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

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/420411318/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99048004016000, 99048004016000
Leistungsbezeichnung I	Recognition of a forestry association and granting of legal capacity as a commercial association
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Forst (048)

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Verrichtungskennung	Anerkennung (016)
SDG-Informationsbereich	Eintragung, Änderung der Rechtsform oder Schließung eines Unternehmens (Registrierungsverfahren und Rechtsformen für geschäftliche Tätigkeiten)
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.11.2020
Fachlich freigegeben durch	Lower Saxony Ministry of Agriculture, Food and Consumer Protection
Handlungsgrundlage	https://www.gesetze-im-internet.de/bwaldg/__18.html https://www.gesetze-im-internet.de/bwaldg/__18.html
Teaser	Anyone wishing to set up a forestry association and receive funding for this must have it recognized and meet the necessary requirements.
Volltext	<p>If you want to set up a forest management association and receive funding for this, you must have it recognized and meet the necessary requirements.</p> <p>Forest management associations are associations of landowners under private law that pursue the purpose of</p> <ul style="list-style-type: none"> • to improve the management of the associated forest areas and land intended for afforestation, <p>as well as the disadvantages of</p> <ul style="list-style-type: none"> • small area size • unfavorable land shape • fragmentation of ownership • the mixed situation • insufficient forest access • or other structural deficiencies

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to overcome.

The forest management association must be responsible for at least one of the following measures:

1. Coordination of the operational plans or operational reports and the business plans as well as the individual forestry projects
2. coordination of projects essential to forestry production and the sale of timber or other forest products
3. Implementation of forest cultivation, soil improvement and stand maintenance work, including forest protection
4. Construction and maintenance of roads;
5. Carrying out the felling, processing and harvesting of timber
6. Procurement and use of machinery and equipment for several of the measures summarized under numbers 2 to 5

Erforderliche Unterlagen

- Informal application
- Statutes
- Description of the size of the area to be farmed
- Invitation and minutes of the foundation
- List of members

Voraussetzungen

1. The forest management association must be a person under private law,
2. The forest management association must enable a significant improvement in the management in terms of size, location and connection of all closed plots,
3. The articles of association or partnership agreement must contain provisions on
 - The task
 - The financing of the task
 - The right and obligation of the forest management association to monitor the fulfillment of the task
 - Regulatory measures or contractual penalties in the event of culpable breach of essential membership obligations
 - The obligation of the members to have all or part of the timber intended for sale offered for sale by the

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forest management association, insofar as it has the task of selling the timber

4. If the forest management association chooses the legal form of a cooperative or association with legal capacity with commercial business operations, the articles of association must also contain the following points:

- the conditions for acquiring and losing membership, whereby membership may be terminated at the earliest at the end of the third full financial year and the notice period must be at least one year
- the bodies, their duties and the way in which resolutions are passed. It must be stipulated that resolutions on the type and scope of the forestry measures to be carried out and on joint sales rules, insofar as the Board of Directors is not entitled to pass resolutions on these in accordance with the Articles of Association, are to be passed by the general or members' meeting and require a two-thirds majority of votes

5. If the legal form of a corporation is chosen, it must be ensured that the shareholders jointly pursue the tasks of the community for at least three full financial years.

6. It must have at least seven members.

7. It must allow significant competition to exist on the timber market.

Kosten

Gebühr: 130€ - 320€

For recognition yes according to time spent

Gebühr: 130€ - 1.100€

For the revocation of recognition depending on the time required

Gebühr: 130€ - 320€

For the award depending on the time required

Verfahrensablauf

- Submit an informal application.
- Enclose all necessary documents with the application.
- Submit the documents to the Lower Saxony Ministry of Food, Agriculture and Consumer Protection.
- You will then receive information about the approval or rejection of the application by post.

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Bearbeitungsdauer	2 - 3 Woche(n) The processing time is usually 2 to 3 weeks.
Frist	none
weiterführende Informationen	
Hinweise	If the forest management association includes community forests, it may also be recognized as such if it has fewer than seven members.
Rechtsbehelf	An action against the decision may be brought before the Hanover Administrative Court within one month of notification, either in writing, for the record of the clerk of this court or in accordance with the Lower Saxony Regulation on Electronic Legal Transactions in the Judiciary (Nds. ERVVO-Justiz), as amended, by submitting electronic documents. https://www.verwaltungsgericht-hannover.niedersachsen.de/startseite/ https://voris.wolterskluwer-online.de/browse/document/28a130f8-2eeb-3261-b0bd-1382d2f3dff8 https://www.verwaltungsgericht-hannover.niedersachsen.de/startseite/ https://voris.wolterskluwer-online.de/browse/document/28a130f8-2eeb-3261-b0bd-1382d2f3dff8
Kurztext	Anyone wishing to set up a forestry association and receive funding for this must have it recognized and meet the necessary requirements.
Ansprechpunkt	
Zuständige Stelle	Responsibility lies with the Lower Saxony Ministry of Food, Agriculture and Consumer Protection, Department 4 "Administration, Law and Forestry", Division 406.
Formulare	You can submit the application for recognition informally by e-mail or by post to the responsible office. Personal appearance required: No
Ursprungsportal	Recognition of a forestry association and granting of

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legal capacity as a commercial association,
Anerkennung einer Forstbetriebsgemeinschaft und
Verleihung der Rechtsfähigkeit als wirtschaftlicher
Verein