

(English version)

**Question for written answer E-000740/26
to the Commission
Jean-Paul Garraud (P/E)
(23 February 2026)**

Subject: EU overstepping its authority in the area of national forest management

The Commission has sent a letter of formal notice to Poland for failing to comply with a judgment of the Court of Justice of the European Union concerning Directive 92/43/EEC (Habitats Directive), the Charter of Fundamental Rights and the Aarhus Convention ⁽¹⁾.

This procedure relates to the absence of mechanisms enabling environmental organisations to challenge, before national courts, forest management plans that could affect Natura 2000 sites.

However, forest management, the organisation of national judicial remedies and the definition of an interest in taking legal action are national competences under the Treaties and are not harmonised at EU level.

The Commission thus seems to be using litigation to impose a uniform procedural model and a greater role for private stakeholders in challenging sovereign public decisions.

In view of this:

1. Can the Commission indicate the legal basis in the Treaties that, in its view, gives it the authority to impose procedural rules on Member States in forestry disputes?
2. How does this action comply with the principles of subsidiarity and proportionality laid down in Article 5 of the Treaty on European Union?
3. Does it consider that a broad interpretation of the Aarhus Convention can take precedence over the exclusive competences of states as regards their national judicial systems?

Submitted: 23.2.2026

**Answer given by Ms Roswall on behalf of the European Commission
(1 April 2026)**

Infringement Case INFR(2018)2208 ⁽¹⁾ concerns failure to guarantee appropriate access to justice for environmental Non-Governmental Organisations (NGOs) as regards forest management plans (FMPs) in Poland.

These are considered to be plans likely to have a significant effect on Natura 2000 sites and thus fall under the scope of Article 6 of the Habitats Directive ⁽²⁾ ⁽³⁾.

Under Article 9(2) of the Aarhus Convention ⁽⁴⁾, environmental NGOs must be able to challenge substantive and procedural legality of environmental decisions.

The Convention is an integral part of the EU legal order and binding on Member States under Article 216(2) of the Treaty on the Functioning of the European Union (TFEU) ⁽⁵⁾.

The Court of Justice of the EU, which under Article 19 of the Treaty on European Union and Article 258 of the TFEU is competent to rule on Member States' compliance with their obligations under the Treaties, confirmed that FMPs fall under Article 9(2) of the Convention ⁽⁶⁾.

On 2 March 2023, the Court found Poland in breach of its obligations to ensure appropriate access to justice for FMPs ⁽⁷⁾. Under Article 260 of the TFEU, the Commission is competent to ensure that rulings of the Court are complied with. The Commission is monitoring the state of the implementation of this ruling by Poland.

¹ <https://agenceurope.eu/en/bulletin/article/13798/18>.

⁽¹⁾ [https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?langCode=EN&version=v1&typeOfSearch=byDecision&page=1&size=10&order=desc&sortColumns=decisionDate&refId=INFR\(2018\)2208](https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?langCode=EN&version=v1&typeOfSearch=byDecision&page=1&size=10&order=desc&sortColumns=decisionDate&refId=INFR(2018)2208).

⁽²⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7-50.

⁽³⁾ Judgment of 17 April 2018 in Case C-441/17, Białowieża, ECLI:EU:C:2018:255, para. 124.

⁽⁴⁾ https://environment.ec.europa.eu/law-and-governance/aarhus_en.

⁽⁵⁾ Judgment of 8 November 2016 in Case C-243/15, Lesoochránárske zoskupenie, EU:EU:C:2016:838, para. 45.

⁽⁶⁾ Judgment of 2 March 2023 in Case C-432/21, ECLI:EU:C:2023:139.

⁽⁷⁾ Ibidem, paras. 171-173.

It is within Poland's discretion to design the modalities for appropriate access to justice and judicial review of FMPs within the Polish legal system, but this must be in line with the objective of 'wide access to justice' to the public concerned ⁽⁸⁾.

⁽⁸⁾ Ibidem para. 174.