

森林経営管理法及び森林法の一部を改正する法律案の概要

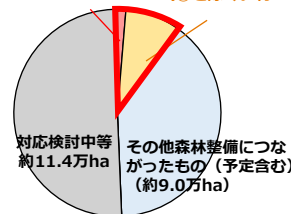
背景

- 我が国の人工林の多くが利用期を迎える中、より多くのCO₂を吸収する若い森林への転換を通じて、2050年カーボンニュートラルの実現等に貢献すべく、「伐って、使って、植えて、育てる」森林資源の循環利用を進める必要
- 森林経営管理法は制度開始から5年経過制度活用の必要な市町村の9割超で制度に基づく取組を開始一方、林業経営体への森林の集積・集約化は低位に推移
- 再造林等に責任を持って取り組む林業経営体への迅速な集積・集約化を進めるため、市町村や都道府県に加えて、受け手となる林業経営体など地域の関係者の連携を強化する新たな仕組みを構築する必要

■制度に基づく集積・集約化の進捗

(市町村に委託希望のあった森林：約22.6万haの状況)

- ①林業経営体に集積・集約化 (約0.3万ha)
- ②市町村が権利取得 (①を除く。約2.0万ha)



林業経営体への森林の集積・集約化は低位

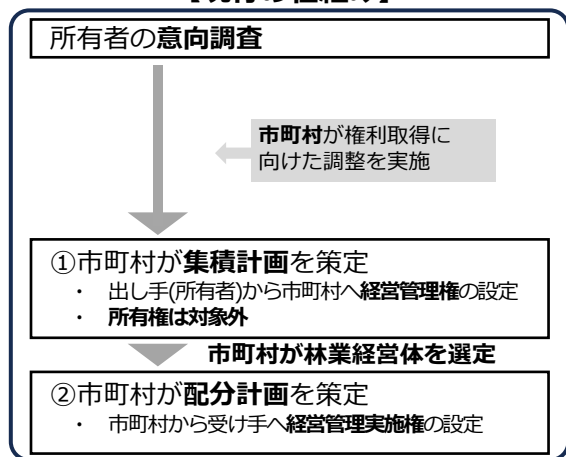
法律案の概要

1. 森林経営管理法の一部改正

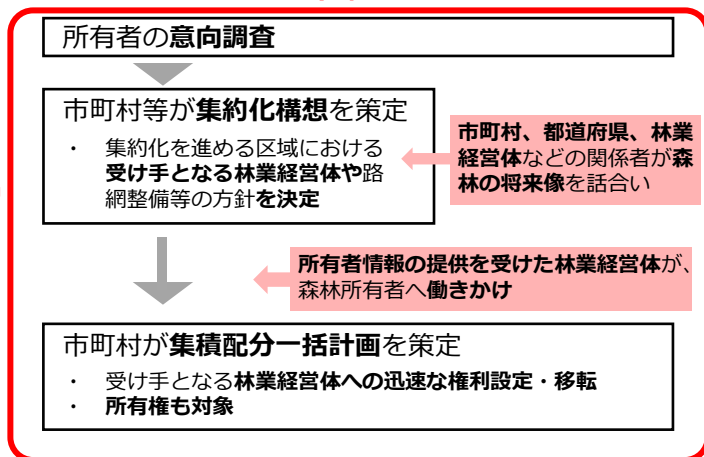
<森林の集積・集約化を進める新たな仕組みの創設>

- 市町村は、単独又は都道府県等と共同で、川中・川下を含む地域の関係者で協議し、受け手となる林業経営体や路網整備等の方針といった森林の将来像を定める「集約化構想」を策定 (林業経営体は「集約化構想」策定の提案も可能) 【第43条から第50条まで】
- 所有権を含む森林の経営管理のための権利を、出し手である所有者から、受け手となる林業経営体に迅速に設定又は移転できる仕組みを創設【第51条から第56条まで】

【現行の仕組み】



【新たな仕組みを追加】



<市町村の事務負担の軽減>

- 市町村に対する共有林の経営管理権の設定 (間伐、間伐材の販売、保育) に必要な共有者の同意要件を緩和 (全員→1/2超) 【第4条第5項】
- 所有者不明森林等について、市町村への経営管理権設定に関する公告期間を短縮 (6月→2月) 【第11条第6号及び第25条第3号】
- 市町村の長が「委託を受けて市町村事務を支援する法人 (経営管理支援法人)」を指定できる仕組みを創設 【第57条から第61条まで】

2. 森林法の一部改正

太陽光発電設備の設置等において、許可条件に違反する林地開発行為が散見されるため、条件違反者への罰則、開発行為の中止・復旧命令に従わない者の公表を措置

【第206条第2号及び第10条の3第2項】

※このほか、第10条の11第3項第2号の表現を適正化

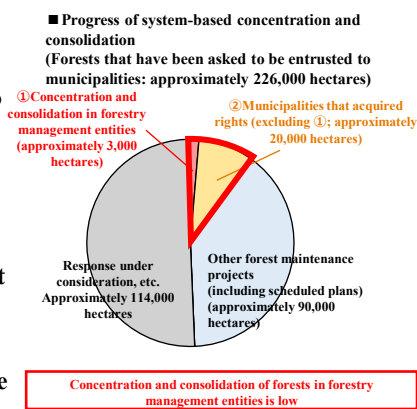
施行期日

公布の日から起算して1年を超えない範囲内において政令で定める日

Outline of the Act Partially Amending the Forest Management Act and the Forest Act

