

# RIJEČ UREDNIŠTVA

## ŠUME U SVJETLU NOVOGA ZAKONA O ŠUMAMA

Za ovogodišnje lipanjske Dane hrvatskoga šumarstva održana je panel rasprava o trenutnoj situaciji u šumama Hrvatske. Naziv rasprave bio je „Hoće li nas šume nadživjeti?“. Svrha skupa bila je informirati širu javnost o stanju šumskih ekosustava, ali i o promjenama koje se događaju u njima. Govori li sam naziv skupa dovoljno o ozbiljnosti situacije u kojoj se nalaze naše šume? Promijenjeni klimatski uvjeti koji vladaju na početku 21. stoljeća, donijeli su mnogo nepravilnosti u šumama posljednjih pet godina. Tome treba pribrojiti i nikad veću trgovačku globalizaciju, što doprinosi bržem i lakšem širenju invazivnih vrsta bolesti i štetnika. Danas gotovo da nema ni jedne značajnije šumske vrste drveća koja nema svojih problema. Šume Gorskog kotara sastavljene od jele, bukve i smreke stradale su uslijed klimatskih ekstrema, a potom potkornjaka, nizinske šume hrasta lužnjaka napadnute su hrastovom mrežastom stjenicom, a šume poljskog jasena ubrzano propadaju uslijed više čimbenika, posebice Halare, dok dalmatinske borove šume ozbiljno ugrožava borov potkornjak. Tu su i šumski požari nakon kojih uslijed erozija nestaje i šumsko tlo, što umnogome onemogućuje sanaciju i vodi degradaciji šume. Tako ugroženim šumama smanjuju se financijska sredstva za njihov zaštitu i obnovu, što je sad i definitivno ozakonjeno Zakonom o šumama (NN 68/2018) koji je stupio na snagu 4. kolovoza 2018. O prijedlogu zakona pisali smo u Šumarskom listu 5-6/2018. Saborska rasprava nije donijela zaokret u odnosu na zakonski prijedlog koji je usvojila Vlada Republike Hrvatske. Zakon je ustvari na tragu programa Vlade RH za područje gospodarstva, poljoprivrede i ruralnog razvoja iz listopada 2016. godine. Šumarstvo se u tom programu spominje u potpoglavlju „Aktivno upravljanje šumama, veća proizvodnja i više radnih mjesta u domaćoj drvenoj industriji“ s rečenicom: *Izmjenom zakonske regulative Vlada će poboljšati i otkloniti poteškoće u načinu raspolaganja šumama i šumskim zemljištima, provoditi razminiranje šuma i šumskog zemljišta, sprječavati ilegalne sječe i trgovine i poticati razvoj domaće drvne industrije koja proizvodi drvni proizvod.* Smatramo da takav program baš i nije poticajan za šume i šumska zemljišta. Razminiranje je svakako unaprijeđenje u upravljanju i gospodarenju šumama koje se provodi godinama, kao i najavljeno sprječavanje ilegalne sječe i trgovine, samo za to nema dovoljno pozitivnih pokazatelja, jer je takva djelatnost postala jako unosna na štetu šume i šumovlasnika / šumoposjednika. Početkom godine donesen je i Zakon o poljoprivrednom zemljištu (NN 20/2018, na snazi od 9. ožujka 2018.) koji je propisao, kao i Zakon o šumama, izdvajanje iz šumsko-gospodarske osnove zapuštenog poljoprivrednog zemljišta koje se može privesti poljoprivrednoj proizvodnji i mogućnost davanja takvog zemljišta sukladno Programu raspolaganja u zakup ili prodaju. Omogućeno je i

