

Mr. Karmenu Vella

Commissioner for Environment, Maritime Affairs and Fisheries of the European Union

European Commission
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(currently translation)

AN OPEN LETTER
in relation to Białowieża Forest

Dear Mr. Commissioner,

For a dozen years or so Białowieża Forest has been an object of interest among national and foreign liberal and leftist mass media. Representatives of this trend, who have never been not only in the Forest but also in Poland, create views which are detrimental to the truth about Poland and the Poles. Recently, the European Commission adopted a similar approach. On 20 July 2017, it brought an action against Poland before the Court of Justice, charging that Poland “logged” the Forest, violating thereby European Union law by failing to meet its obligations pursuant to the Habitats and Birds Directives, with respect to the Nature 2000 site PLC00004 Puszcza Białowieska, which was designated in 2008. The Commission’s charge against Poland was that it had adopted an amendment to increase the logging level in the Forest in 2017 without ensuring that it would have no adverse impact on the integrity of PLC200004 Puszcza Białowieska, a Special Protection Area (SPA) designated to protect birds and a Site of Community Importance (SCI) designated to protect habitats. In its justification, it referred to the uniqueness of Białowieża Forest in light of the “primeval character” of the stands existing there, suggesting that allegedly they had not been touched by man. This case was given huge publicity in the national and foreign mass media, informing that Poland “logged” the last Forest comprised of primeval woods and that the sole purpose of this “logging” was to make a profit and that Poland should be fined for this.

Here are some facts demonstrating that Poland does not violate European Union law. On the contrary, in compliance with the law, it tries to remedy what has been destroyed exactly by failing to abide with this law.

1. In Poland's territory, Białowieża Forest occupies an area of 60,348 hectares, with Białowieża National Park taking up 9,783 hectares within this area, mostly consisting of forests with a well-known history of their use. In the other part of the Forest, there are three Forest Districts of managed forests; specifically, the Browsk Forest District (19,392 ha), the Białowieża Forest District (12,144 ha) and the Hajnówka Forest District (19,026 ha). Białowieża Forest is a cultural heritage of the local population, the Polish forestry model, the Polish hunting and the Polish nature conservation concept which have been implemented in this area for hundreds of years. This is one of the best documented forest areas in the world in terms of the history of its use.

2. In 2008, the whole area of the Polish part of Białowieża Forest was incorporated into the Natura 2000 network in light of the presence there of such forest habitats of EU importance as oak and hornbeam forests (9170) (representing 63.08 % of its area), bog woodland (91DO) (4.35% of its area) and riparian mixed forests (91FO) (0.1% of its area), as well as the occurrence of more than 25,000 species of fungi, plants and animals, including such species as flat bark beetle, Goldstreifiger beetle, false darkling beetle, *Pytho kolwensis*, white-backed woodpecker, three-toed woodpecker, Eurasian pygmy owl and boreal owl. The whole area of the Forest was designated as both a Special Protection Area (SPA) designated to protect birds pursuant to the Birds Directive and a Site of Community Importance (SCI) designated to protect habitats pursuant to the Habitats Directive. The condition of habitats and species at the moment when the area of the Forest was incorporated into the Natura 2000 network resulted from its use, including the harvesting of wood from stands which had been planted there in the past. The abundance of stands growing there in 2008 was about 21 million cubic metres, with the harvesting of wood from ageing stands which had been planted there in the past amounting to about 150.000 cubic metres annually. This ensured the preservation of the structure of the existing habitats, the age structure of stands and the occurrence of species. Thus, it guaranteed the integrity of the SPA and SCI sites denoted as PLC200004 Puszcza Białowieska. **In accordance with EU law, Poland is obliged to protect the existing condition of habitats and species from the moment of incorporation into the Natura 2000 network, including in the case of Białowieża Forest the obligation to ensure the integrity of the SPA and SCI sites.** The loss or degradation of both a designated habitat and species provide the basis for bringing an action before the Court of Justice of the European Union against the state in whose territory this has happened and for forcing it to remedy the damage. ³

3. The inventory carried out in 2016 indicated that in the area of the designated site PLC2004 Puszcza Białowieska millions of trees had died with a volume of 5,700,000 cubic metres and a value of more than EUR 250 million. Within the Forest Districts of managed forests, as millions of trees died, compared with 2008 more than 3.000 hectares of the habitat of oak and hornbeam forests (91701 of Community importance were lost or degraded. The local loss or decrease of the quantitative presence

of species of Community importance, including such species as flat bark beetle, Goldstreifiger beetle, false darkling beetle, *Pytho kolwensis*, white-backed woodpecker, three-toed woodpecker, Eurasian pygmy owl and boreal owl, resulted from the dieback of stands. Indeed, these species need living or dying standing trees rather than the absence of trees over hundreds or thousands of hectares of swampland or grass communities which have emerged to replace the oak and hornbeam forests that existed there in 2008. Certainly, this had an adverse effect on the integrity of the SPA and SCI sites PLC200004 Puszcza Białowieska.

