

Forest Protection in the European Union

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Abstract. An estimated 5% of the world's forests are located in the EU and these forests have continuously expanded for over 60 years, although recently at a lower rate. Forests and other wooded land now cover 155 million hectares and 21 million hectares, respectively, together more than 42% of the EU land area. Although the treaties in the European Union contain no provisions for a common forest policy, there is a long history of EU measures supporting forest and forest-related activities coordinate dwith member states, mainly through the Standing Forestry Committee. For several decades now, environmental forest functions have attracted increasing attention mostly in relation to the protection of biodiversity and, more recently, in the context of climate change. The main objective of this paper was twofold: first, to identify the EU legislation directly and indirectly connected to forest protection, and second, to determine its legal character and effectiveness. In conclusion, in recent years the EU has adopted numerous regulations that are directly and indirectly connected to forests and they can be divided into two groups: internal and international acts. Moreover, we can distinguish legally binding acts such as regulations, directives as well as international agreements and soft law acts including strategies, green books, communications, action plans or declarations.

Keywords: forests, forestry, climate change, deforestation, European Union

1. Introduction

The importance of forest protection and sustainable forest management has been recognised worldwide since the adoption of the Statement on Forest Principles – Article 3 (Regulation 2018) – at the 1992 United Nations Conference on Environment and Development. The Conference adopted the Rio Declaration and Agenda 21, which contains recommendations and guidelines for the implementation of sustainable development principles (Declaration 1992; Agenda 21 1992). Chapter 11 of the Agenda contains recommendations and guidelines on forests, in particular on the prevention of deforestation, the protection and conservation of forests and the rational management of forest resources. Issues relating to forests and their socio-economic importance are also included in binding international agreements. The United Nations Framework Convention on Climate Change recognises the importance of forests in the global balance of greenhouse gas emissions, whereas the Convention on Biological Diversity regulates forest biodiversity in an expanded work programme (Convention 1992). The United Nations Convention to Combat Desertification recognises

the importance of the significant contribution of forests to the Convention's objectives (Convention 1994). In contrast, the Convention on the Protection of World Cultural and Natural Heritage commits itself to ensuring the most effective protection and the most active restoration of cultural and natural heritage, which can also include forests (Convention 1972), whereas in the European Landscape Convention, the parties committed themselves to promoting the protection of landscape management and planning and intensifying cooperation on landscape issues (Convention 2000).

The important role of the forestry sector in limiting climate change was confirmed by the principles of the Kyoto Protocol (2005) and the Paris Climate Agreement (Paris Agreement 2016). The latter sets, amongst others, a long-term objective consistent with the objective of keeping the global temperature increase well below 2°C compared to pre-industrial levels and of continuing efforts to keep this increase at 1.5°C compared to pre-industrial levels. Forests, agricultural land and wetlands play a major role in achieving this objective. Article 5 is one of the most important ones, because it shows the parties how to implement the objective of climate neutrality as defined in

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Article 2. The basis for achieving this is multifunctional and sustainable forest management. Therefore, the parties should take measures to maintain and improve the condition of greenhouse gas sinks and reservoirs, including forests. In addition, they should implement and support actions relating to solutions to reduce emissions from deforestation and forest degradation, the role of nature conservation, sustainable forest management and enhancement of forest carbon stocks in developing countries, as well as policy alternatives such as collective solutions for climate change mitigation and adaptation to integral sustainable forest management, whilst reaffirming the importance of creating incentives, as appropriate, to benefit from non-carbon solutions – Article 5(2) (Paris Agreement 2005).

The main purpose of this article is to answer the following questions: does the European Union (EU) law include regulations that aim to protect forests and what is their legal nature and can they effectively contribute to forest protection within the European Union. These questions are relevant, because allegations of excessive deforestation are increasingly being made against some member states. For this reason, the European Union has recently seen an intensification of discussions on changing its activities relating to forests (Kalicka-Mikołajczyk 2018). This is due to at least two reasons. First, it results from the EU's progressive involvement in rural development and in creating new jobs in this area, and, second, it follows changes in environmental policies resulting in the adoption of international commitments in the area of climate policy (Gwiazdowicz 1999; Ekroos 2005). As a result, greater attention is being paid to increasing forest cover, protecting forest resources, implementing multifunctional and sustainable forest management that promotes the various social and protective functions of forests (Lipschutz 2001). At present, the scope and diversity of activities undertaken by the EU institutions in the forestry sector makes the need for their integration increasingly apparent. In a recently adopted European Parliament resolution, the prevailing opinion is that a new EU strategy on forests (Resolution 2018) should help to address this issue. At the same time, there is no shortage of voices expressing the need for an EU forestry policy (Report 2015).

2. Methods

In order to find answers to the questions asked, the method of analysing legal doctrine was used. Current regulations, both legally binding ones as well as and those which do not have such a character, relating to the subject matter of this study, were analysed.

3. Actions of the European Union in the area of forest protection

Never in the history of the functioning of the European Communities, and now the European Union, has any of the treaties establishing them provided for forestry policy as a community

or EU policy. From a formal point of view, the absence of references to forestry policy in the treaties means that the European Union has no legal basis for adopting forestry regulations. The European Union, therefore, does not have a common forestry policy because it lacks the competence to do so. The implementation of this policy remains a member state competence. However, in accordance with the principle of subsidiarity, the role of the European Union is limited and consists of taking action to support, coordinate and complement the activities of member states in relation to forestry policy. This consists primarily of monitoring and reporting on the state of forests, anticipating global trends and drawing member states' attention to emerging challenges, as well as proposing, coordinating and/or supporting solutions for rapid action at the EU level (Edwards, Kleinschmit 2013; Green Paper 2013; Orlando 2014; Gordeeva 2016). The EU action can be divided into two groups. The first group includes internal actions, both direct and indirect. The direct actions directly impact forests, whereas indirect ones involve the regulation of one of the EU's policies, such as agricultural, energy, environmental protection or climate policy. Moreover, amongst this group, we can distinguish acts of a legally binding character, taking the form of a regulation or directive and acts lacking a legally binding character, amongst which communications, strategies, green papers, action plans and reports predominate. The second group is represented by external actions undertaken by the European Union in the international forum in cooperation with third countries, which take the form of international agreements.