za zemljišta izvan građevinskog područja koja se u katastru vode kao poljoprivredna zemljišta, a u pravilu su zapuštena, da se uključe u šumskogospodarsko područje, jer su troškovi njihovog privođenja poljoprivrednoj namjeni veći od tržišne vrijednosti ili ukupnog iznosa zakupnine toga zemljišta. Ove odredbe trebale bi napokon omogućiti svrsishodnu raspodjelu zemljišta na poljoprivredno i šumsko te njihovo stvarno korištenje. Novi Zakon o šumama uvažio je višegodišnje primjedbe obveznika plaćanja naknade za općekorisne funkcije šuma (OKFŠ), što je u javnosti i medijima često prvo bilo na udaru kao nepotreban i neshvaćen „parafiskalni“ namet. Sad se 90 % dosadašnjih obveznika (oko 180 tisuća) izuzima iz plaćanja naknade, jer je prag za obvezu plaćanja godišnji prihod ili primitak veći od 3 milijuna kuna uz zadržanu visinu stope naknade od 0,0265 %. Uvaženo je i traženje jedinica lokalne samouprave o povećanju stopa šumskog doprinosa, pa su one povećane s 3,5 % na 5 % i za jedinice na potpomoćnim područjima s 5 % na 10 % prodajne cijene proizvoda na panju. Zakon je uveo i definiciju šumoposjednika: *javni šumoposjednik* ovlašten za gospodarenje šumom i/ili šumskim zemljištem u vlasništvu Republike Hrvatske, *javna ustanova* čiji je osnivač Republika Hrvatska i njezine znanstveno-nastavne sastavnice, koje svoju znanstveno-nastavnu djelatnost i znanstvenoistraživački rad obavljaju iz područja šumarstva, *pravna osoba* čiji je osnivač i vlasnik jedinica lokalne samouprave, a kojoj se odlukom Vlade povjerava gospodarenje te *privatni šumoposjednik* s podjelom na male (do 20 ha šume i/ili šumskog zemljišta), srednje (od 20 do 300 ha) i velike (većim od 300 ha) šumoposjednike. Za šumskogospodarsko područje ustanovljuje se Registar pri Ministarstvu koji se vodi u elektroničkom obliku, a bit će dostupan pod određenim uvjetima. Registar će sadržavati i dio za izvješćivanje potreban za ispunjavanja međunarodnih i nacionalnih obveza iz sektora šumarstva. Zakon predviđa i izdvajanje namjenskih sredstva u poseban fond za razvoj drvne industrije, što je također jedna od predviđenih aktivnosti u programu Vlade iz 2016. godine.

Novi Zakon o šumama pokušao je uvažiti razne promjene koje su se dogodile od donošenja prošloga zakona iz 2005. godine, a koje su nivelirane izmjenama i dopunama kroz proteklih 13 godina, njih ukupno osam. Pokušao se uskladiti i s drugim zakonima iz područja poljoprivrede, zaštite prirode i okoliša, te strategije EU za šume i sektor koji se temelji na šumama. Potrebno je još uskladiti i donijeti sve podzakonske akte vezane uz zakon.

Pitamo se hoće li odredbe novog Zakona o šumama biti na tragu rješavanja nagomilanih problema u šumama Hrvatske?

