



Nature protection: Commission decides to refer POLAND to the Court of Justice over failure to safeguard forest habitats and species

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The European Commission has today decided to refer **Poland** to the Court of Justice of the EU over its failure to ensure that adequate safeguards are in place to protect forest habitats and plant and animal species, as required under the Habitats Directive ([Directive 92/43/EEC](#)) and the Birds Directive ([Directive 2009/147/EC](#)).

These Directives establish Natura 2000, an EU-wide network of protected areas aimed at preserving habitats and species of EU interest. Under these laws, forest management plans - which regulate activities such as logging - must undergo an assessment of their effects on Natura 2000 before authorisation. The [European Green Deal](#) and the [European Biodiversity Strategy](#) both indicate that it is crucial for the EU to halt biodiversity loss by protecting and restoring biodiversity.

In the case of Poland, while assessments of forest management plans are carried out, Polish law does not provide access to justice with regard to those plans. As they may have significant effects on Natura 2000 sites, the public is thus deprived of effective judicial protection.

Furthermore, Poland exempted forest management from respecting the obligations of strict species protection provided in the Birds and Habitats Directives in 2016, and such exemption compromises the required protection regime.

The Commission sent a letter of formal notice in July 2018, followed by a [reasoned opinion in July 2019](#). In response, Poland agreed to consider amending its law regarding the exceptions for forest management. To date, however, no progress has been made. The Commission has therefore decided to refer the case to the Court of Justice of the EU.

Background

The [EU Biodiversity Strategy](#) adopted in May 2020 sets, among others, goals for protection of forests in Europe. In particular, it aims at ensuring protection of all remaining EU primary and old-growth forests.

According to the case-law of the Court, access to justice is based on fundamental principles of EU law, as well as specific directives, such as the Habitats and the Birds Directives, and the Aarhus Convention. Access to justice in environmental matters is considered an important means for improving Member States' implementation of EU environmental law.

Further Information

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