

# : Impacts of Nature and landscape protection Act on forest management in Slovakia

**Klára Bálíková**

Department of Forest Economics and Management, Faculty of Forestry, Technical University of Zvolen, Slovakia, klara.balikova@tuzvo.sk

**Michaela Korená Hillayová**

Department of Forest Economics and Management, Faculty of Forestry, Technical University of Zvolen, Slovakia, michaela.hillayova@tuzvo.sk

**Daniel Halaj**

Department of Forest Economics and Management, Faculty of Forestry, Technical University of Zvolen, Slovakia, halaj@tuzvo.sk

**Alex Bumbera**

Department of Forest Economics and Management, Faculty of Forestry, Technical University of Zvolen, Slovakia, xbumbera@is.tuzvo.sk

**Peter Kicko**

Department of Forest Economics and Management, Faculty of Forestry, Technical University of Zvolen, Slovakia, xkickop@is.tuzvo.sk

**Jaroslav Šálka**

Department of Forest Economics and Management, Faculty of Forestry, Technical University of Zvolen, Slovakia, salka@tuzvo.sk

## ■ ABSTRACT

Nature conservation policy in Slovakia is focused on territorial and species protection. Nature protection is regulated by the Nature and landscape protection act. This regulation framework also affects forest policy and applies to forest management. The implementation of nature protection has a cross-sectoral character and oftentimes restricts forest ownership rights. Therefore, the scientific goal of the paper was to analyse the impact of specific legislative changes of the Act on Nature and Landscape Protection on forest management practices. We analysed 36 essential amendments to this act, defined the changes, and described their impact on forest management or owner. The most amended part of the act was the implementation of mandatory compensation payments for legal restrictions and forest management regulations at individual levels of nature protection. The most current amendment has changed the administration of national parks, which mainly affected state-owned forest land.

## ■ KEYWORDS

Forest policy, nature protection, cross-sectoral impacts, compensation payments

## ■ 1 INTRODUCTION

The country's historical, political, economic, and social factors influence forest management. The events after 1989, when Slovakia started its separation from Czechia and formed an independent state, radically affected the field of nature protection among others. The most significant change was the creation of a separate Ministry of Environment in 1992 and introduction a new Act on Nature and Landscape Protection nearly ten years later (Burkovský, 2006).

Nature and landscape protection is secured in Slovakia by territorial and species protection. The dominant form of protection is the territorial protection provided through the system of protected areas. Species protection is applied irrespective of the type and category of the protected area, i.e., applies throughout the whole territory of Slovak Republic. Protected areas are divided into "National Network of Protected Areas" and "NATURA 2000 areas". These areas make up almost 50% of the forest area under the management of state forest enterprise Lesy SR. Compared with the whole Slovak territory, protected areas cover more than 23% of it. It means that almost one-quarter of the Slovak territory falls within areas with some nature and landscape protection. With such an extent of protected areas, the Slovak Republic is at the top of all European countries. In other European countries', areas of nature and landscape protection are much smaller (Forest Europe 2020; Šulek and Šálka, 2007).

Restrictions on forest owners' rights in the protected areas arise from the nature protection law and cause a discourse between forest and environmental stakeholders. This currently points to the more than twenty-year struggle of non-state forest owners in the Slovak Republic for proper compensation for the restrictions on forest management due to nature protection requirements (Šálka et al., 2015). The Nature and landscape protection Act tries to solve this issue through environmental policy instruments (Kovalčík et al., 2012).

We consider Act No. 543/2002 Coll. on Nature and Landscape Protection, as amended, the most important law outside the forest policy. Therefore, the paper aims to analyse the impact of specific legislative changes of this Act on forest management and forest ownership rights.

## ■ 2 METHODS

Regulatory instruments, including laws, decrees, and regulations, determine how certain target groups should act. They prevent forest owners and managers from acting, which could restrain environmental goals in forests (Krott, 2005). Nature protection implementation as a national goal is secured through Act no. 543/2002 Coll. on Nature and Landscape Protection, as amended.

We used document analysis in legal research to reason and interpret act paragraphs related to forest owners' activity in forests. Social studies frequently use document

analysis to analyse interview transcripts, strategic documents, and laws (Rapley, 2018). We analysed the wording of the Act on Nature and Landscape Protection since the first date of the text.

Firstly, we reviewed all amendments to the law. Next, we identified those amendments in which some changes could impact forest administration and/or forest ownership. We also investigated the actors who formulated the new wording of the law.

### ■ 3 RESULTS

The Act on Nature and Landscape Protection was enacted on 25 June 2002. Since then, it has been amended a total of 36 times. From these changes, we analysed only those that influence forest owners (Table 1).

**Table 1. Overview of relevant changes to Act No. 543/2002 Coll. on Nature and Landscape protection, as amended**

No. of amendment	Retention date	Identified change	Formulators	Effect
1.	First declared wording	Implementation of the system of protection of the natural species composition of ecosystems, implementation of territorial protection (national and international importance), the introduction of compensation payments for restrictions of the non-state ownership rights (economic instrument) that cover costs on differential management or no management activities due to nature protection (payment per hectare).	Ministry of Environment	Restriction to forest management.
5.	01.05.2004 - 30.06.2004	Financial compensation for the limitation of forest management “as usual” reduced by property damage or other compensation payment following special regulations and the amount of subsidy or contribution from the state budget provided to cover the increased forest management costs compared to normal management (e.g., NATURA 2000 payment).	Ministry of Environment	Implementation of the compensation payments due to the restrictions on forest management.
8.	01.04.2005 - 31.10.2005	The right to compensation expires if the compensation is applied in protected forests and special purpose forests, except forests in protected areas and other parts of forests important from the point of view of nature conservation.	Ministry of Environment	Decreased the compensation payment for the forest owner.