3.1. Internal actions of the European Union

Actions of an internal nature have different objectives and generally concern

- Measures requiring the EU business entities to minimise the risk of illegally harvested timber and timber products entering their supply chain;
- Green public procurement, where member state authorities can create demand for legally and sustainably harvested timber;
- Promoting instruments such as eco-labelling and encouraging forest certification schemes;
- Developing sustainability criteria for wood and other biomass used for renewable energy production and the active participation in European initiatives such as the Global Monitoring for Environment and Security programme and the Tropical Ecosystems Environmental Observations by Satellite project, which can play an important role in monitoring the land use change and deforestation trends (Dimitrov 2005).

These acts are divided into legally binding and non-binding ones.

3.1.1. Legally binding acts

As mentioned earlier, both the Treaty on European Union (TEU 2016) and the Treaty on the Functioning of the European Union (TFEU 2016) lack the legal basis to formulate a single

EU forestry policy. Thus, internal legally binding acts taken by the European Union are of an indirect nature, because they result from the implementation of various EU policies, such as common agricultural policy, common trade policy, climate policy, energy policy or environmental protection (Kaliszewski 2018). The main areas of the EU activity under these acts are in particular afforestation issues, measures to improve forest management, trade in forest products, protection of forests against fires and air pollution, nature protection activities and forestry research. The lack of the EU competence to regulate forestry policy results in the adoption of legally binding regulations that are specialised, fragmentary and targeted to achieving EU policy aims in a specified area.

Development of rural areas

The EU rural development policy is the main instrument for implementing a forest strategy at the EU level. Agriculture and forestry are the most important forms of land use and management of natural resources in rural areas. Approximately 90% of funding for forest areas comes from the European Agricultural Fund for Rural Development (The European Union and Forests 2019). Its budget finances investments to increase forest area and improve the profitability of forests, such as afforestation and the establishment of new forest areas; developing agro-forestry systems; prevention and restoration of damage to forests from fires, natural disasters and catastrophes; investments to improve the resilience and enhance the natural value of forest ecosystems; investments in forestry technologies and processing; and harvesting and marketing of forest products – Articles 5, 21–26, 34 (Regulation 2013). Measures not directly affecting forests are also foreseen, for example, Natura 2000 payments and payments linked to the Water Framework Directive. Public expenditures of around EUR 8.2 billion are planned for 2015–2020, of which 27% is for afforestation, 18% for improving resistance to harmful biotic agents and 18% for damage prevention (Delegated Regulation 2015). However, it should be noted that the amount of financial support for forest management in the broad sense varies across the member states. This is due to the fact that the member states, when drawing up their national or regional rural development programmes, decide on the directions of EU financial support.

Protection of biodiversity

An important EU achievement in the area of biodiversity protection is the implementation of the Natura 2000 network. Many member states have adapted their forest management guidelines to promote biodiversity conservation and support the provision of environmental services. The ecologically representative network of forest protection established under Natura 2000 and the simultaneous support to enhance biodiversity in commercial forests are probably the best way to achieve biodiversity targets (Wulf 2003). Nevertheless, the need to map, study and monitor forest biodiversity both within and outside protected areas remains an issue. Sustainable forest use forms part of the thematic priorities of the LIFE Programme for the

environment and climate action (Regulation 2013). In addition, the EU Biodiversity Strategy of 3 May 2011 provides for the adoption by 2020 of forest management plans or equivalent instruments in line with sustainable forest management for all publicly owned forests and forest holdings that receive funding under the EU rural development policy, so as to ensure a measurable improvement in the conservation status of species and habitats that depend on or are affected by forestry, as well as improvements in the provision of ecosystem services compared to the EU 2010 baseline (Communication 2011).

Climate change

The important role of the forestry sector in reducing climate change has been confirmed by the principles of the Kyoto Protocol and the Paris Climate Agreement. As an environmentally friendly material, wood is an important source of biomass energy for balancing emissions from the burning of fossil fuels, in line with the EU directives on renewable energy sources (Directive 2009). Forests are an important link in the global carbon cycle because of their ability to absorb carbon from the atmosphere and store it in biomass and soil. Their growth counteracts increasing concentrations of greenhouse gases in the atmosphere. However, forest degradation and conversion to other forms of land use can cause significant greenhouse gas emissions from fires, biomass decomposition and the mineralisation of soil organic matter, leading to forests becoming a source of carbon (Upham et al. 2011; Söderberg, Eckerberg 2013). Forests absorb about 0.5 Gt of carbon dioxide per year, whereas industrial greenhouse gas emissions in the EU-28 are 5 Gt of the carbon dioxide equivalent per year (Green Paper 2013). In this context, it is important that forests are able to provide renewable materials and energy, which can be used to replace carbon-intensive products and energy sources.

3.1.2. Legally non-binding acts

The first comprehensive document on forest policy issues was the Council Resolution on an EU Forestry Strategy (Council Strategy 1998) adopted on 15 December 1998. On its basis, the European Commission (EC) developed the EU Forest Action Plan aimed at preserving and adequately promoting biodiversity, carbon sequestration and the integrity, health and resilience of forest ecosystems in various geographical areas (Communication 2006). On 20 September 2013, the EC adopted a new EU strategy for forests and the forest-wood sector, proposing a European reference framework for the development of sectoral strategies affecting forests (Communication 2013). Its main objectives are to ensure sustainable forest management and protect the multiple roles of forest areas, with the effective use of resources and the EU global responsibility for forests. The strategy assumes that, from 2020 onwards, forests in all EU member states will be managed in accordance with the principle of sustainable forest management, which means using forests and forest land in such a way and with such intensity as to maintain their biodiversity, productivity, regeneration

potential, vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions at local, national and global levels and not to cause damage to other ecosystems. The strategy identifies eight priority areas in sustainable forest management intended to contribute to key societal objectives. These are protecting rural and urban communities; promoting the competitiveness and sustainability of the EU forest-based industries and the bio-energy and green economy, forests and climate change, protecting forests and enhancing ecosystem services, improving the knowledge base of forests and their changes, new innovative forestry and value-added products, working together to improve forest management and better understand them as well as forests from a global perspective. The strategic orientations adopted in the document aim to ensure coherence between member states' forestry policies and the EU actions, taking into account the international level, to promote sustainable forest management in the European Union and worldwide, and to globally combat illegal logging and assist developing countries in improving their forestry policies. It also provides guidance for the EC and member states' activities aimed at cooperation on forests and the forestry sector. The Standing Forestry Committee remains the primary forum for cooperation, but the EC is also required to cooperate with committees, fora and other private actors and NGOs (non-governmental organizations) working on this issue (Council Decision 1989). The strategy is accompanied by an action plan, adopted on 20 September 2013, setting out measures to address the challenges facing the European forestry sector (Commission Staff Working Document 2013).

