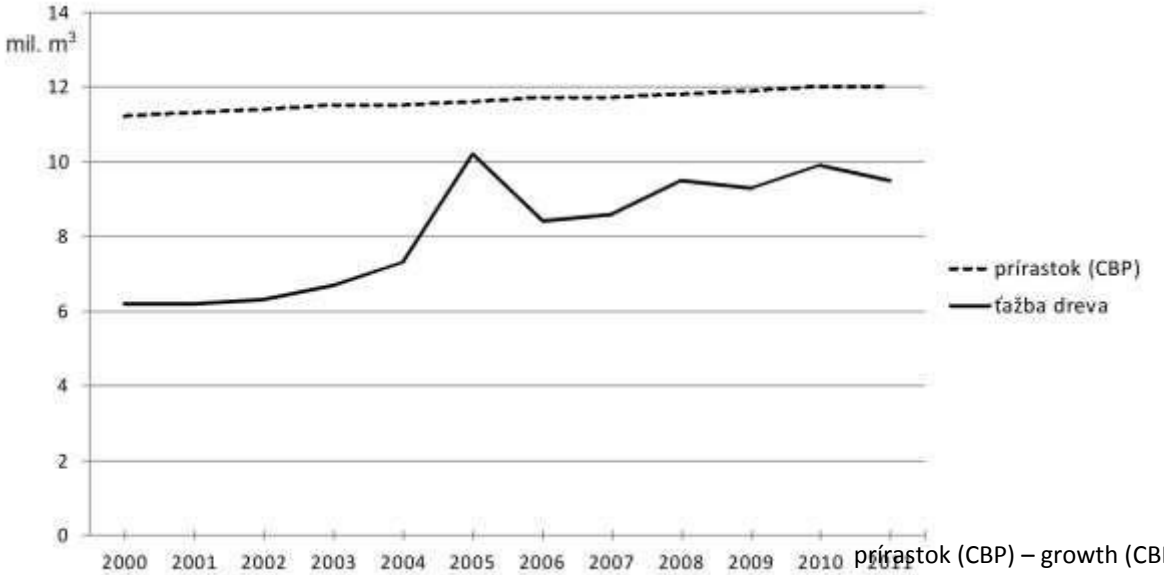
In relation to forestry, the above documents state three environmental sustainable development indicators that directly affect it:

- **logging intensity** (indicator No. 93)
- changes in the area of forest land (indicator No. 94)
- percentage of managed forest land (indicator No. 95)

The Slovak Environment Agency (SAŽP) presents an analysis of the use of forest resources as an indicator of sustainable development within the environmental pillar of sustainable development on the website enviroportal.sk. SAŽP processed the data provided by the National Forestry Centre based in Zvolen (NFC).

The analysis states that logging in Slovak forests has been continuously increasing since 2000, by 52% in 2011. However, its development has long been affected by the volume of incidental logging. The analysis also states that the continuous increase is also identified in the development of the total current growth, which is related to the current age composition and the development of wood stocks in Slovak forests. As of 2011, it amounted to 12.02 million m^3. However, the analysis does not state that the growth was incomparably slower than the logging, which can also be seen on the following graph.

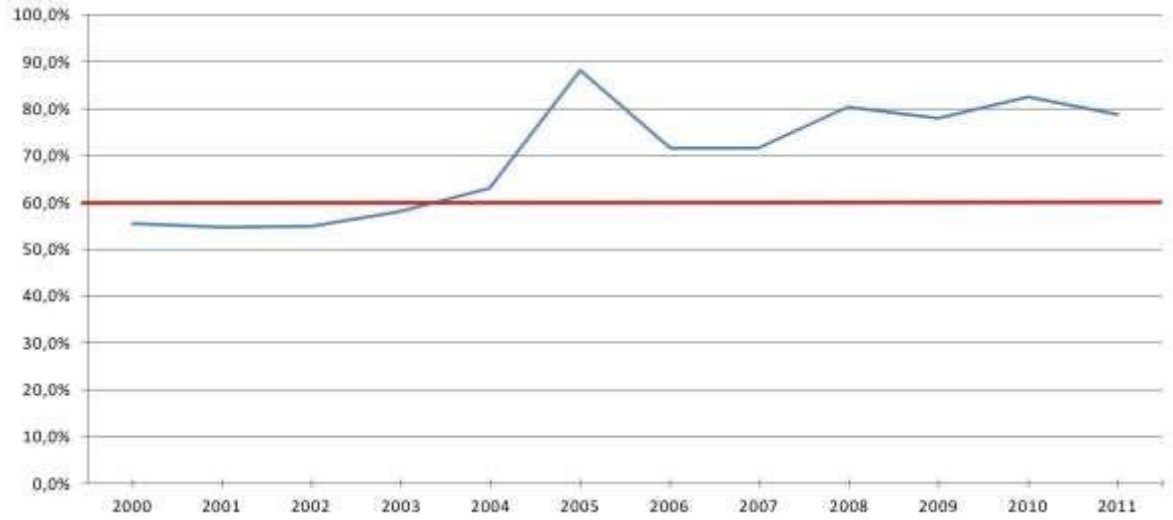
Graph 3: *Comparison of the total regular growth and logging in 2000-2011*



