

Outline of the Act Partially Amending the Forest Owner's Cooperative Associations Act

Background

- Considering the fact that planted forests developed after the Second World War are now being harvested intensively and that a system for managing forests has been established in recent years, etc., it is necessary for forest owner's cooperatives, which play a crucial role in managing regional forests, to move forward with their efforts to accumulate and aggregate management rights, boost timber sales, etc., and, through these efforts, ensure higher profitability of forests, as motivated and competent administrators overseeing the private forest management entrustment system.
- To successfully expand sales operations and enhance the management framework while maintaining a relationship of mutual trust between forest owner's cooperatives and their members and working to develop regional forests, the system for managing the organization of a forest owner's cooperative needs to be reviewed.

Outline of the Act

1. Diversifying Methods of Forming Partnerships Between Cooperatives

(1) The Act prescribes that a general meeting resolution or a special resolution is required to transfer sales operations, etc., which represent the core operations of a forest owner's cooperative or a federation of forest owner's cooperatives.

(Article 61, Article 63, Article 107, and Article 109, paragraph (3))

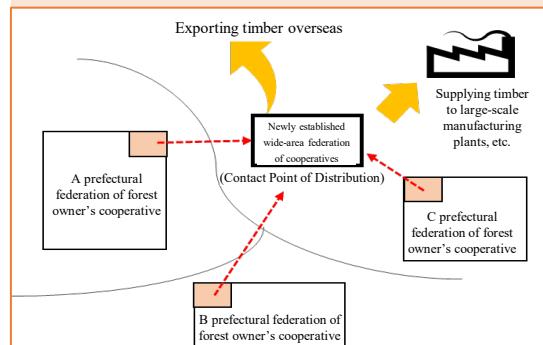
(2) The Act introduces an absorption-type split system that allows a forest owner's cooperative or a federation of forest owner's cooperatives to split its operations and transfer them to other forest owner's cooperatives or federations of forest owner's cooperatives.

(Article 63, Articles 88-2 through 88-9, Articles 108-4 through 108-11, and Article 109, paragraph (3))

(3) The Act introduces an incorporation-type split system that allows two or more forest owner's cooperatives or federations of forest owner's cooperatives to split their operations and transfer them to a newly established federation of forest owner's cooperatives.

(Article 63, Articles 108-12 through 108-19, Article 109, paragraph 3)

Example of an incorporation-type split method (by multiple prefectoral federations of forest owner's cooperatives)



2. Relaxing the Eligibility Conditions for Regular Members

The provisions prescribing that a person who is a member of the same household as an individual owning a forest and who has been designated by that individual are to be amended to replace the phrase "member of the same household as" with the phrase "presumptive heir of" and to remove the limit on the number of persons to be designated. (Article 27)

3. Improving the System for Conducting Operations

(1) The Act makes it obligatory for a forest owner's cooperative or a federation of forest owner's cooperatives conducting sales operations to appoint at least one director with practical skills in sales operations, etc., or in corporate management. (Article 44, paragraph (10), Article 109, paragraph (3))

(2) The Act adds provisions prescribe that due consideration is to be given to preventing any significant age or gender gaps between directors. (Article 44, paragraph (11), Article 109, paragraph (3))

(3) The Act specifies that, when conducting their operations, a forest owner's cooperative or a federation of forest owner's cooperatives must give their utmost consideration to increasing the income generated by the forestry industry while preserving and enhancing the public benefits of forests. (Article 4)

森林組合法の一部を改正する法律の概要

背景

- 戦後造成された人工林の本格的な利用期の到来や、近年における森林経営管理制度の創設等を受けて、地域の林業経営の重要な担い手である森林組合は、森林経営管理制度の担い手である「意欲と能力のある林業経営者」として、森林の経営管理の集積・集約、木材の販売等の強化、さらにこれらを通じて山元への一層の利益還元を進めていくことが必要。
- このため、森林組合と組合員との信頼関係を引き続き保ちつつ地域の森林整備に取り組みながら、販売事業を拡大して経営基盤の強化を図ることができるよう、森林組合の組織運営に係る制度の見直しが必要。

法律の概要

1. 組合間の多様な連携手法の導入

(1) 森林組合及び森林組合連合会の主要事業である販売事業等を譲渡するには総会の決議又は特別決議を経る必要がある旨を規定する。

(第61条、第63条、第107条、第109条第3項)

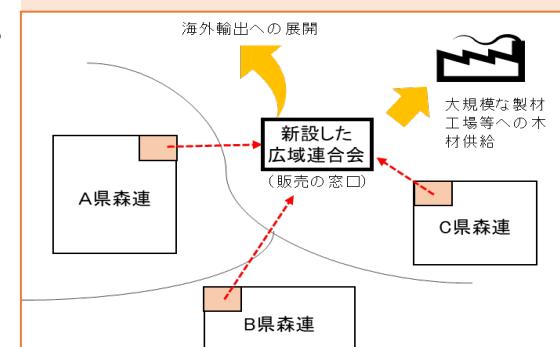
(2) 森林組合又は森林組合連合会がその事業を分割して他の森林組合又は森林組合連合会に承継させることを可能とする、吸收分割の制度を導入する。

(第63条、第88条の2～第88条の9、
第108条の4～第108条の11、第109条第3項)

(3) 2以上の森林組合又は森林組合連合会がそれぞれの事業を分割して新たに設立する森林組合連合会に承継させることを可能とする、新設分割の制度を導入する。

(第63条、第108条の12～第108条の19、
第109条第3項)

分割手法の活用イメージ
(複数の県森連が新設分割を行う場合)



2. 正組合員資格の拡大

森林所有者である個人と同一の世帯に属する者のうち当該個人から指定を受けた一人について、正組合員となることができる旨の規定について、「同一の世帯に属する者」を「推定相続人」に改めるとともに、指定を受けることができる人数の上限を設けないこととする。(第27条)

3. 事業の執行体制の強化

(1) 販売事業を実施する森林組合及び森林組合連合会に対し、販売事業等又は法人の経営に關し実践的な能力を有する理事を一名以上配置することを義務付ける。

(第44条第10項、第109条第3項)

(2) 理事の年齢・性別に著しい偏りが生じないよう配慮すべき旨の規定を追加する。

(第44条第11項、第109条第3項)

(3) 森林組合及び森林組合連合会が事業を行うに当たっては、「森林の有する公益的機能の維持増進を図りつつ、林業所得の増大に最大限の配慮をしなければならない」旨を明記する。

(第4条)