3.2. External actions of the European Union

The EU's external actions are aimed at taking measures to counteract illegal logging as well as to prevent and combat trade in illegally logged wood, having the European Union and its member states participate in the implementation of resolutions and agreements on forest-related issues issued or concluded at global and regional levels and taking measures to eliminate timber and timber products obtained through criminal activities from the EU market (Brack, Hayman 2001; Guertin 2003; Lawson, MacFaul 2010; Sartiastani 2010). In this area, the European Union has adopted both legally binding acts, such as the timber regulation and voluntary partnership agreements (VPAs), as well as non-legally binding acts, such as the Forest Law Enforcement, Governance and Trade Action Plan and the EC Communication, on stepping up the EU action to protect and restore global forests.

3.2.1. Legally binding acts

Regulations concerning wood

On 20 October 2010, the European Parliament and the Council adopted a regulation laying down the obligations of operators who place imported as well as domestically produced timber and timber products on the market (Regulation 2010). The timber and timber-derived products covered by

Forest Law Enforcement, Governance and Trade (FLEGT) licenses are considered to comply with the requirements set out in the regulation. According to Article 1, it aims to prevent trade in illegally harvested timber and timber products by prohibiting illegally harvested timber and products derived from such timber being placed on the market, introducing due diligence obligations on operators who place timber products on the market for the first time and introducing obligations to maintain records of suppliers and customers. Operators placing timber and timber products on the EU market are obliged to exercise due diligence. The main element is to minimise the risk of placing illegally harvested timber or timber products on the EU market. Article 6 of the regulation lists three main elements of the 'due diligence system': (1) information, the operator must have access to information describing the timber and timber products, country of harvest, quantity, data on the supplier and information confirming compliance with national legislation; (2) risk assessment, the operator should assess the risk of illegal timber entering their supply chain, based on the above-mentioned information, and take into account the criteria set out in this regulation; (3) risk mitigation, when the assessment shows that there is a risk of illegal timber entering the supply chain, this risk may be mitigated by requiring additional information and verification from the supplier. On 6 June 2012, the EC adopted an implementing regulation on detailed rules concerning the due diligence system and the frequency and nature of checks on monitoring organisations as provided for in Regulation 995/2010, laying down the obligations of operators who place timber and timber products on the market (Implementing Regulation 2010). In Article 8, this regulation provides for the existence of 'monitoring organisations', recognised by the EC, which are private operators with appropriate expertise and the ability to perform tasks under this regulation (Delegated Regulation 2012).

Voluntary partnership agreements

A voluntary partnership agreement, as set out in the Council regulation on the establishment of the FLEGT licensing scheme for importing timber into the European Union, is an international agreement between the European Union and a partner country in which the parties undertake to cooperate in support of the FLEGT Action Plan and to implement the FLEGT scheme. It is, therefore, a bilateral trade agreement concluded between the European Union and the partner country based on Article 207(3) TFEU under exclusive EU competence, that is, it is concluded exclusively by the European Union without the participation of the member states. To date, the European Union has concluded such agreements with Ghana, Republic of Congo, Cameroon, Indonesia, Central African Republic, Liberia and Vietnam. Negotiations are ongoing with Côte d'Ivoire, Democratic Republic of the Congo, Gabon, Guyana, Honduras, Laos, Malaysia and Thailand. All agreements follow the same scheme. As the first such agreement was signed with Ghana, the scheme will be

presented using the example of this country (Council Decision 2009; Agreement 2010). The main objective of the agreement, in accordance with Article 1, is to ensure that only legally produced timber and timber-derived products are placed on the EU market and to promote trade only in products that are FLEGT licensed. The agreement was concluded for a period of 10 years and is renewable every 5 years unless either party decides not to do so. The other party should be notified of such a decision at least 1 year before termination. The agreement may also be terminated at any time by giving notice in writing. Termination takes effect 1 year after the date of notification. The parties establish a joint monitoring and review mechanism to oversee implementation of the agreement – Article 19 (Agreement 2010).

3.2.2. Legally non-binding acts

On 21 May 2003, the EC adopted an Action Plan entitled ‘Forest Law Enforcement, Governance and Trade (FLEGT): Proposal for an EU Action Plan’ (Communication 2003). It set out procedures and measures to prevent the placing of illegally harvested timber on the EU market, to increase the supply of timber from legal sources and to increase demand for timber from responsibly managed forests. In addition, it highlighted the possibility of developing new legislation by taking into account the demand side of illegally harvested timber, which ultimately led to the adoption of the regulation on the establishment of a FLEGT timber import licensing scheme (Regulation 2005). The establishment of this system is intended as a means of ensuring that only timber products legally harvested in accordance with the national law of the producing country may be imported into the European Union. The system is implemented based on the VPAs, which impose a legally binding obligation on the parties to implement a licensing scheme and to regulate trade in timber and timber-derived products set out in those agreements.

The communication adopted by the EC on 23 July 2019 entitled ‘Stepping up EU Action to Protect and Restore the World’s Forests’ (Communication 2019) should also be mentioned here. In this document, the EC proposed five priorities to step up the EU action for world forest protection, in particular primary forests, and to restore them in a sustainable and responsible manner. Priority 1 concerns reducing the EU’s land footprint because of consumption and encouraging the consumption in the European Union of products from non-deforestation supply chains. Under Priority 2, the European Union has committed itself to establishing partnerships with producer countries to reduce forest exploitation and ensure that EU development cooperation does not lead to deforestation. Priority 3 concerns the development of international cooperation to halt deforestation and forest degradation and to promote forest restoration, and priority 4 is the redirection of funds to support more sustainable land use practices. Under priority 5, the European Union has committed itself to increasing support for the availability and quality of information on forests and commodity supply chains as well as for research and innovation.

