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Recognition of a forestry association and granting of legal capacity as a commercial association

Heruntergeladen am 17.06.2025

<https://fimportal.de/xzufi-services/121343597/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99048004016000, 99048004016000
Leistungsbezeichnung I	Recognition of a forestry association and granting of legal capacity as a commercial association
Leistungsbezeichnung II	Have an association of private forests recognized
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Forst (048)

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Verrichtungskennung	Anerkennung (016)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	08.10.2020
Fachlich freigegen durch	Ministry for the Environment, Agriculture, Nature Conservation and Consumer Protection of the State of North Rhine-Westphalia
Handlungsgrundlage	http://www.gesetze-im-internet.de/bwaldg/_18.html https://www.gesetze-im-internet.de/bwaldg/_17.html https://www.gesetze-im-internet.de/bwaldg/_16.html https://www.gesetze-im-internet.de/bwaldg/_19.html https://www.gesetze-im-internet.de/bwaldg/_22.html https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=10000000000000000242 http://www.gesetze-im-internet.de/bwaldg/_18.html https://www.gesetze-im-internet.de/bwaldg/_17.html https://www.gesetze-im-internet.de/bwaldg/_16.html https://www.gesetze-im-internet.de/bwaldg/_19.html https://www.gesetze-im-internet.de/bwaldg/_22.html https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=10000000000000000242
Teaser	Do you own a forest and are not familiar with forest management? Many forest owners feel the same way. You can find out here how you can join together in a forest management association and what benefits you will gain from doing so.
Volltext	<p>Many forest estates are too small for successful management. Most forest owners do not have modern machinery and equipment. It is also difficult for them to sell their wood. Many owners are not experts in the field and are not familiar with forest management.</p> <p>It is much easier to manage land as a community. If</p>

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you want to join forces with other owners of a private forest, you can set up a forest management association.

In such an association, you can improve your economic success and contribute to the protection of the environment.

You also have the opportunity to receive subsidies for your recognized forestry association.

Forestry cooperatives are associations under private law, for example an association or a limited company.

The basic requirement for the recognition of a forestry association is

It must enable a significant improvement in management in terms of the size, location and connection of all member plots.

In addition, there are further requirements for the articles of association or partnership agreement, governing bodies and decision-making.

Your forest management association must fulfill at least one of the following tasks:

- Coordination of business plans and individual forestry projects;
- Coordination of projects and sales of timber or other forest products;
- Implementation of forest cultivation, soil improvement and stand maintenance work, including forest protection;
- Construction and maintenance of roads;
- Carrying out logging, timber processing and timber harvesting;
- Procurement and use of machinery and equipment for the aforementioned measures.

Many forest management associations also take on other tasks such as consulting, joint timber marketing,

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joint material purchasing, applying for subsidies and forest management.

First of all, you should discuss with other forest owners what your goals are and what tasks you want to perform. You can then clarify the organizational form and the legal form. Here you should seek advice from your forestry authority.

In contrast to forest management associations, forest cooperatives and forest management cooperatives are corporations under public law and are subject to state supervision.

Erforderliche Unterlagen

- Written application by the chairman for recognition
 - If the legal form is an association with commercial business operations:
 - Written application by the chairman for the granting of legal capacity
 - Attendance list of the inaugural meeting
 - Minutes of the inaugural meeting with signatures of the elected chairperson and the secretary
 - Address list of the board members
 - Current list of members with details of the member areas; at least 7 members as landowners
 - Adopted articles of association
 - Map of the areas connected to the forestry association
 - Report from the regional forestry office on the objectives and prospects of success of the forestry association

Contact the forestry authority in advance to find out whether you need to submit further documents.

Voraussetzungen

It must be a legal entity under private law.

It must enable a significant improvement in the management of all member properties in terms of their location, size and connection.

The articles of association or partnership agreement must contain provisions on

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- the task,
- the financing of the task,
- the rights and obligations of the forest management association
 - the means of punishment or contractual penalties in the event of culpable breach of duty,
 - the obligation of the members to offer the timber for sale through the forest management association (if its task is to sell timber).

It must comprise at least seven members.

There must be significant competition on the timber market.

In the case of the legal form of a cooperative or association with legal capacity with commercial business operations:

- Determination of the conditions for membership:

Membership may be terminated at the earliest at the end of the third financial year; the notice period must be at least one year.

- Determination of the bodies, their tasks and the way in which resolutions are passed:

Resolutions on forestry measures must be passed by the general or members' meeting and require a majority of 2 thirds of the votes.

In the case of the legal form of a corporation:

- The shareholders must jointly fulfill the task for at least 3 full financial years.

Kosten

none

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Verfahrensablauf	You can apply for recognition as a forestry association in writing and informally to the responsible office. The responsible office will inform you about the further procedure and the expected processing time.
Bearbeitungsdauer	Usually 4 weeks
Frist	none
weiterführende Informationen	https://www.wald-und-holz.nrw.de/forstwirtschaft/waldbesitz/unterlagen-fuer-zusammenschlusse https://www.wald-und-holz.nrw.de/ueber-uns/einrichtungen/regionalforstaemter
Hinweise	As a legal entity, the forestry association is liable for tax and must submit tax returns to the tax office and pay taxes. This obligation is fulfilled by the actions of the board of directors (association) or the managing director (GmbH). If this is not done, the board of directors or managing director is also liable privately.
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Owners of a private forest can join together to form a forest management association • A forest management association must be a legal entity under private law • The prerequisite for the recognition of a forestry association is that the size, location and connection of all member plots must enable a significant improvement in management. Certain requirements must be met with regard to the articles of association or partnership agreement, bodies and decision-making.
Ansprechpunkt	supreme forestry authority
Zuständige Stelle	supreme forestry authority
Formulare	none
Ursprungsportal	Recognition of a forestry association and granting of legal capacity as a commercial association, Anerkennung einer Forstbetriebsgemeinschaft und Verleihung der Rechtsfähigkeit als wirtschaftlicher Verein