

## **Annex 14 – Translation of the statement of the Secretary of State at the Senate Committee meeting discussing the proposed amendment of the Forest Law**

### **Secretary of State in the Ministry of Climate and Environment Edward Siarka:**

(PL) Dear Commission,

I think that the very justification for this bill, as well as the position of the Senate Legislative Office, shows that the Senate does not have any legal arguments to bring such a bill at all. We believe that this project is completely unjustified. This is primarily a premature project.

If we are talking about your legislative initiative, then Poland is indeed in dispute with the European Commission. You are noticing this, and we are not hiding it either. Since mid-2021, we have been arguing as if in 2 areas. The first area concerned the so-called good practices. In the case of this area, we can say that Poland has met the arguments of the European Commission. As we remember, the Forest Act has been amended – I mean Article 14b – and the regulation on good forestry practices will be amended as a result. And in fact, one could say that here we have shown as the Polish side a very far-reaching good will, so as not to be in dispute with the European Commission.

As for the second issue, i.e. forest management plans, we consider both the arguments raised by the European Commission and the arguments that are raised in the justification of this bill by the Senate, senators and representatives of the Senate, to be completely unjustified and, above all, premature. I would say that they are even harmful to the interest of the Polish state. Let me say this emphatically.

Poland, of course, is in dispute with the European Commission. We are arguing about whether the Aarhus Convention obliges environmental organisations to allow environmental organisations to challenge forest management plans or so-called simplified forest management plans. Poland, however, takes the view that the Aarhus Convention does not impose such an obligation on Poland or on any other country, since the right to a court is granted only in relation to projects and not forest management plans. This is not a project, but a plan.

Anyway, if we follow the whole process – the President also knows this process very well – of adopting forest management plans and approving them by the Minister for the Environment... Please remember that along the way there is a whole process of preparing this plan, in which the public is guaranteed full participation.

We also know that on the basis of the law in force in Poland today, there are cases in which we are dealing with an appeal against forest management plans before a civil court. There are at the moment 3 such cases. They also show that, in principle, the right to challenge forest management plans exists. However, of course, it is not possible at the moment to challenge the forest management plans that we are issuing today, much less those plans that are already in force, and which even the President himself has partly signed.

And as for challenging simplified plans for the management of forests, we believe that we are actually entering very boggy ground here, that is, we are de facto touching on the right of private owners to dispose of their property, the constitutional right to dispose of this property. So we are talking about very serious issues here. If today we would also like to enter the area of simplified forest management plans, which are issued by the heads of the county boards, then it would be a very far-reaching interference on the part of organizations that often – and no one questions this – are guided by very noble motives. The only problem is that the procedure adopted in this way, which the state directly proposed in this bill, would

mean a complete paralysis of forest management in Poland. Actually, this would mean that environmental organizations that would benefit from it could challenge all forest management plans, plans of all forest districts in Poland, of which we have 430. Of course, we are also talking about these simplified plans, that is, those that the heads of the county boards adopt.

Once again, I would like to emphasise that, contrary to what is stated in the explanatory memorandum, the Aarhus Convention does not impose an obligation to treat all the issues you are talking about, namely forest management plans, as undertakings. A forest management plan is not a project; it is simply a plan. Currently, this legal dispute is at the stage of proceedings before the Court of Justice of the European Union. We believe that, until the Court has ruled on the issue of compatibility, we should not take any legislative action here. There is no justification for taking this legislative initiative before the CJEU judgment.

The argument that we are threatened with some financial sanctions here is also misplaced. Only after an unfavourable verdict will Poland be able to start legislative work and possibly then... If we did not comply with this judgment, then the legal consequence would be that we could face some financial sanctions on this account. I would also like to point out that the possible adoption of this proposal will not mean that the Commission will withdraw its complaint against Poland. Well, we are not so sure at all.

In addition, as I said, this initiative has a very far-reaching... You have not calculated this at all. It has far-reaching economic, natural and social effects, it hits very sustainable forest management, which is enshrined in the Act on Forests, which is based on definitions currently in force not only in Poland, but also throughout Europe, on definitions in the field of forest management. This may shake the whole system, cause complete paralysis of this industry, which in Poland accounts for almost 2.5% of gross domestic product, which employs 500,000 people. It can also undermine our position as a major player, a leader, e.g. in industries such as furniture manufacturing. These are far-reaching consequences, which in the justification of the bill the state does not address at all. And this is the perspective we are facing, please have some imagination.

Please pay attention to this, especially in the situation of the Ukrainian conflict, the Russian-Ukrainian conflict. When sanctions are imposed, which will also cause – and I can say this with all openness in this forum – a complete blocking of timber supplies from the Russian, Ukrainian or Belarusian markets, we will find ourselves in a very difficult economic situation. Notice how big the shortages will be on this market with the already rising prices of various types of wood products or wood in general. However, we from the eastern market, at least from Belarus, are importing over 1 million<sup>m<sup>3</sup></sup> of roundwood and 2 million m<sup>3</sup> of wood chips for the energy system, so imagine that this is all that is happening abroad at the moment... This difficult situation, which is taking place behind the eastern border, will also hit our economy.

The introduction of these provisions – once again I emphasize that we have no doubt here – will lead directly to a complete... With today's attitudes of various types of environmental organizations that do not want to understand the entire process of sustainable forest management, this may cause that Poland will be effectively eliminated by various lobbying activities, that competition on the market will deprive us of the possibility of obtaining raw material, which, I emphasize, is a renewable raw material, an ecological raw material.

So that we are talking about a serious issue. This is not a change that affects some insignificant elements of forest management, these are fundamental changes. Actually, this project is a revolution in the whole system of approving forest management plans, which, as I said, are just plans. This is not an undertaking that the Aarhus Convention enumerates, and we want to say it emphatically. Besides, our position, which has been addressed to the Court

of Justice of the European Union, is very firmly legally based, has dozens of pages and contains arguments in which we present the unreasonableness of this action.

We know that in this case, the adoption of plans in administrative proceedings, in appeal proceedings, would be de facto, I would say, a kind of atomic bomb, which would completely paralyze the conduct of forest management not only by the State Forests, but also by private owners. Well, then please say what solutions we would adopt in relation to private owners in a situation where, for some reason, the private owner would lose the right to freely dispose of his property. This is a revolution, just a revolution.

So it seems to me that the project has gone too far. The government is completely opposed to this project. Of course, with humility, so to speak, we accept all the arguments that arise here. There is also room for discussion, but not so far-reaching. This de facto means that we are actually left without any arguments. Actually, an organization that we don't even know about... If a hypothetical environmental organization or even an association of natural persons states that it does not agree with the current forest management, it may blow up – I emphasize it again – all plans for forest management throughout Poland. That would actually be total paralysis. Thank you very much.