prírastok (CBP) – growth (CBP)
ťažba dreva – logging

The simple logical consequence of faster logging than growth is that its share in growth is increasing.

Graph 4: *Share of logging in the total regular growth in 2000-2011*



© Róbert Oružinský – Source: *SAŽP (enviroportal.sk)*

The red line in Graph 4 represents the 'magic' threshold, which can be considered the threshold of sustainable logging in relation to total regular growth (CBP). Even according to the SAŽP assessment, no more than 60% of CBP should be harvested.

Due to the increase in the share of logging in the growth, especially since 2004, the Slovak Republic holds an infamous leadership compared to neighbouring countries.

Table L.1: *Intensity of logging in selected countries in 2010 (thousand m³)*

	logging	growth	logging/growth
Slovakia	9,860	11,953	**0.82**
Czech Republic	16,740	21,200	0.79
Austria	23,511	30,622	0.77
Hungary	6,899	13,128	0.53
Poland	37,386	82,544	0.45

Source: *SAŽP (enviroportal.sk)*

It is clear from the above data presented in several graphs and a table that logging in Slovakia in the last decade cannot be considered sustainable. Incidental logging has the lion's share in this. A significant share of incidental logging is due to the gradation of the spruce bark beetle. Its gradation is largely caused by unsustainable forest management in Slovakia, at least since the establishment of the first Czechoslovak Republic. In the last decade, the situation has started to "crystallize" quite dramatically. On one hand, it seems that nature can cope with any imbalances that humans cause by their unreasonable actions thanks to its natural regulatory mechanisms (feedback), but the consequences for human society can be fatal – firstly, feedback can also have a significant turbulent effect and secondly, many representatives of our society in the governing state structures remain convinced that nothing is happening (and logging can continue to increase), but this can lead to relatively brutal sobering up, which future generations will apparently not be thankful for.

The logging situation in Slovakia is alarming.

This comment is crucial.

Comment No. 4

We request the point 37 to be amended as follows:

In § 23 par. 7, the words “intentional logging carried out on a plot” are replaced with “logging in

stands”. Justification:

In connection with the provision of the Forest Act that the volume of timber from intentional logging in stands over the age of
50 may be exceeded by a maximum of 15% when compared to the volume recommended in the forest care program, it is not necessary to state that “this does not apply if it is exceeded by incidental or extraordinary logging”, because it is clear from the current wording that this does not apply in the case of incidental or extraordinary logging.

In accordance with § 22 par. 2 of the Forest Act, logging may be:

a) intentional; according to the forest care program, namely in forest education as educational logging and in forest regeneration as regenerative logging,
b) extraordinary; in the case of exemption or restriction of use on the basis of a decision of the state forestry administration body pursuant to § 7 par. 1 or when applying exceptions according to § 31 par. 3 and 6,
c) incidental; as a part of measures for forest protection according to § 28 par. 1(a) to (c) and (i) or measures related to the elimination of the consequences of harmful factors in forests.

It follows that neither the incidental nor extraordinary logging is intentional.

This comment is crucial.