4. The legal character of EU regulations concerning forests

All acts adopted so far in the European Union to protect forests are divided into legally binding acts, which include international agreements and the secondary legislation listed in Article 288 TFEU, and non-legally binding acts, which belong to the broad category of soft law acts.

Pursuant to Article 216 TFEU, the European Union may conclude international agreements with one or more third countries. Any international agreement concluded by the European Union is binding on all its parties and, once entered into force, forms an integral part of the EU legal order (Case 181/73; Case C-386/08; Case C-240/09). In the hierarchy of sources of law, it is placed between primary law and secondary law. The provisions of an international agreement take precedence over acts of secondary law, which clearly follows from the case law of the Court of Justice of the European Union (CJEU). Thus, the incorporation of international agreements into the EU legal order has the effect that they benefit from the attribute of being a source of law and, in particular, the principle of primacy over national law. They can also be a source of rights and obligations for the individual parties, that is, they can have a direct effect. Moreover, under this system of law, only the CJEU has the jurisdiction to give preliminary rulings on the interpretation of its provisions (Case 12/86; Case C-386/08), whereas if a member state fails to comply with an obligation under its provisions or does so incorrectly, the EC may, based on Article 258 TFEU, bring an action before the CJEU for a finding of infringement of the EU law by a member state (Case C-61/94).

Article 288 TFEU states that ‘To exercise the Union’s competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions. A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States. A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods. A decision shall be binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them’ (Piris 2010). The secondary legal acts enumerated above are issued by the competent EU institutions and serve to achieve their objectives. They are legally binding acts setting out the rules of conduct and have legal consequences for third parties. This is the group of legal acts that an individual can invoke before a court to pursue his or her claims. They must also comply with the primary EU law (Case C-26/78), may not alter and/or restrict it (Joined Cases C-427/93, C-429/93; Case C-436/93) and, in particular, may not infringe it (Joined Cases T-24/93, 25/93, T-26/93 and T-28/93). This compatibility is safeguarded by the CJEU, which reviews the legality of legal acts with primary law and may ultimately annul them based on Article 263 TFEU. The competence in this matter conferred by the CJEU Treaty is important inasmuch as

it is designed to ensure the uniform application of the EU law, and the requirement of coherence is particularly important in the case of the validity of a legal act. Any divergence in this respect could jeopardise the coherence of the EU legal order and undermine the fundamental requirement of legal certainty for private parties (Case C-27/95; Case C-461/03). As the EU primary law does not provide for forest policy, all legally binding regulations on forests and their protection are covered by secondary legislation governing EU sectoral policies, as referred to in point 3, and fall under the jurisdiction of the CJEU. The basic legal acts of this group include a regulation on the inclusion of greenhouse gas emissions and removals resulting from activities relating to land use, changes in land use and forestry in the framework of climate and energy policy until 2030 (Regulation 2018 of the European Parliament and of the Council); a regulation on the establishment of the LIFE Programme for the environment and climate action for operators marketing timber and timber products (Regulation 2015 of the European Parliament and of the Council); a directive on the marketing of forest reproductive material (Directive 1999); a directive on protective measures against the introduction into the community of organisms harmful to plants or plant products and against their spread within the community (Directive 2000); a directive on the promotion of the use of energy from renewable sources (Directive 2009 of the European Parliament and of the Council); and a decision on accounting rules on greenhouse gas emissions and removals resulting from activities relating to land use, land-use change and forestry and on information concerning actions relating to those activities (Decision 2013 of the European Parliament and of the Council). Suspicion of a breach of their provisions by a member state results in the initiation by the EC of infringement proceedings under Article 258 TFEU. Therefore, only the CJEU can rule on the infringement of their provisions by the member state, which may lead to the imposition of a financial penalty or lump sum if it fails to comply with its judgment (Case C-441/17).

The second category includes non-legally binding acts. Under Article 288 TFEU, the EU institutions also have the power to issue recommendations and opinions and other non-legally binding acts, which are collectively referred to as soft law acts. These are defined as acts in which established rules of conduct are not legally binding but may incidentally produce specific legal and practical effects (Senden 2001; Terpan 2015). The difference between soft law and legally binding acts only becomes apparent when the addressee of the standard violates the rule of conduct set out in them (Klabbers 1996). Legally binding acts always specify the sanction to be applied by the competent authority to a legal person infringing a rule of law, whereas non-legally binding acts never contain legal sanctions for their infringement. In such a situation, political sanctions or negative public reaction apply. It can, therefore, be said that this case is not about law making but about influencing the conduct of specified entities (Gold 1983; Wellens, Borchardt 1989). This broad category of acts is intended to shape norms

of conduct whose primary purpose is to change the practice of the addressee(s), not necessarily co-existing with a change in the law or the creation of new legal norms. It can, therefore, be stated that soft law is understood to mean ‘a law that lacks something’; this concerns, first, the lack of sanctions and, second, the unwillingness to make a given norm binding, which means that the recipient had no intention of making such a rule legally binding. Therefore, all such instruments have certain common features: they are not legally binding but can, nevertheless, have the so-called indirect legal effect and can, therefore, be quasi-normative (Case C-322/88); they must comply with primary and secondary EU law; they are issued by EU institutions within the limits of their competence under the treaties because they pursue the objectives set out in the treaties; they may or may not be published in the C series of the Official Journal of the European Union; they may regulate both internal and external affairs of the European Union, which means that they are of great practical importance. Although not legally binding, they will, depending on the political context, create conduct on the part of the addressee in line with their content. They are, therefore, more than a mere political declaration but less than a law in the strict sense. In the legal order of the European Union, they fulfil the following functions: first, they serve to develop and prepare future EU policies or future legal acts, fulfilling a preparatory role in this case for the passage of future legal acts; second, they supplement and support EU primary and secondary law, thus aiming to ensure its proper interpretation or uniform application; and, third, they are adopted by the EU institutions instead of or as alternatives to legal acts (Klabbers 1994; Senden 2004). They are addressed to member states and are intended to encourage them to increase their involvement in a given area. They are not only designed to define the problem but also to encourage specific action. Moreover, as the case law of the CJEU indicates, soft law acts may also exert effects or seek to have them exerted, which means that the presumption of the lack of legal force may be infringed. The CJEU ruled in the ERTA case that a complaint for the annulment of a legal act under Article 263 TFEU should cover all provisions issued by the EU institutions, regardless of their nature and form, which seek to produce legal effects (Case 22/70). In the Grimaldi judgement, it stated that recommendations should be taken into account by national courts applying national law in relation to the EU law, whereas in Van Ameyde, an EC recommendation was mentioned as one source of law, alongside decisions and directives (Case 90/76). The most important acts in this category are the communication on addressing the challenges of deforestation and forest degradation to tackle climate change and biodiversity loss (Communication 2008d); communication on a new EU Forestry Strategy for forests and the forest-wood sector (Communication 2013b); communication on accounting for land use, land use change and forestry (LULUCF) in the Union’s climate change commitments (Communication 2012); communication on our life insurance, our natural capital: an EU biodiversity strategy to 2020 (Communication 2011a); commu-

