

# Reply to question No. 2 of the Aarhus Convention Compliance Committee in case ACCC/C/20 18/158

Forest management plans, multiannual hunting plans and annual hunting plans are planning acts of a specific nature.

Forest management plans are prepared by entrepreneurs, who, under Article 19c of the Act of 28 September 1991 on Forests (consolidated text: Journal of Laws of 2024, item 530) (hereinafter referred to as the Forest Act), provide technical equipment and employ persons with appropriate qualifications necessary for timely and correct preparation of forest management plans. These plans are prepared at the request and expense of the forest manager, which in this context refers to The State Forests National Forest Holding, i.e. a state organisational unit without legal personality, representing the State Treasury in the scope of managed property. Other natural or legal persons can also prepare these plans if they have the title to manage the State Treasury forest, as stated in Article 21(1) points 1 and 3 of the Forest Act. However, the approval of the forest management plan is solely the responsibility of the Minister responsible for the environment, as per Article 22(1) of the Forest Act.

As far as annual hunting plans are concerned, these documents are drawn up on the basis of Article 8a of the Act of 13 October 1995 on Hunting Law (i.e. Journal of Laws of 2023, item 1082) (hereinafter: Hunting Law) by lessees and administrators of hunting districts. These plans are prepared after consultation with relevant commune heads (mayors, city presidents) and the relevant agricultural chamber. Once prepared, these plans are subject to approval in each case by the relevant forest district manager. On the other hand, multiannual hunting plans are drawn up by the director of the regional directorate of the State Forests National Forest Holding in agreement with the relevant voivodeship marshals and the Polish Hunting Association. The plans are then approved in each case by the Director General of the State Forests National Forest Holding (Article 8c of the Hunting Law). These are planning acts (documents), while their approval, being a sui generis administrative act, is a unique process that does not follow a codified procedure.

Considering the nature of forest management plans, long-term game management plans and annual hunting plans, the form in which they are accepted and the judgment of the Court of Justice of the European Union of 2 March 2023 in case C-432/21 concerning forest management plans, environmental relevance of these plans, the Ministry of Climate and Environment does not exclude the fact that all these aforementioned plans may be actions under Article 9(3) of the Aarhus Convention.

It is important to note that the Ministry of Climate and Environment is actively working on developing legal solutions aimed to empower the public with effective access to procedure that would enable the public to challenge acts or omissions by private persons or public authorities that violate provisions of national environmental law, particularly in the context of forest management plans, multiannual hunting plans and annual hunting plans.