Background

- As many of Japan's artificial forests are reaching the use period, it is necessary to promote **recycling of forest resources** by "cutting, using, planting, and growing", to contribute to the realization, etc. of **carbon neutrality by 2050** through conversion to young forests that absorb more CO₂.
- Five years have passed since the system under the Forest Management Act was introduced. **More than 90% of municipalities** that need to use the system have begun system-based initiatives. Meanwhile, **the level of concentration and consolidation of forests in forestry management entities remains low**.
- To promote **rapid concentration and consolidation of forests in forestry management entities** that take responsibility for reforestation, etc., it is necessary to establish a **new scheme to strengthen cooperation** among local stakeholders, such as **recipient forestry management entities** as well as **municipalities and prefectures**.



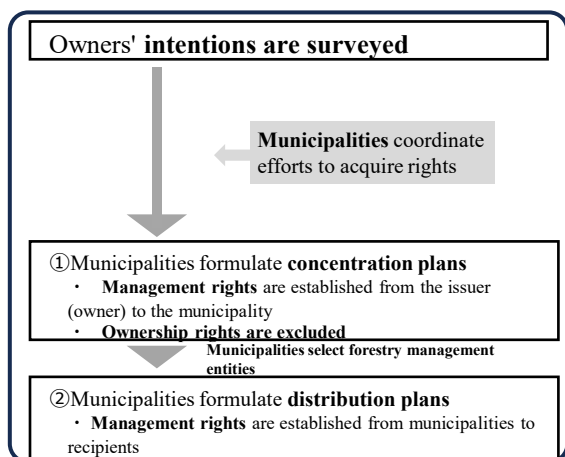
Outline of the Act

1. Partial Amendment of the Forest Management Act

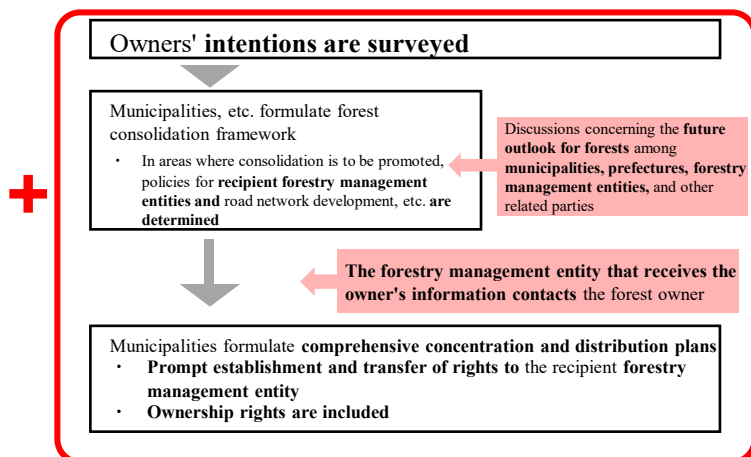
<Establishing a new scheme to promote the concentration and consolidation of forests>

- Municipalities, either independently or jointly with prefectures, etc., are to formulate a **'forest consolidation framework'** that **establishes a future outlook** for forests such as recipient forestry management entities, and policies for road network development, etc., **in discussions with local stakeholders concerned**, including related business entity (forestry management entities may also propose the formulation of a 'forest consolidation framework') [Articles 43 through 50]
- A scheme is established for **promptly establishing or transferring** forest management rights, including ownership rights, from issuers-owners to **recipient forestry management entities** [Articles 51 through 56]

【 Current scheme 】



【 New scheme is added 】



<Reducing administrative burden of municipalities>

- Requirements of municipalities are to be relaxed for co-owners' consent** necessary (from all to more than 1/2) to grant management rights (thinning, sales of thinned timber, growing) over shared forests [Article 4, paragraph 5]
- The public notice period is to be shortened (from 6 months to 2 months)** regarding establishment of management rights to municipalities for forests with unknown owners, etc. [Article 11, item 6 and Article 25, item 3]
- A scheme is to be established in which the mayor of a municipality can designate a "corporation supporting **municipal affairs** under entrustment (**management support corporation**)" [Article 57 through Article 61]

2. Partial Amendment of the Forest Act

As forest development activities that violate the conditions of permission for installation, etc. of solar power equipment occasionally occur, measures are to be taken to **penalize those who violate** the conditions and to **publicize those who disobey** orders to cease development activities or to restore the land [Article 206, paragraph 2 and Article 10-3, paragraph 2]

*In addition, the phrasing of Article 10-11, paragraph 3, item 2 is optimized

Effective Date

A date specified by Cabinet Order within a period not exceeding one year from the day of promulgation