nication on innovative and sustainable forest-based industries (Communication 2008b); communication on public procurement for a better environment (Communication 2008c); and the communication on stepping up the EU action to protect and restore global forests (Communication 2019).

5. Summary

The main purpose of this article was to find answers to three closely related questions. First, whether action is taken at the EU level to protect forests in the broadest sense. This question should be answered in the affirmative, as demonstrated in the third point. The second question concerned the legal nature of the regulations adopted. The EU activities in this studied area concern both the internal-EU and international dimensions. All acts adopted so far can be divided into two groups. The first group includes legally binding acts, that is, acts that have legal effects vis-à-vis third parties that can be invoked before a court in the event of infringement by a member state. The second group includes soft law acts, that is, acts that have no binding legal force and, therefore, have no legal effect, and whose provisions cannot be used before a court in situations of their infringement by a member state. The acts of the second group do not contain any legal sanctions. It is not easy to answer the question about the effectiveness of forest protection in the EU's actions and the acts adopted within the European Union, because of the EU's lack of competence to conduct forest policy. For this reason, all internal legally binding acts are characterised by their indirect impact on member states' forestry policies. That group of acts falls within the jurisdiction of the CJEU, which may annul national acts contrary to their provisions based on Article 263 TFEU, may interpret their provisions in a manner that is binding on the national authorities of the member states based on Article 267 TFEU and at the request of a national court and may find that they have been infringed by a member state based on Article 258 TFEU.

We should not forget the numerous non-legally binding acts that directly relate to forests. In this case, it is important, as the CJEU ruled in the Grimaldi case, that they should not be seen as having no legal effect. The national court is required to take them into account when they can contribute to clarifying the meaning of national implementation measures or when they are intended to supplement binding the EU law (Case C-322/88). Thus, an indirect legal effect is not only the result of an interpretation but may also result from the fact that such an act may change the legal situation of a third party and thus its rights and obligations. This means that the CJEU does not deny the normative nature of soft law acts. On the other hand, in the case of external acts, that is, voluntary partnership agreements, the EU action has a direct impact on forests as a result of the fact that they are concluded based on Article 207 TFEU, that is, the common commercial policy, which, according to Article 3(1) (e) TFEU, is an exclusive competence of the European Union and is legally binding not only on the European Union and third

countries but also on all member states, because they become part of the EU legal order upon entry into force. Is it then possible to protect forests only based on the already existing legal acts and in the absence of an EU forest policy? The answer to this question is affirmative, and an example to confirm this thesis is the judgement of the CJEU in the case of the Białowieża Forest, in which the EC accused Poland of violating the provisions of the Birds Directive and Habitat Directive (Case C-441/17). It should not be forgotten that the legal boundary of the EU action is determined by the principle of conferred powers, which means that its actions must be within the legal limits set by the provisions of the TEU and the TFEU (2016), in the absence of EU forest policy. Therefore, all EU actions going beyond these limits are legally invalid.

In conclusion, the cooperation between the European Union and member states in the area of forest protection is based on the principle of good faith. As forest policy is a member state competence, forest policies and programmes adopted at the national level play the decisive role in the forestry sector. By contrast, the European Union undertakes only those measures that, by their nature and scope, can be most effectively addressed within this organisation, such as promoting sustainable forest management, coordinating international forest-related commitments, coordinating policies in various fields affecting the forest sector, reducing air pollution and other threats to the forest or trade policy for forest products.

Conflict of interest

The author declares no potential conflicts of interest.

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Literature

- Brack D., Hayman G. 2011. Intergovernmental actions on illegal logging: options for intergovernmental action to help combat illegal logging and illegal trade in timber and forest products. www.riia.org/pdf/research/sdp/Intergovernmental%20Actions%20on%20Illegal%20Logging%20March%2001.pdf [15.10.2017].
- Dimitrov R.S. 2005. Hostage to norms: states, institutions, and global forest politics. *Global Environmental Politics* 5(4): 1–24. DOI 10.1162/152638005774785499.
- Ekroos A. 2005. Forests and the Environment – Legislation and Policy of the EU. *European Environmental Law Review* 14(2): 44–57.
- Gold J. 1983. Strengthening the soft international law of exchange arrangements. *American Journal of International Law* 77: 465–481.
- Gordeeva Y.M. 2016. Recent Developments in EU Environmental Policy and Legislation. *Journal for European Environmental & Planning Law* 13(1): 36–42. DOI 10.1163/18760104-01301009.
- Guertin C.E. 2003. Illegal Logging and Illegal Activities in the Forestry Sector: Overview and Possible Issues for the UNECE Timber Committee and FAO European Forestry Commission, A