4. The loss and degradation of the oak and hornbeam forests were caused by a change in their use by an almost three-fold reduction in the harvesting of wood from stands which had been planted in the past within the Forest Districts of managed forests. For ideological reasons, with a violation of the law, due to the pressure from various types of organisations, which were also supported by the European Commission, in 2012 within the Forest Districts of managed forests the logging level was reduced from about 150,000 cubic metres annually in the period from 2002 to 2011 to about 46,000 cubic metres annually in the period from 2012 to 2021. Because of the spreading diseases, this caused an ever-increasing dieback of ageing single-age stands which had been planted in the past. This was particularly conspicuous in the case of spruce stands because of a mass-scale bark beetle outbreak. **Thus, the EU law was violated in respect of the protection of the existing condition of habitats and species from the moment of incorporation of the Forest into the Natura 2000 network. Indeed, this had an adverse effect on the integrity of the SPA and SCI sites in the whole area of PLC200004 Puszcza Białowieska**

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5. In 2017, in order to halt the process of the loss of the oak and hornbeam forests growing there and the species present there and to restore the integrity of the SPA and SCI sites designated to protect birds and habitats in the whole area of PLC200004 Puszcza Białowieska, the necessary remedial measures were applied in compliance with any Polish and EU legal procedures and using the best scientific knowledge. The process of restoring the destroyed stands was launched, while establishing, at the same time, the logging level in managed forests at about 59,000 cubic metres annually up to 2022. This is almost a three-fold reduction in wood harvesting with respect to the quantity logged in the period from 2002 to 2011. Such a logging level was adopted only in response to the need to remove ill trees, which infested the healthy trees, and the need to ensure public safety. It was demonstrated that the adopted remedial programme would not only fail to cause adverse impacts on the existing habitats and species, but would also halt the process of the degradation of habitats and restore in the future the integrity of the SPA and SCI sites PLC200004 Puszcza Białowieska to the condition which it had in 2008.

6. In the period from 2016 to 2017, in accordance with the approved forest management plans, within the Forest 256,000 m³ of spruce trees infested mostly by bark beetle were clear-cut and removed. The

removed trees also included dead ones which posed a risk for the safety of persons moving around in the Forest. At an annual scale, this represented barely about: 16% of the annual increment, 0.56% of the wood of living trees and 0.45 % of the total wood within the entire Forest area. The purpose of the logging carried out within the Forest area in the period from 2016 to 2017 was not to make a profit. According to the information obtained from the Directorate General of State Forests, the total logging costs amounted to PLN 57,008,000, whereas the sales of this wood brought the revenues of PLN 37,037,000. Thus, State Forests incurred additional costs as a result of the need to protect habitats and ensure public safety, amounting to PLN 19,971,000.

7. A decision was taken to examine the effectiveness of the measures taken, which could be measured by the restoration of the integrity of the site PLC20004, specifically, the regeneration of oak and hornbeam forests (9170) and the return of the species occurring there, by launching an experimental scheme. Under the scheme, one third of the Forest area is not subjected to any conservation measures, including the resignation from removing any trees. In the remaining area of the Forest, measures are performed to restore the 2008 condition of habitats and species. A comparison of the results of an annual inventory will make it possible to assess the outcomes of the measures taken, to evaluate losses and indicate those who are responsible for the costs incurred. This inventory has been carried out since 2016 on 1,400 research plots covering the whole area of the site PLC20004 Puszcza Białowieska, with the participation of almost 200 experts in the fields of archaeology, phytosociology, dendrology, soil science and the biology and ecology of individual species.

