

# Conservation news

## EU Court of Justice rules that NGOs have the right to challenge forest management plans through the courts in Poland

On 2 March 2023, the Court of Justice of the EU ruled, in [Case C-432/21](#), that the exclusion in Polish legislation of the possibility of legal proceedings against forest management plans violates EU law. The Court stated that Poland was in breach of its obligations as a Member State of the EU because it had excluded in its legislation the possibility for environmental organizations to appeal against forest management plans. The Court concluded that conservation organizations must have the right to challenge forest management plans in court, especially if changes within forest ecosystems involve major human intrusion. The Court decided that species protection under the Bird and Habitat Directives of the EU takes precedence over local forest management.

In a joint communication, the Polish Ministry of Climate and Environment and the National Forests, which manages c. 80% of Poland's 9.2 million ha of forests, stated that the right to appeal forest management practices had already been respected. It was also stated that future court verdicts based on the EU Court of Justice decision would lead to the collapse of forest management throughout the country and consequently the collapse of the Polish timber industry.

The court decision will allow NGOs to at least partially control cutting in areas of natural value, especially in

those areas where forest management blocks the founding or expansion of national parks. In recent years there has been systematic destruction of the most valuable forest areas in Poland, particularly in the Carpathian Forest. This forest, which covers the Bieszczady Mountains and Przemysł Foothills in south-east Poland, is a refuge for species such as the brown bear, grey wolf, lynx, wildcat, golden eagle, Eurasian pygmy, eagle and Ural owls and the Eurasian three-toed woodpecker. NGOs have been campaigning for several decades for the enlargement of the Bieszczady National Park and the establishment of the Turnicki National Park in the Przemyskie Foothills.

This new ruling of the EU Court of Justice follows an [April 2018 verdict](#) by the Court concerning the Białowieża Primeval Forest, which highlighted failure of forest management in Poland to respect the Bird and Habitat Directives. It can only be hoped that the state authorities, as in the case of the verdict on the Białowieża Primeval Forest, will, after initial resistance, adhere to this latest ruling.

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