- paper presented as basis of an expert presentation at the UNECE Timber Committee Market Discussions on 7–8 October 2003, Geneva. <https://www.unece.org/fileadmin/DAM/timber/docs/tc-sessions/tc-61/presentations/guertin-paper.pdf> [15.10.2017].
- Gwiazdowicz M. 1999. Kierunki działań Unii Europejskiej w sektorze leśnym. Raport Nr 162. <http://biurose.sejm.gov.pl/teksty/r-162.htm> [15.10.2017].
- Kalicka-Mikołajczyk A. 2018. Wybrane aspekty prawne ochrony lasów w prawie Unii Europejskiej, w: *Prawo międzynarodowe – idee a rzeczywistość* (red. A. Cała-Wacinkiewicz) Wydawnictwo C.H. Beck, Warszawa, 1–714. ISBN 978-83-8128-975-7.
- Kaliszewski A. 2018. Cele polityki leśnej w Polsce w świetle aktualnych priorytetów leśnictwa w Europie. Część 1: Procesy kształtujące politykę leśną w Europie. *Leśne Prace Badawcze* 79(1): 77–87. DOI 10.2478/frp-2018-0009.
- Klabbers J. 1994. Informal Instruments before the European Court of Justice. *Common Market Law Review* 31: 968–997.
- Klabbers J. 1996. The Redundancy of Soft Law. *Netherlands Journal of International Law* 65(2):167–182.
- Lawson S., MacFaul L. 2010. Illegal Logging and Related Trade Indicators of the Global Response. July 2010, Chatham House, London. <https://www.chathamhouse.org/publication/tackling-illegal-logging-and-related-trade-what-progress-and-where-next> [15.10.2017].
- Lipschutz R.D. 2001. Why Is There No International Forestry Law?: An Examination of International Forestry Regulation, both Public and Private. *UCLA Journal of Environmental Law and Policy* 19(1):153–180.
- Orlando E. 2014. The External Environmental Policy of the European Union – EU and International Law Perspectives. *Journal of Environmental Law* 26(1):166–169. DOI 10.1093/jel/eqt034.
- Sartiastani F. 2010. Forests of Problems Hinders Illegal Logging Fight. *Jakarta Globe* 28 April 2010.
- Senden L. 2004. *Soft Law in EC Law*. Oxford University Press, London, 1–533. ISBN 1-84113-432-5.
- Söderberg Ch., Eckerberg K. 2013. Rising policy conflicts in Europe over bioenergy and forestry. *Forest Policy and Economics* 33:112–119. DOI 10.1016/j.forpol.2012.09.015.
- Terpan F. 2015. Soft Law in the European Union – The Changing Nature of EU Law. *European Law Journal* 21(1): 68–96. DOI 10.1111/eulj.12090.
- The European Union and Forests. 2019. https://www.europarl.europa.eu/ftu/pdf/en/FTU_3.2.11.pdf [12.09.2019].
- Wellens K.C., Borchardt G.M. 1989. Soft Law in European Community Law. *European Law Review* 14: 15–38.
- Wulf M. 2003. Forest policy in the EU and its influence on the plant diversity of woodlands. *Journal of Environmental Management* 67(1):15–25. DOI 10.1016/S0301-4797(02)00184-6.
- land-use change and forestry and on information concerning actions relating to those activities (OJ L 165, 18.6.2013, p. 80)]
- Council Decision. 1989. Decyzja Rady z dnia 29 maja 1989 r. ustanawiająca Stały Komitet ds. Leśnictwa. Dz.U. L 165 z dn.15.6.1989r. [Council Decision. 1989. 89/367/EEC: Council Decision of 29 May 1989 setting up a Standing Forestry Committee. OJ L 165, 15.6.1989, p. 14–15.]
- Council Decision. 2009. Decyzja Rady z dnia 16 listopada 2009 r. w sprawie podpisania i zawarcia Umowy o dobrowolnym partnerstwie pomiędzy Wspólnotą Europejską i Republiką Ghany dotyczącej egzekwowania prawa, zarządzania i handlu w dziedzinie leśnictwa oraz handlu produktami z drewna wprowadzanymi na terytorium Wspólnoty. Dz.U. L 70 z dn. 19.3.2010r. [Council Decision. 2009. Council decision of 16 November 2009 on the signing and conclusion of a voluntary partnership agreement between the European Community and the Republic of Ghana on forest law enforcement, governance and trade in timber products into the Community. OJ L 70, 19.3.2010, p. 1–2.]
- Declaration. 1992. Rio Declaration in Polish. https://archiwum.mos.gov.pl/g2/big/2009_04/de76471510c5741a38526554ea7d3f78.pdf [11.09.2017]. Rio Declaration in English: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf
- Declaration. 2019. The Ministerial Katowice Declaration on Forests for the Climate. https://cop24.gov.pl/fileadmin/user_upload/Ministerial_Katowice_Declaration_on_Forests_for_Climate_OFFICIAL_ENG.pdf [10.1.2019].
- Commission Staff Working Document. 2013. Commission Staff Working Document A Blueprint for the EU Forest-Based Industries (woodworking, furniture, pulp & paper manufacturing and converting, printing) Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, A new EU Forest Strategy: for forests and the forest-based sector. SWD(2013) 343 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013SC0343&from=fr> [10.9.2019].
- Directive. 1999. Dyrektywa Rady 1999/105/WE z dnia 22 grudnia 1999 r. w sprawie obrotu leśnym materiałem rozmnożeniowym. Dz.U. L 11 z dn. 15.1.2000 r. [Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material. OJ L 11, 15.1.2000, p. 17–40.]
- Directive. 2000. Dyrektywa Rady 2000/29/WE z dnia 8 maja 2000 r. w sprawie środków ochronnych przed wprowadzaniem do Wspólnoty organizmów szkodliwych dla roślin lub produktów roślinnych i przed ich rozprzestrzenieniem się we Wspólnocie. Dz.U. L 169 z dn. 10.7.2000r. [Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. OJ L 169, 10.7.2000, p. 1–112.]
- Directive. 2009. Dyrektywa Parlamentu Europejskiego i Rady 2009/28/WE z 23.4.2009 r. w sprawie promowania stosowania energii ze źródeł odnawialnych zmieniająca i w następstwie uchylająca dyrektywy 2001/77/WE oraz 2003/30/WE (dotyczy EOG). Dz.U. L 140 z dn. 5.6.2009r. [Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (Text with EEA relevance). OJ L 140, 5.6.2009, p. 16–62.]
- Communication. 2003. Communication from the Commission to the Council and the European Parliament – Forest Law Enforcement, Governance and Trade (FLEGT) – Proposal for an EU Action Plan. COM(2003) 251 final.