Dear Mr. Commissioner,

Since 1915 the Government of Poland has informed the Commission of all the facts and activities listed above. It was informed that habitats and species were being lost. It was informed that this was caused by a drastic reduction in the logging level in 2012. It was informed of the inventory underway. For this reason, too, it is a surprise to find that the Commission has brought an action against Poland in relation to the Forest, charging that the logging level in the Forest was increased from 2017 without ensuring that it would have no adverse impact on the integrity of PLC20004 Puszcza Białowieska, a Special Protection Area (SPA) designated to protect birds and a Site of Community Importance (SCI) designated to protect habitats. In my opinion, this action has no rational justification and, at the same time, it indicates that the Commission is biased - for the following reasons:

1. The integrity of the SPA and SCI sites PLC20004 Puszcza Białowieska has been compromised by the loss of thousands of hectares of oak and hornbeam forests and it has been demonstrated that this happened in 2016. It was caused by a drastic reduction in the logging level in the managed parts of Białowieża Forest in 2012 relative to the level in 2008, i.e. the year when the

Forest was incorporated into the Natura 2000 network. The logging level was reduced as a result of the pressure from various types of liberal and leftist organisations, both national and foreign, which were also supported by the European Commission. The Commission's concern about the sites PLC200004 Puszcza Białowieska since 2017 seems to be irrational and inconsistent with its actual status, whereas the Commission did not show such a concern in 2012.

2. It also seems that the argument that the logging was increased in 2017 is not based on substantive grounds, either. This logging level is almost three-fold lower than the one in 2008, i.e. in the period when Białowieża Forest was incorporated into the Natura 2000 network.

3. The argument that allegedly Poland did not ensure that the logging in 2017 would have no adverse impact on the integrity of PLC200004 Puszcza Białowieska, a Special Protection Area (SPA) designated to protect birds and a Site of Community Importance (SCI) designated to protect habitats does not seem to be consistent with the truth. On the basis of both a nature inventory and the best scientific knowledge, Poland demonstrated that the adoption of the logging level in 2017 and its execution with respect to ill trees and those posing a risk to public safety would halt the process of stand dieback and begin the process of the restoration of the destroyed habitats. Moreover, following the precautionary principle, a research project was launched to check the correctness of the adopted concept by designating within the managed parts of the Forest a reference area where no measures whatsoever would be carried out, including the removal of ill and dead trees. A comparison of the data from the area where remedial measures will be carried out with the data from the area where such measures will not be performed will show when and how quickly the integrity destroyed by the 2012 decision is restored 2012.

4. The inconsistency of the Commission's action with the truth and its bias, which is unworthy of the Commission, seem to be self-evident since in its action the Commission fails to consider Poland's proven arguments and refers to untrue opinions (primeval forests, logging for profit etc.), thus contributing to the defaming of the good name of Poland, the Polish school of nature conservation, the Polish forestry and hunting model, as well as the local community.

Dear Mr. Commissioner,

Natura 2000 is a magnificent system for assessing the human activity as part of the creation of sustainable development. However, this system must be understood and the established law needs to be complied with. As the action brought by European Commission indicates, this is not the case in the

European Union. We have a chance to remedy this and Białowieża Forest becomes such a chance. It is here that that a dialogue can be initiated using specific data from annual nature inventories, available on the websites of the Ministry of the Environment, the Directorate General of State Forests and the Association for Sustainable Development (see www.ekorozwoi.pH and due to the launch of the experimental scheme in Białowieża Forest as described above. The dialogue will bring an answer as to who was right, i.e. who protected and who, perhaps because of the lack of knowledge, destroyed this globally unique example of the cultural and natural heritage of the local population, the Polish school of nature conservation, the Polish forestry and hunting model, which is Białowieża Forest. Failure to consent to take part in such a dialogue would mean contributing to deliberately misleading the European Union and the world opinion, which also leads to the slandering of Poland and the Poles. An example of such slandering are the lies spread all over the world that Poland cuts for profit the last primeval forest in the world. Such practices are detrimental to nature, the mission and objectives of the European Commission and prevent the development of the European Union on the basis of the law. A sign of good intent will be the observation of changes in the processes unfolding within the Park and in two managed areas of the Forest. In one of them, remedial measures will be taken to restore the condition of habitats and species which existed in 2008. In the other, treated as the control, only observations will be made, without any removal of ill or dry trees. Failure to take part in this programme or an attempt to close it down would be evidence to the obliteration of the traces of the crime which was the reduction in the logging level on the site denoted as PLC200004 Puszcza Białowieska in 2012.

Sincerely Yours,

Prof. Dr. Jan Szyszko, Ph.D.

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I am sending this letter to all the Members of Parliament and Senators of the Republic of Poland, all the Members of the European Parliament, all the Environment Ministers of the European Union and the world, as well as all the mass media accessible to me.