

Warsaw, 11th June, 2018

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(currently translation)

An invitation to a dialogue about Białowieża Forest

Introduction

Białowieża Forest is one of the best documented forest areas in the world in terms of the history of its use. After Białowieża Forest had been incorporated into the Natura 2000 network eco-centrist movements began to disseminate information that the Forest was the best preserved “primeval forests” and that since they were untouched by man they had to be protected exactly against man, resigning from its use in any form. The local population and the main author of the shape of the natural resources in the Forest, i.e. the forester, were depicted as the worst enemies of the Forest and the ban on felling became the highest form of conservation. The disseminated false information achieved the planned effect, on an international scale, too. The local population and foresters began to be perceived as barbarians felling for profit the last forest “untouched by man”. Since this “felling” was allegedly supposed to threaten the habitats and species of importance for the Community from the point of view of Natura 2000, there were not only suggestions but also demands that enormous financial penalties should be imposed on Poland. In response to the complaints sent to the European Union against the “felling of the primeval Forest”, the European Commission began to exert its pressure and, together with the eco-centrists, caused a decrease in the felling level in 2012. This caused a snowballing dieback of old tree-stands which had been planted in the past, followed by the loss of the habitats and species of importance from the point of view of Natura 2000 network. The launched remedial process since 2017 met with aggressive attacks of the eco-centrists and the liberal and leftist press. Finally, the European Commission brought action against Poland with the Court and the case ended with the judgment of 14 April 2018.

Content of the judgment

The judgment on Site PLC200004 Puszcza Białowieska reads:

“Poland has failed to fulfil its obligations by adopting an appendix to the forest management plan for the Białowieża Forest District:

- without ascertaining that that appendix would not adversely affect the integrity of the PLC200004 Puszcza Białowieska site,
- by failing to establish the necessary conservation measures corresponding to the ecological requirements of the natural habitat types and the species of birds for which the PLC200004 Puszcza Białowieska site was designated,
- by failing to guarantee the strict protection of saproxylic beetles, that is to say, by failing effectively to prohibit the deliberate killing or disturbance of those beetles,
- by failing to guarantee the protection of the species of birds, that is to say, by failing to ensure that they will not be killed or disturbed”.

The judgment of the Court does not contain at all the messages which were so noisily publicised by the national and world leftist and liberal mass media. Thus, nothing is said about the ban on felling in the last forest with primeval woods in Europe. Nothing is said about the imposition of sky-high penalties on Poland for destroying habitats and killing species. Nothing is said, either, about the ban on “felling” of any trees whatsoever. What is present is the concern about failure to ascertain whether the remedial appendix of 2017 would not adversely affect the integrity of the PLC200004 Puszcza Białowieska site, since Poland failed ensure the protection of habitats and species.

Integrity of the site

The peculiarity of the content of the judgment lies in that both the Commission and the Court fail to provide a definition of integrity and that they do not specify, either, the necessary conservation measures corresponding to the ecological requirements of the types of habitats and species. They do not say, either, how the effective prohibition of the deliberate killing and disturbance of birds and insects can be ensured and measured. They do not give these definitions although they provide the basis for the designation of the Natura 2000 network and they provided the basis for the designation of the PLC200004 Puszcza Białowieska site. The absence of the definitions means that the judgment cannot be executed. In light of this, I would like to inform you that the integrity of the site is defined by the area of habitats and the populations of species at the moment when the Commission approved the site and incorporated it into the Natura 2000 network. The protection of a habitat and species means

ensuring its quantitative presence, i.e. measuring whether the habitat does not decrease its area and the species does not reduce its quantitative presence. In case such a situation arises, it is necessary to start a remedial process, i.e. measures to restore the state at the time when the site was designated and incorporated into the Natura 2000 network. In short, a Natura 2000 site must be cyclically inventoried and checked to find whether the designated habitats and registered species are not lost. The loss of the designated habitats or species is an indicator of an adverse impact on the integrity of the site. The higher the loss the greater the adverse impact on the integrity of the site.

Integrity of the PLC200004 Puszcza Białowieska site in 2008

The main charge of the Court is the failure to ascertain that the remedial appendix of 2017, intended to halt the loss of habitats and species on the PLC200004 Puszcza Białowieska site, would not adversely affect the integrity of this site which was described in 2008. The PLC200004 Puszcza Białowieska site was incorporated into the Natura 2000 network in view of the presence of such forest habitats of EU importance as oak-hornbeam forests (9170), bog woodland (91DO) and riparian forests (91FO) as well as the presence of such species of Community importance as the goldstreifiger beetle (*Buprestis splendens*), the flat bark beetle (*Cucujus cinnaberinus*), the false darkling beetle (*Phryganophilus ruficollis*), (*Phyto kolwensis*), the white-backed woodpecker (*Dendrocopos leucotos*), the three-toed woodpecker (*Picoides tridactylus*), the pygmy owl (*Glaucidium passerinum*) and the boreal owl (*Aegolius funereus*) with the structure in terms of area and quantity as described in the Standard Data Form (SDF) of 2008, approved by the European Commission and evidencing the integrity of the PLC200004 Puszcza Białowieska site which was addressed by the judgment of the Court.