Comment No. 5

We request the point 39 to be amended

as follows: § 23 par. 9 reads as follows:

“The volume of timber from incidental logging shall be included in the total volume referred to in paragraph 8. If the total volume is exceeded by incidental logging, the forest manager may, on the basis of the written consent of the state forestry administration body, subsequently carry out only urgent logging [§ 22 par. 3(a)] and, on the basis of the written consent of a professional forest manager [§ 48 par. 2(k)] only another incidental logging. Another incidental logging means incidental logging caused by a new action of harmful factors in forests.”

Justification:

The proposer's attempt to eliminate the principle from the law that incidental logging will not be included in the total volume of logging is inadmissible. On the contrary, the incidental logging and in particular its control needs to be tightened up (see justification to comment No. 3), therefore when incidental logging can lead to a specified total volume of logging (within a forest unit), a stricter regime for permitting incidental logging needs to be established, as such logging “interferes with the heart of the forest”. The written consent of a professional forest manager is required to carry out any logging, and therefore stating that another incidental logging can be carried out only with the written consent of a professional forest manager is one of the many redundancies, because even if it had not been explicitly stated in the provision (§ 23 par. 9), this consent would still be necessary (since it is provided for in another section of the Forest Act). This professional forest manager's consent needs to be replaced with a stricter assessment just when the limit of sustainable logging is exceeded, which significantly eliminates the risk of misuse of incidental logging for logging beyond the specified maximum volume.

This comment is crucial.

Comment No. 6

We request the point 23 to be amended as follows:

In § 18 par. 3, in the first and second sentences, the "cut" to be replaced with "element", in the third sentence,
the "cut" to be replaced with

"elements". Justification:

The currently valid wording of § 18 par. 3 stipulates that the smallest permissible distance of adjacent restoration cuts, as well as their distance from the area with forest stand not secured under § 20 par. 6 **and 7**, must not be less than their width, regardless of the ownership boundary; in the case of undergrowth management, this condition does not apply if the restoration cut does not lead to a decrease of the trunk of the restored forest stand below half of the full trunk.

An effort to leave out the reference to § 20 par. 7 of the Forest Act in connection with the allocation of restoration cuts is an effort to create unclear criteria for the allocation of restoration cuts. Such an effort is unacceptable. It is therefore necessary to keep the reference to the definition of secured forest stand in § 18 par. 3 of the Forest Act.

This comment is crucial.

Comment No. 7

We request the point 30 to be left out.

Justification:

§ 20 par. 7 of the Forest Act is related to the allocation of restoration cut. An effort to leave it out is an effort to create unclear criteria for the allocation of restoration cut. Such an effort is unacceptable. It is therefore necessary to keep the original wording of § 20 par. 7 of the Forest Act.

This comment is crucial.

Comment No. 8

We request the following point to be added after point 28:

In § 20 par. 6, the phrase "up to ten years" is replaced with "up to five years". Justification:

We propose to tighten the obligation of the forest manager to ensure the forest stand after the reforestation within
two to five years (while this can be extended for another two years). In connection with the reforestation and the commitment of the manager to manage forests sustainably, we also consider the (basic) period of up to ten years to ensure forest stand after reforestation too long, which is contrary to economic principles (the later ensured stand, the higher operating reforestation costs). The five-year period for ensuring the forest stand has been a standard and legal maximum (basic) period in forestry for decades. The proposer cannot give in to the pressure of some forest managers, for whom the reforestation after logging seems to be a less important activity than the monetization of harvested forest stands. Forest management is not only about logging, but also about the fastest and most natural restoration of stable forest stands. Otherwise, the clearing flora competes with the forest, which may also be interesting from a scientific or ecological point of view, but from the point of view of forestry economics, permitting the clearing flora to develop to a greater extent is a failure of professional and sustainable forest management.

This comment is crucial.

Comment No. 9

We request the point 29 to be amended as follows:

In § 20 par. 6, the phrase "extend this period for two more years" shall be replaced by "extend it by a maximum of two years in duly justified cases; this period may not be extended".

Justification:

We request to add to the provision in question that the period for ensuring forest stands after reforestation may only be extended in duly justified cases, otherwise it is only a formal bureaucratic extension of the period on the basis of unclear principles, or no principles. If the basic period is set, for example, for 5 years and may be extended by 2 years, it is legitimate to require the forest managers to duly justify why they have not been able to comply with the basic legal deadline.