9.	01.11.2005 - 31.01.2006	The right to compensation expires if the compensation is applied in protected forests and special purpose forests, except forests in protected areas and other parts of forests important from the point of view of nature protection; 93b) the right does not expire if the nature protection authority issues a decision not to issue consent, not to allow an exception or a decision with specified limiting conditions and thereby restricts the procedure of the land owner according to special regulations in removing the consequences of extraordinary circumstances and unforeseeable damage in forests. 93c).	Ministry of Environment	Granting compensation payments for forest owners in the case of certain forest categories.
13.	01.01.2009 - 30.04.2010	After approval of the change to the forest management plan (FMP), the owner was entitled to compensation, including reimbursement of the costs of elaboration of the FMP.	Ministry of Environment	Till this time the payment also covered increased costs for the forest owner.
19.	01.01.2014 - 31.03.2014	Compensation is: a) exchange of the forest land for another suitable forest land owned by the state (if possible), b) forest land lease, c) purchase of the non-state forest land by the state, d) contractual care, e) compensation payment.	Ministry of Environment	Changes in methods of compensation – more compensation methods for forest owners.
30.	01.01.2020 - 31.12.2020	An eligible applicant for compensation payment: a) the forest owner; if the owner is the state, the eligible applicant is the administrator of the land, b) a representative appointed by the co-owners (in case of joint ownership), c) forest land community, if the forest is part of joint real estate or jointly managed forest.	Ministry of Environment	Eligible applicants are non-state and state forest owners.
35.	15.01.2022 – 30.11.2022	Transfer of the administration of national parks to the State Nature Conservancy Agency.	Parliamentary proposal	Changed rights to forest administration and management. Changes without participation process and external scientific/professional expertise.

The Nature and Landscape Protection Act lists five levels of nature and landscape protection. As the law states, the forest owner must apply differentiated forest management practices (or not management at all) at individual levels. The changes in this law, which impact the forest owners most, concern mainly the rights and obligations in protected areas (changes in the management practices) and the compensation payments due to them. The analysed changes brought the development of compensatory payments from simple financial support to expanded compensation possibilities and widened the groups of recipients.

Over the years, the conditions related to the foundation of protected areas and compensation payments for ownership restrictions have been amended. Most of these amendments /seven of eight/ were formulated by the Ministry of Environment.

The first compensations were only financial and covered administrative costs for elaborating the new forest management plan. This was cancelled during the 13<sup>th</sup> Amendment to the act. The 19<sup>th</sup> amendment to the law brought about a more significant change in the payment of compensation, which expanded the possibilities of compensation from purely financial compensation to the possibility of land renting, land exchange, selling the land to the state, and contractual care. Another important change was the implementation of compensation in 2020 when the range of eligible applicants was expanded from exclusively non-state owners to managers of forests owned by the state. One of the last amendments (35<sup>th</sup> out of 36) significantly changed forest conservation and protection management in the Slovak Republic. This amendment was formulated and proposed by a few national parliament members and ratified in abbreviated legislative proceedings. State nature protection authorities are allowed to manage state forests in the territory of national parks. This mainly affected the TANAP State enterprise (Tatra National Park) and Agro-forest property Ulič State enterprise, whose task was to ensure comprehensive and integrated nature protection since its establishment.

## ■ 4 DISCUSSION AND CONCLUSION

In Slovakia, nature protection is associated with restrictions on forest management practices/activities at individual levels of nature protection, which affects forest owners (Šálka, et al., 2016). This fact has stimulated the long-term emergence of conflicts, mitigated by the compensation payments for ownership rights restrictions. Therefore, its implementation did not work long (Kovalčík et al., 2012).

The forest owners could apply for compensation payments from mandatory legal restrictions related to specific forest management activities (or no intervention at all) in protected areas. The analysed changes to Act on Nature and Landscape Protection were mostly related to this issue. The implementation process of these payments was ineffective and only an amendment to the law valid from 01.01.2014 brought improvement (Báliková, 2020). Establishing protected areas is perceived as the most common source of conflict among stakeholders also in other European countries (Paletto et al., 2019).

The newest change focused on transferring the administration of forest land at national

parks. This issue has stimulated extensive discussions at the national level as well as the emergence of conflicts. Even though this change was announced in the national Strategy of the Environmental Policy of the Slovak Republic until 2030, Envirostrategy 2030 (Ministry of Environment of Slovak Republic, 2018), it came as a parliamentary proposal without an interdepartmental commenting procedure and the participation of other actors (National Council of SR, 2021). The Envirostrategy 2030, approved on February 27, 2019, by Resolution of the Government of the Slovak Republic no. 87/2019, stated that an evaluation of the existing system of land management in protected areas owned by the state in terms of effectiveness, economic, social, and environmental impacts is needed. After in-depth analysis, the evaluation should assess the possibility of achieving integrated management of protected areas. As Pezdevšek Malovrh et al. (2019) also stated various legal, policy, economic and social environmental factors influence the implementation of nature protection policy. Unfortunately, in Slovak case, these factors were not analysed when the amendment was proposed.

The Act on Nature and Landscape Protection is the fundamental document for Slovakia's environmental policy and environmental development goals. The protection of nature has a high priority in the Slovak Republic. Nevertheless, the environmental policy also greatly impacts the forest sector and owners, who must implement related measures. The changes to the law must be prepared following the public dialogue and participation of all stakeholders from forestry and nature protection.

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