

**Stowarzyszenie Pracownia na rzecz Wszystkich Istot - Association Workshop for All Beings**  
represented by Magdalena Bar, attorney-at-law

10 May 2024

Ms. Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee  
UN Economic Commission for Europe  
Environment Division

**Re: case ACCC/C/2018/158 (Poland) - comments by the communicant on the Party concerned replies**

Dear Ms. Marshall,

In response to the second part of replies by the Party concerned (dated 8 May 2024) to the Committee's question of 19 February 2024, the communicant hereby presents their comments on these replies.

1. The communicant welcomes the Party's concerned statement that forest management plans and hunting plans may fall under Article 9(3) of the Convention.

Re forest management plans

2. Indeed, there is a public discussion in Poland regarding amendments to the Forest Act needed to enable members of the public to challenge plans in court.

3. According to the communicant's knowledge, there are at least three drafts meant to amend the Forest Act:

(a) the first one prepared at the commission of one of the MEPs - this draft has been presented at a meeting with various interested parties held on 6 May 2024 (the communicant took part in this meeting);

(b) the second one prepared by the stakeholders' groups related to the State Forests (the institution managing forests belonging to the State) - this draft has been presented at the meeting on 6 May, too;

(c) the third one which is being prepared within the Ministry of Climate and Environment - this one has not been presented so far (the Ministry representatives were present at the meeting on 6 May, but did not presented their draft; probably it is not ready yet).

4. What is crucial regarding all these drafts is that they are at a very initial stage of preparation and consultation (and the draft prepared by the Ministry is not yet published at all).

So far none of the drafts has been open for any public consultation. None of them has been submitted to the Parliament as an official draft to be proceeded.

5. The procedure ahead to adopt any amendment to the Forest Act is still long and its result is unknown - in particular that during the parliamentary process one may expect attempts to water down the proposed provisions granting a broad access to justice to challenge forest management plans.

6. Therefore, the communicant kindly asks the Committee to elaborate its findings on the basis of the law currently in force in Poland.

Any statement of the Committee confirming that the forest management plans shall be subject to access to justice according to the Convention would be extremely helpful in the process of adoption of the new laws ensuring judicial control over these plans.

#### Re hunting plans

7. Unlike in relation to the forest management plans, there is no discussion in Poland on enabling any members of the public to challenge the hunting plans in court.

This would require amendments to the Hunting Law Act - and no intentions to amend this Act have ever been communicated, neither by the Ministry nor by other stakeholders.

8. In addition, the communicant points out that if the Party concerned admits that the forest plans and hunting plans - both belonging to the group of "plans of internal nature" - fall (or may fall) under Article 9(3), then the same should apply to other plans of internal nature.

Yet, the Party concerned in its reply of 21 April 2024 indicates that the "internal nature" of a plan prevents it from being covered by Article 9(3). Now, in the light of the Party's concerned position regarding forest plans and hunting plans, its previous view should not be taken into account.

Magdalena Bar