This comment is crucial.

Comment No. 10

We request the point 27 to be amended

as follows: § 20 par. 4 reads as follows:
"The forest manager is obliged to restore the forest on the clearing no later than two years from the end of the calendar year in which the clearing occurred, except for protected areas with the fifth degree of protection. The state forestry administration body may extend this period once, at the request of the forest manager, by a maximum of two years. In the case of the formation of clearings to the extent that does not allow the period under the first sentence to be met, if this is necessary due to the creation of an age and spatially differentiated structure of stands, or in the case of the formation of clearings according to § 37 par. 3, the state forestry administration body may, at the request of the forest manager, determine a specific schedule for the clearing reforestation. **The period for the clearing reforestation may not exceed a total of 0.001 years per hectare of its continuous acreage; however, not less than 2 years and not more than 10 years. The time limit may be extended no more than once and for no more than the original period, and it must be duly justified."**

Justification:

We consider the determination of a maximum period for reforestation (forestation) regardless of the acreage of the clearing to be illogical and exploitable. After approving such a provision of the draft amendment to the Forest Act, the state forestry administration body could (either purposefully or mechanically) approve a maximum forestation period, i.e. 20 years, even for relatively smaller clearings where such a period would not be biologically or economically appropriate. We consider it appropriate to incorporate **the principle of proportionality** into the law, i.e. that the basic period and also its extension shall depend on the continuous acreage of the clearing, because the extent of the clearing is the determining factor affecting the period of its reforestation.

This comment is crucial.

Comment No. 11

We request the point 54 to be amended

as follows: § 30 par. 3 reads as follows:

“Physical education, sports or tourist events can only be organized on forest lands in accordance with special regulationsXY)”

The footnote to the XY reference reads:

“XY) Act No. 479/2008 Coll. on the organization of public sporting events, sports events and tourist events and on amendments to certain Acts“.

Justification:

Such wording of the provision would *de facto* eliminate organized tourist events, school trips in nature, leisure activities for children, youth and adults in nature, etc., which cannot be the intention of the proposer. There is no justification for the obligation to obtain the forest manager's consent for activities in nature which do not cause them any harm.
It is also unrealistic for the organizers of such events, even with a small number of participants (for example, organized Saturday trips of local tourist clubs, etc.), to always find out who is the forest manager before any event, ask for a permit in writing and wait for their response, if any (in addition, many events take place on the territory of several managers). Such bureaucracy would in fact make it impossible to organize events in the forest legally. In addition, it is questionable whether such an “instrument of agreement” can even be incorporated into the law, which, however, is not an agreement, but is only an expression of the consent or disagreement of the forest manager with the planned event. The procedure proposed represents inappropriate and unjustified bureaucracy and restriction of the free movement of citizens of the Slovak Republic who need to recreate and regenerate their physical and mental strength in their free time (relax after work, recovery leave).

In addition to the **freedom of movement** guaranteed by the Constitution of the Slovak Republic (Article 22), such proposed provision also interferes with the constitutional **right to a favourable environment** (Article 44) and the **right to health protection** (Article 40).

We also see a conflict with Art. 2 par. 3 of the Constitution of the Slovak Republic, according to which **everyone can act in a way that is not prohibited by law, and no one can be forced to act in a way that is not required by law**. The proposed provision allows forest managers to *de facto* ban the entry of organized tourist group, for example, on a tourist marked trail through the forest, which is unacceptable not only from the social, historical, cultural and moral point of view, but also from the constitutional point of view, because the “failure to agree” with the forest manager by the organized group of tourists cannot replace the ban, and therefore nothing can be forbidden by such an instrument of “agreement”.

According to Art. 20 par. 3 of the Constitution of the Slovak Republic, ownership may not be misused to the detriment of the rights of others or in conflict with the general interests protected by law. The exercise of ownership title must not harm human health. Moreover, the proposed “agreements” do not even concern forest land owners, but their managers.

Therefore, we request to add a reference to an existing law in the draft provision in question, namely Act No. 479/2008 Coll. on the organization of public sporting events, sports events and tourist events and on amendments to certain Acts, which addresses the issue comprehensively and which, among other things, allows to easily organize small organized trips of tourist clubs, school trips in nature, etc. At the same time, however, this solution retains the possibility for the landowner (but not the manager) to comment on major events.

