

**Reply of the Ministry of Climate and Environment to the question of the Aarhus Convention  
Compliance Committee concerning the case ACCC/C/2017/154**

*At page 3 of its response to the communication, the Party concerned states that a forest management plan is “not an act of a general applicable law”. Please explain what the legal effects of a forest management plan are, if any, in the Polish legal system.*

The forest management plan is a document constituting a specific type of a management plan established for the forest owned by the State Treasury for a certain forest unit (forest district). It acts as the basic document in the forest management process and contains the description and assessment of the forest condition and the objectives to be delivered as well as the tasks and methods of forest management, on the basis of which a forest district manager – pursuant to Article 35 of the Act of 28 September 1991 *on forests* (Journal of Laws of 2022, item 672) – manages the forests in an independent and individual manner.

Forest management plans are established for the period of 10 years by independent entities (expert planning and development companies). For this purpose, detailed field surveys are being performed in order to prepare so called forest taxation (valuation) description forming the basis to plan the relevant actions and measures addressing the needs in the area of tree stand cultivation and protection, with consideration to all functions performed by the forest. The terms and conditions of establishment of the forest management plan are specified in detail in the internal procedures of the State Forests National Forest Holding, while only in general in the provisions of law. The forest management plan establishes – on the basis of forest resource inventory - the guidelines for the forest management in the medium-term perspective addressing the needs in the area of tree stand cultivation and protection and in a manner ensuring maintenance of all functions of the forests. Upon approving by the minister competent for the environment, this plan underlies the management activities specified and described therein.

The forest management plan itself is not an act of a generally applicable law, an act of local law, or an administrative decision. It is rather a specialist documentation of technical nature being a kind of instruction laying down the rules of forest management for a specific forest unit addressed only to the manager or user of the forest owned by the State Treasury, to which the forest management plan applies. The forest manager manages the forest on the basis of the plan in an individual and independent manner. The forest management plan does not affect the rights and obligations of any other entities.

The internal nature of the forest management plans is confirmed by the case law of the Polish administrative courts (vide the judgment of the Supreme Administrative Court of 12 March 2014, case file no. II OSK 2477/12 – *Approving the forest management plans by the minister competent for environmental protection applying to the forests owned by the State Treasury is therefore an activity of internal nature taken with a view to performance of tasks related to ownership, thus being considered the activity from the dominium rather than empire area*).