List of sources

- Agenda 21. 1992. <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf> [11.09.2017].
- Decision of the European Parliament and of the Council. 2013. Decyzja Parlamentu Europejskiego i Rady na 529/2013/UE z dnia 21 maja 2013 r. w sprawie zasad rozliczania emisji i pochłaniania gazów cieplarnianych w wyniku działalności związanej z użytkowaniem gruntów, zmianą użytkowania gruntów i leśnictwem oraz informacji o działaniach związanych z tą działalnością. Dz.U. L 165 z dn. 18.6.2013r. [Decision of the European Parliament and of the Council. 2013. Decision No. 529/2013/EU of the European Parliament and of the Council of 21 May 2013 on accounting rules on greenhouse gas emissions and removals resulting from activities relating to land use,

- Communication. 2006. Komunikat Komisji do Parlamentu Europejskiego, Rady w sprawie planu działań dotyczącego gospodarki leśnej UE. [Communication from the Commission to the Council and the European Parliament on an EU Forest Action Plan] COM(2006) 302 final.
- Communication. 2008a. Komunikat Komisji do Parlamentu Europejskiego, Rady, Europejskiego Komitetu Ekonomiczno-Społecznego oraz Komitetu Regionów. Zamówienia publiczne na rzecz poprawy stanu środowiska [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Public procurement for a better environment.] COM(2008) 400 final.
- Communication. 2008b. Komunikat Komisji do Parlamentu Europejskiego, Rady na temat innowacyjnego i zrównoważonego przemysłu związanego z leśnictwem. [Communication from the Commission to the Council and the European Parliament on innovative and sustainable forest-based industries in the EU - A contribution to the EU's growth and jobs strategy.] COM(2008) 113 final.
- Communication. 2008c. Komunikat Komisji do Parlamentu Europejskiego, Rady, Europejskiego Komitetu Ekonomiczno-Społecznego oraz Komitetu Regionów w sprawie podjęcia wyzwań związanych z wylesianiem i degradacją lasów w celu przeciwdziałania zmianom klimatycznym i utracie różnorodności biologicznej. [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Addressing the challenges of deforestation and forest degradation to tackle climate change and biodiversity loss.] COM(2008) 645 final.
- Communication. 2011. Komunikat Komisji do Parlamentu Europejskiego, Rady, Komitetu Ekonomiczno-Społecznego i Komitetu Regionów. Nasze ubezpieczenie na życie i nasz kapitał naturalny – unijna strategia ochrony różnorodności biologicznej na okres do 2020 r. [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Our life insurance, our natural capital: an EU biodiversity strategy to 2020.] COM(2011) 244 final.
- Communication. 2012. Komunikat Komisji do Parlamentu Europejskiego, Rady, Komitetu Ekonomiczno-Społecznego i Komitetu Regionów. Uwzględnianie sektora użytkowania gruntów, zmiany użytkowania gruntów i leśnictwa (sektora LULUCF) w zobowiązaniach Unii związanych ze zmianą klimatu. [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Accounting for land use, land use change and forestry (LULUCF) in the Union's climate change commitments.] COM(2012) 94 final.
- Communication. 2013. Komunikat Komisji do Parlamentu Europejskiego, Rady, Komitetu Ekonomiczno-Społecznego i Komitetu Regionów. Nowa strategia leśna UE na rzecz lasów i sektora leśno-drzewnego. [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A new EU Forest Strategy: for forests and the forest-based sector.] COM(2013) 659 final.
- Communication. 2019. Komunikat Komisji do Parlamentu Europejskiego, Rady, Komitetu Ekonomiczno-Społecznego i Komitetu Regionów. Zintensyfikowanie działań UE na rzecz ochrony i odtwarzania światowych lasów. [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Stepping up EU Action to Protect and Restore the World's Forests.] COM(2019) 352 final.
- Convention. 1972. Konwencja w sprawie ochrony światowego dziedzictwa kulturalnego i naturalnego z dnia 16.11.1972r. Dz.U z 1976 nr 32, poz. 190. [Convention on the Protection of the World Cultural and Natural Heritage of 16.11.1972, Journal of Laws of 1976 No. 32, item 190.]
- Convention. 1992. Konwencja o różnorodności biologicznej. Rio de Janeiro, 5 czerwca 1992 r. Dz.U. 2002 nr 184 poz. 1532. [Convention on Biological Diversity. Rio de Janeiro, 5 June 1992. Journal of Laws of 2002 No. 184 item 1532.]
- Convention. 1994. Konwencja Narodów Zjednoczonych w sprawie zwalczania pustynnienia w państwach dotkniętych poważnymi suszami i/lub pustynnieniem, zwłaszcza w Afryce. Paryż, 17 czerwca 1994 r. Dz.U. 2002 nr 185 poz. 1538. [United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. Paris, 17 June 1994. Journal of Laws of 2002 No. 185 item 1538.]
- Convention. 2000. Europejska Konwencja Krajobrazowa, sporządzona we Florencji dnia 20 października 2000 r. Dz.U. 2006 nr 14 poz. 98. [European Landscape Convention, Florence, 20 October 2000. Journal of Laws of 2006 No. 14 item 98.]
- Paris Agreement. 2016. OJ L 282 of 19.10.2016.
- Kyoto Protocol. 2005. Journal of Laws of 2005 No. 203, item 1684.
- Resolution. 2018. Rezolucja Parlamentu Europejskiego z dnia 11 września 2018 r. w sprawie przejrzystości i odpowiedzialnego zarządzania zasobami naturalnymi w krajach rozwijających się: kwestia lasów [European Parliament resolution of 11 September 2018 on transparent and accountable management of natural resources in developing countries: the case of forests.] (2018/2003(INI)). P8_TA(2018)0333.
- Regulation. 2005. Rozporządzenie Rady (WE) nr 2173/2005 z dnia 20 grudnia 2005 r. w sprawie ustanowienia systemu zezwoleń na przywóz drewna do Wspólnoty Europejskiej FLEGT. Dz.U. L 347 z dn. 30.12.2005 r. [Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community. OJ L 347, 30.12.2005, p. 1–6.]
- Regulation. 2010. Rozporządzenie PE i Rady (UE) Nr 995/2010 z dnia 20.10.2010 r., ustanawiające obowiązki podmiotów wprowadzających do obrotu drewno i produkty z drewna. Dz.U. L 295 z dn. 12.11.2010 r. [Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (Text with EEA relevance). OJ L 295, 12.11.2010.]
- Implementing Regulation. 2010. Rozporządzenie wykonawcze Komisji Nr 607/2012 z dnia 6.7.2010 r. w sprawie szczegółowych przepisów dotyczących systemu zasad należytej staranności oraz częstotliwości i charakteru kontroli organizacji monitorujących, przewidzianych w rozporządzeniu Parlamentu Europejskiego i Rady (UE) nr 995/2010 ustanawiającym obowiązki podmiotów wprowadzających do obrotu drewno i produkty z drewna. Dz.U. L 177 z dn. 7.7.2012 r. [Commission Implementing Regulation (EU) No 607/2012 of 6 July 2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (Text with EEA relevance). OJ L 177, 7.7.2012.]
- Delegated Regulation. 2012. Rozporządzenie delegowane Komisji (UE) nr 363/2012 z dnia 23 lutego 2012 r. w sprawie zasad proceduralnych w odniesieniu do uznawania i cofania uznawania organizacji monitorujących zgodnie z rozporządzeniem Parlamentu Europejskiego i Rady (UE) nr 995/2010 ustanawiającym obowiązki podmiotów wprowadzających do obrotu drewno i produkty z drewna. Dz.U. L 115 z dn. 27.4.2012 r. [Commission Delegated Regulation (EU) No 363/2012 of 23 February 2012 on the procedural rules for