State of integrity of the PLC200004 Puszcza Białowieska site in 2016

In 2016, Poland decided to carry out a full inventory of the whole PLC200004 Puszcza Białowieska site. It demonstrated that its integrity had been drastically disturbed by a large-scale loss of the forest habitats 9170, 91DO and 91EO over a substantial part of the PLC200004 Puszcza Białowieska site covering about 60,000 hectares, including three Forest Districts of managed forests with an area of about 50,000 hectares (Fig. 1) and the National Park with an area of about 10,000 hectares (Fig. 1). This was clearly documented for the dominant habitat type, i.e. the oak-hornbeam forest, which was gone or degraded in an area of about 3,000 hectares in managed forests (Fig. 2). Depending on the groundwater levels, the forests of the oak-hornbeam habitat which existed there in 2008 (Fig. 3) turned either into

swampland (Fig. 4) or sandy areas (Fig. 5), where over thousands of hectares, inundated with water or overgrown by grasses, there is no space either for woodpeckers and owls nesting in the holes in standing trees or for saproxylic beetles, including the flat bark beetle (*Cucujus cinnaberinus*), too (Fig. 6). As a matter of fact, this species was distinctly less abundant in the area of the Białowieża National Park (Figs. 7 and 8) than in managed forests. It should be emphasised that the mass of deadwood per hectare was almost twice as large in the National Park than in managed forests (Figs. 7 and 9). It was demonstrated for this species that its quantitative presence simply fell as the quantity of deadwood grew (Fig. 10). The more lying deadwood can be found per hectare of forest the lower quantitative presence of the flat bark beetle is. The conclusion seems to be a self-evident one. It is not the quantity of deadwood or whether an area is part of the National Park that determines the quantitative presence of this species of Community importance.

Causes of the state of integrity of the PLC200004 Puszcza Białowieska site in 2016

The loss and degradation of oak-hornbeam forests were caused by a drastic change in the manner of management of the managed part of the Forest. In 2012, as a result of the eco-centrists' pressure, also supported by the European Commission, the level of felling of stands which had been planted in the past was reduced three-fold from the level of about 150,000 m³ in the period from 2002 to 2011 to about 46,000 m³ annually in the period from 2012 to 2021. This caused a snowballing dieback of aging single-age stands which had been planted in the past, followed by the loss of both habitats and species related to those habitats. In particular, this could be seen in the case of spruce stands as a result of a massive bark beetle outbreak. Therefore, there is no doubt that this had an adverse effect on the integrity of the PLC200004 Puszcza Białowieska site defined by the state of the habitats and species in 2008. In light of these facts, it seems strange that, guided – as we could presume – by the deep concern about the integrity of this site, the Commission did not take legal action against Poland for the loss of thousands of hectares of habitats and the species of European importance occurring in them. In contrast, it took legal action against Poland for its alleged failure to ascertain that that the remedial process launched in 2017, with the appendix intended to halt the dieback of habitats and species, would not adversely affect the integrity existing in 2008, which – as demonstrated above – was no longer present in 2016.

Dialogue

The time has come for us to engage in a rational dialogue. This dialogue will be possible since the area of the three Forest Districts of managed forests was divided into two parts. The first part, representing about one third of their area, was left without any human intervention, in accordance with the suggestions of the eco-centrists and the European Commission supporting them; thus, it was completely prohibited to fell ill trees and plant new ones to replace those that had dried up. In accordance with the recommendations of the scientists carrying out the inventory and the suggestions of the practitioners in the State Forests administration and the overwhelming part of the local population's opinion, in 2017 the other part was subjected to conservation measures intended to halt the process of stand dieback and to begin the process of restoration of habitats as well as the habitats of species of importance in terms of Community law. Both parts of the managed forests as well as the Białowieża National Park (Fig. 1) included in the PLC200004 Puszcza Białowieska site are subject to an annual nature inventory covering the occurrence of habitats and several hundred species of flora and fauna, certainly, also including those of importance for the Community. The collected data will make it possible to start a dialogue which would bring an answer to the question whether those who adopted the remedial measures under the 2017 appendix are right or whether those who hamper these measures and bear the responsibility for the present state of habitats and species on the PLC200004 Puszcza Białowieska site are right. Given the international publicity depicting Poland as a destroyer of Białowieża Forest, in 2017 the Ministry of the Environment informed all those interested all over the world about the monitoring underway, asking them to launch observations and to participate in a dialogue based on the gained concrete facts. The cessation of this process and the absence of a dialogue are a violation of law, this means uncritically conceding that leftist and liberal ideology is right and this represents the humiliation of the local population, foresters and those scientists who are able not only to put forth a theory, but also to validate it and apply it in practice. The cessation means losing an opportunity for holding a substantive discussion among professionals on the concept of the Natura 2000 network in Europe. Natura 2000 is an excellent system for monitoring the economic growth related to biodiversity conservation and the reasonable use of natural resources; thus, a system for monitoring sustainable development – a concept which is so fashionable in a uniting Europe. Finally, I would like to emphasise that the PLC200004 site has been designated and incorporated into the Natura 2000 network and that the law laid down in the Birds and Habitat Directives applies to the site. Any other form of conservation, e.g. the UNESCO site or the National Park, would mean

a change in the law with the full consequences of this for both the local population and the state of natural resources; thus, for the composition and structure of the habitats and species in Białowieża Forest. This can be envisaged, exactly on the basis of the inventory data which have been collected and will continue to be successively collected. The unique state of the PLC200004 site in 2008, as evidenced by the registration of more than 25,000 species of plants, animals and fungi, is the great cultural and natural heritage of the local population, the Polish forestry model, the Polish hunting model and the Polish nature conservation thought, in terms of which Natura 2000 is the best form of protection of this state.

I kindly invite you to discuss this issue
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