In addition, the draft amendment to the Forest Act does not allow forest managers not to deal with this agenda if they are not interested, or if they agree with the events. For example, when forest managers have no objections to events, or even consider them useful and support them (e.g. recreational forests, etc.), it is neither reasonable for them to give written consent to all organizers, nor are they in a position to do so. After all, especially in popular tourist locations, there may be hundreds of “tourist events” a year. Such a general restriction of activities in public forests is completely inappropriate. The development of leisure activities is in the interest of our society, so why does the proposer want to restrict or even prohibit them in this way?

It is also questionable whether it is necessary to impose an obligation to prove consent to organize an event in the Forest Act, when this obligation is already imposed in another law, namely in Act No. 479/2008 Coll. on the organization of public sporting events, sports events and tourist events and on amendments to certain Acts. Pursuant to the Legislative Rules of the Government of the Slovak Republic (Article 7 and Annex 5), a provision of another law may not be incorporated (reciprocated) into the law, but a reference to another law should be used. If the incorporation (reciprocity) of another legal regulation is necessary, the scope of the reciprocal provision must be expressed in general terms and the relevant legal regulations should be cited in a footnote, for example "General administrative procedure rules apply to fines under this Act.1)".

The draft amendment to the Forest Act also does not explain what "commercial activities" mean, so for the reasons already mentioned, activities such as forest guiding, taking photos in the forest for commercial purposes, etc. would be impossible in practice. The proposed provision would therefore allow for too loose interpretation, which should be avoided when drafting legal norms (see Legislative Rules of the Government). Moreover, such a general provision can be misused, selectively applied and its application can significantly interfere with the fundamental rights and freedoms of the citizens of the Slovak Republic, and therefore it cannot be accepted.
There is no reason for the consent of the forest manager to be required for all commercial activities without exception and therefore also for those which do not represent any nor potential harm to them. For example, the guide activity of small groups in forest areas, where public access is allowed under other regulations and does not represent any harm for the manager compared to "non-commercial" tourism. Of course, we accept the legitimate property claims of landowners if, especially mass events, could interfere with their rights and legally protected interests, but not every
"commercial activity" (as the draft amendment to the Forest Act proposes) is detrimental to the landowner. In addition, the ownership of forest land is tied to land (plots) and not to the forest, or forest areas as such. Forest land owners do not own the forest, but forest land and have the right to manage it (but also to care for it and protect it) in accordance with the legislation of the Slovak Republic.

General restriction of activities in public forests is completely inappropriate. The development of a sustainable small business is in the interest of our society, so why is it necessary to limit it in this way? In addition, the proposed wording is illogical – commercial activity is in fact also an "event", so why do we need to highlight it specifically? What difference does an organized forest walk of ten tourists, members and supporters of a tourist club (i.e. a tourist event) represent for the forest manager compared to a forest walk of nine clients with one guide (i.e. a commercial activity)?

The right to free movement through forests has long been respected in Slovakia, under various socio-political systems or regimes. It is inadmissible for the proposer to interfere with this age-old right of the inhabitants of the territory of Slovakia in any way, and not so vigorously, moreover, enabling a very loose, controversial, abusive and selective interpretation of the restriction, or "ban".

This comment is crucial.

Comment No. 12

We request the point 16 to be left out.

Justification:

The proposer has already proposed a similar provision in one of the previous drafts of the amendment to the
Forest Act, when they tried to incorporate the exemption from the levy for the exclusion of forest land for the purpose of building ski slopes (it did not pass, fortunately). As before, from the point of view of the citizens of the Slovak Republic, we can see no reason why the exclusion for the above purposes should be the reason for complete exemption from levies for the exclusion of forest land. Such a broad exemption is not appropriate and can draw considerable financial resources from the state budget, which should be used for forest improvement in the event of the exclusion of forest land due to road construction, for example.

This comment is crucial.

Comment No. 13

We request the point 21 to be amended as follows:

In § 16 par. 4(e) the full stop at the end is replaced by a semicolon and the following words are added: "in the case of forests of special purpose under § 14 par. 2(e) the framework proposal of the special management regime and the draft plan of economic measures may also be prepared by a professionally qualified personXY) (§ 42 par. 3 and 4),".

