

# Illegal increase of logging in Białowieża forest

## Summary of complaint to Commission

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The subject of this complaint is the approved logging on the territory of the Białowieża Forest District, one of the three forest districts managed by the State Forest Services in Białowieża Forest, Poland.

On 25 March 2016, the Polish Minister of Environment approved the annex to the Forest Management Plan (FMP) of the Białowieża Forest District. With this decision, the limit on timber harvest for the 2012-2021 period was raised to 188 000 m<sup>3</sup>. This is a threefold increase of the limit previously set for this Forest District and will lead to increased logging in the Natura 2000 site.

Białowieża Forest District falls within a Natura 2000 site – Białowieża Forest (PLC 200004). The site was chosen for protection by Poland and was designated as a Natura 2000 site in 2004 because it is home to a number of species and habitats which are protected under the EU Habitats Directive and under the EU Birds Directive. Due to its status as a Natura 2000 site, special rules apply when projects are planned to take place in that area. These rules were not followed by the Minister of the Environment when he approved an increase of the limit of timber harvesting in this area.

Specifically, the complaint raises the following breaches of law and asks the European Commission to investigate:

1. Before taking the decision the Minister failed to carry out an assessment to determine whether the increased logging would have an adverse effect on the integrity of the Natura 2000 site. This assessment is known as an ‘appropriate assessment’ and is distinct from the strategic environmental assessment that was carried out in relation to the annex to the FMP. An appropriate assessment is required by Article 6(3) of the Habitats Directive and by Article 33 of the Polish Nature Protection Act;
2. The approval of the increased logging breaches Article 6(3) of the Habitats Directive and Article 33 of the Polish Nature Protection Act because the law prohibits Member States from approving activities like this if the decision-maker cannot be certain that the activity will not cause an adverse effect on the Natura 2000 site, unless certain limited derogations set out in Article 6(4) of the Habitats Directive are relevant. In this case, the limited derogations do not appear to be relevant;
3. By increasing logging, the Minister’s decision breaches Article 6(2) of the Habitats Directive because it clearly fails to take appropriate measures to;

- Avoid the deterioration of natural habitats and the habitats of species for which the site has been designated; and
- Avoid the disturbance of the species for which the site has been designated.

By virtue of Article 7 of the Habitats Directive, the breaches mentioned above will also be breaches of Article 4(4) of the Birds Directive.

## Urgent need for the Commission to intervene

There is a bark beetle outbreak in Białowieża Forest – this is a natural phenomenon which regularly occurs (every 8-10 years) in Białowieża Forest. However, this outbreak is cited by the Minister for the Environment as a justification for the need to harvest more trees. Therefore, it is probable that the logging will start soon because the bark beetle is generally active from April until September. The threat of an irreversible biodiversity loss in the Natura 2000 site is therefore real, probable and imminent.

Therefore we ask the Commission to quickly intervene to halt the irreversible loss that would be caused by intense logging and to ensure the protection of the Białowieża Forest in compliance with the Habitats Directive.

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