Uredništvo

# EDITORIAL

## FORESTS IN THE LIGHT OF THE NEW FOREST ACT

A panel addressing the current condition of Croatian forests was organized on the occasion of Days of Croatian Forestry that were held in June 2018. The title of the discussion was “Will forests outlive mankind?” The purpose of the panel was to inform broader public of the condition of forest ecosystems, as well as of the changes taking place in them. Does the title of the panel reflect the seriousness of the danger facing our forests? In the last five years, changed climate conditions occurring at the beginning of the 21st century have inflicted major problems to the forests. Add to this general market globalisation, which contributes to the faster and easier spread of invasive diseases and pests. There is not one important forest tree species today that does not have problems. Forests of Gorski Kotar, which are composed of fir, beech, and spruce, have succumbed to climatic extremes and to attacks of bark beetles. Lowland forests of pedunculate oak are infested with the oak lace bug, while forests of narrow-leaved ash are rapidly deteriorating under the cumulative action of several factors, particularly Halare. Dalmatian pine forests are severely threatened by the pine bark beetle. Forest fires also cause extensive damage. The subsequent erosions lead to the loss of forest soils, which greatly hinders recovery and contributes to the degradation of forests. The financial means needed to protect and regenerate such forests are being minimized and this has now definitely been incorporated in the new Forest Act (Official Gazette 68/2018), which came into effect on August 4th, 2018. A parliamentary discussion did not bring about any changes with regard to the proposed act, which was adopted by the Government of the Republic of Croatia. The Act in fact follows the Government programme for the field of economy, agriculture and rural development of October 2016. In the said programme forestry is addressed in the sub-chapter “Active management of forests, higher production and more work places in the domestic wood industry” with the following sentence: *By changing legal regulations, the Government will remove obstacles and improve ways of managing forests and forest land. It will also undertake demining operations in forests and forest land, prevent illegal felling and trade and stimulate the development of domestic wood industry which produces wood products.* In our opinion, such programme is not really stimulative for forests and forest land. Demining is certainly an improvement in the management of forests and it has been carried out for years, and so is the announced prevention of illegal felling and trade. However, there are not enough positive indicators for this, since these activities have become very profitable at the detriment of forests and forest owners. At the beginning of the year the Agricultural Land Act was passed (Official Gazette 20/2018, in effect since March 9th, 2018), which regulated, as did the Forest Act, the exclusion of abandoned agricultural land from the forest-management plan and its conversion to agricultural production, as well as the possibility of leasing or selling such land in accordance with the

Disposition Programme. The Act also allows for the land outside construction areas, which is listed as agricultural land in the land register but is abandoned in reality, to be included in the forest-management area, since the cost of converting the land for agricultural purposes is higher than the market value or the total amount of rent for such land. These provisions should finally enable a rational division of land into agricultural and forest land, and consequently its proper usage. The new Forest Act has also adopted long-lasting objections made by those obliged to pay a non-market forest function fee. The public and the media often harshly criticized this fee as an unnecessary and incomprehensible “parafiscal” tax. Now, 90% of those obliged to pay the fee (about 180 thousand subjects) are exempt from paying the fee, since the threshold for the obligation has been set down at an annual income or profit higher than 3 million kuna, while the rate of the fee has been retained at 0.0265 %. Demands by local self-management units to raise the rate of forest contribution have also been adopted, and it has accordingly been raised from 3.5 % to 5 %, while for units in subsidized areas it has been raised from 5 % to 10 % of the selling price of the product before felling. The Act also defines a forest owner: a *public forest owner* authorized to manage a forest and/or forest land owned by the Republic of Croatia, a *public institution* whose founder is the Republic of Croatia and its scientific-teaching components which carry out their scientific-teaching activity and scientific-research work in the field of forestry, a *legal person* whose founder and owner is the local self-management unit and which is entrusted with management by a Government decision, and a *private forest owner*. Private forest owners are divided into small (up to 20 ha of forests and/or forest land), medium (from 20 to 300 ha) and large (more than 300 ha) forest owners. A Register of a forest-management area in the electronic form will be established by the Ministry, and it will be available under certain conditions. The Register will contain a reporting part needed to fulfil international and national obligations in the forestry sector. The Act also provides for the allocation of earmarked means into a special fund for the development of the wood industry, which is also one of the activities in the Government programme from 2016.

The new Forest Act has attempted to incorporate different changes taking place since the previous Act of 2005 was passed. There have been a total of eight changes, which have been adjusted by revisions and amendments over the past 13 years. The Act is also coordinated with other laws from the field of agriculture, nature and environment protection, and the EU strategy for forests and forest-based sector. All by-laws related to the Act need to be coordinated and passed.

We wonder whether the regulations of the new Forest Act will try to solve the growing problems in the forests of Croatia.

Editorial Board