The footnote to the XY reference reads:

XY) § 55 of Act No. 543/2002 Coll. on nature and landscape protection, as

amended Justification:

Pursuant to § 55 of the Nature and Landscape Protection Act, nature and landscape protection documentation pursuant to § 54
shall be prepared by a nature protection organization or a natural or legal person registered by the Ministry in a special list (hereinafter referred to as the "professionally qualified person") and annually published in its Journal. In addition to the nature protection organization (State Nature Conservancy of the Slovak Republic), the nature protection documentation may also be prepared by a natural person or a legal entity registered by the Ministry in a special list. We see no reason why this should not be the case when preparing framework proposals for a special management regime and draft plan of economic measures in the case of special purpose forests pursuant to § 14 par. 2(e). The possible approval of such a draft provision could be considered a breach of the principle of equality (equal opportunities).

This comment is crucial.

Comment No. 14

We request the points 7, 96 and 109 to

be left out. Justification:

We believe that it is not legitimate to extend the exemptions to the actions of the state
forestry administration bodies, i.e. that these bodies do not act in accordance with the Administrative Procedure Code, but in accordance with the Forest Act. The Administrative Procedure Code is a general regulation stipulating how the authorities shall act, simply said. It is in the interest of the citizen, as well as in the interest of the (rule of law) state, that official proceedings be as simple and comprehensible as possible, which is ensured when they are conducted according to one "template" and not when each proceeding is conducted according to a special regulation. Such a practice does not contribute to legal stability, it makes the law and its enforceability obscure, often to the detriment of the participants in these proceedings.

This comment is crucial.

Comment No. 15

We request the points 57 and 111 to be

left out. Justification:

Such a draft provision is overly repressive – it in fact does not allow to take even a small
piece of wood (e.g. by children) from the forest, which we consider an inadmissible attempt to limit or even criminalize Slovak citizens visiting forests, e.g. for recreation.

This comment is crucial.

Comment No. 16

We request the point 65 to be amended as

follows: In § 39 par. 6, the first sentence

reads as follows:

"For the purposes of ensuring professional forest management (§ 36), the stand is the basic unit for ascertaining the condition of the forest, planning, registration and control of management created mainly on the basis of ownership of the forest land; it is created when the forest care program is prepared or amended."

Justification:

The minimum stand area cannot be fixed at 0.5 ha. As a result of such a fixed minimum area of the stand, also the minimum area of the reforestation element, or restoration cut, would be determined, which is directly related to the area of the subsequent stand (as a unit of spatial distribution of the forest).

This comment is crucial.

Comment No. 17

We request the point 101 to be left out.

Justification:

The adoption of such a draft provision of an amendment to the Forest Act would have a direct negative impact on the state
budget, which we consider to be disproportionate demands for drawing resources from the state budget at a time of lack of public resources and state indebtedness.

This comment is crucial.

Pursuant to the Legislative Rules of the Government of the Slovak Republic (LPV SR), the aim of legislative work is to prepare and approve such a law, which will become a functional part of a balanced, clear and stable legal order compatible with European Union law. The balance of the legal order lies in the consistent operation of all its components. This operation presupposes

a) such compliance of the Act with the legal order that the achievement of objectives pursued by one Act does not prevent or impede the achievement of objectives pursued by another Act,
b) compliance of the Act with the Constitution of the Slovak Republic (hereinafter referred to as the "Constitution") with constitutional laws and international treaties by which the Slovak Republic is bound.

We believe that the submitted draft amendment to the Forest Act, at least in the above (commented) points, does not meet the objectives of legislative work under the LPV SR.

The Slovak Republic is a sovereign, democratic state governed by the rule of
law (Art. 1 par. 1 of the Constitution of the Slovak Republic).

The state power derives from the citizens, who shall exercise it through their
elected representatives or directly (Art. 2 par. 1 of the Constitution of the Slovak Republic).

This collective comment can also be considered a direct exercise of the power of citizens.

The authorized representative of the public in the matter of the above-mentioned comments on the draft amendment to the Forest Act is a forester and ecologist Ing. Róbert Oružinský, residing at Krajné 268, 916 16.

Sincerely,

citizens of the Slovak Republic
(annex)