- the recognition and withdrawal of recognition of monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (Text with EEA relevance). OJ L 115, 27.4.2012.]
- Delegated Regulation. 2015. Rozporządzenie delegowane Komisji (UE) 2015/791 z dnia 27 kwietnia 2015 r. zmieniające załącznik I do rozporządzenia Parlamentu Europejskiego i Rady (UE) nr 1305/2013 w sprawie wsparcia rozwoju obszarów wiejskich przez Europejski Fundusz Rolny na rzecz Rozwoju Obszarów Wiejskich. Dz.U. L 127 z dn. 22.5.2015 r. [Commission Delegated Regulation (EU) 2015/791 of 27 April 2015 amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development. OJ L 127, 22.5.2015.]
- Regulation. 2013. Rozporządzenie Parlamentu Europejskiego i Rady (UE) nr 1305/2013 z 17.12.2013 r. w sprawie wsparcia rozwoju obszarów wiejskich przez Europejski Fundusz Rolny na rzecz Rozwoju Obszarów Wiejskich (EFRROW) i uchylające rozporządzenie Rady (WE) nr 1698/2005. Dz.U. L 347 z dn. 20.12.2013 r. [Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005. OJ L 347, 20.12.2013.]
- Regulation Parlamentu Europejskiego i Rady. 2015. Rozporządzenie Parlamentu Europejskiego i Rady (UE) nr 995/2010 z dnia 20 października 2010 r. ustanawiające obowiązki podmiotów wprowadzających do obrotu drewno i produkty z drewna (dotyczy EOG). Dz.U. L 295 z dn. 12.11.2010 r. [Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (Text with EEA relevance). OJ L 295, 12.11.2010.]
- Regulation. 2018. Rozporządzenie w sprawie włączenia emisji i pochłaniania gazów cieplarnianych w wyniku działalności związanej z użytkowaniem gruntów, zmianą użytkowania gruntów i leśnictwem do ram polityki klimatyczno-energetycznej do roku 2030. Dz.U. L 156 z dn. 19.6.2018 r. [Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/UE (Text with EEA relevance). OJ L 156/1, 19.6.2018.]
- Regulation of the European Parliament and of the Council. 2018. Rozporządzenie Parlamentu Europejskiego i Rady (UE) nr 2018/841 z dnia 30 maja 2018 r. w sprawie włączenia emisji i pochłaniania gazów cieplarnianych w wyniku działalności związanej z użytkowaniem gruntów, zmianą użytkowania gruntów i leśnictwem do ram polityki klimatyczno-energetycznej do roku 2030 i zmieniające rozporządzenie (UE) nr 525/2013 oraz decyzję nr 529/2013/UE. Dz.U. L 156 z dn. 19.6.2018 r. [Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/UE (Text with EEA relevance). OJ L 156/1, 19.6.2018.]
- Report. 2015. Report of the European Parliament of 7.4.2015 on 'A new EU Forest Strategy: for forests and the forest-based sector' 2014/2223(INI).
- Council Strategy. 1998. Council Resolution of 15 December 1998 on a forestry strategy for the European Union. OJ C 56, 26.2.1999.
- TUE, TFUE. 2016. Consolidated version of the Treaty on European Union and Consolidated version of the Treaty on the Functioning of the European Union. OJ C 202, 7.6.2016.
- Agreement. 2010. Umowa o dobrowolnym partnerstwie pomiędzy Wspólnotą Europejską i Republiką Ghany dotycząca egzekwowania prawa, zarządzania i handlu w dziedzinie leśnictwa oraz handlu produktami z drewna wprowadzanymi na terytorium Wspólnoty. Dz.U. L 70 z dn. 19.3.2010 r. [Voluntary Partnership Agreement between the European Community and the Republic of Ghana on forest law enforcement, governance and trade in timber products into the Community. OJ L 70/3, 19.3.2010.]
- Green Paper. 2013. Ochrona lasów i informacje o lasach w UE: przygotowanie lasów na zmianę klimatu. SWD 66 final. [Green Paper on Forest Protection and Information in the EU: Preparing forests for climate change. SEC(2010)163 final.]

Judgments of the Court of Justice of the European Union

- Case C-22/70. Commission of the European Communities v Council of the European Communities, EU:C:1971:32.
- Case C-181/73. R. & V. Haegeman v Belgian State, EU:C:1974:41, point 5.
- Case C-90/76. S.r.l. Ufficio Henry van Ameyde p. S.r.l. Ufficio centrale italiano di assistenza assicurativa automobilisti in circolazione internazionale (UCI), EU:C:1977:101, point 15.
- Case C-26/78. Institut national d'assurance maladie-invalidité et Union nationale des fédérations mutualistes neutres v Antonio Viola, EU:C:1978:172.
- Case C-12/86. Meryem Demirel v Stadt Schwäbisch Gmünd, EU:C:1987:400, point 7.
- Joined cases C-427/93, C-429/93 oraz C-436/93. Bristol-Myers Squibb p. Paranova A/S and C. H. Boehringer Sohn, Boehringer Ingelheim KG i Boehringer Ingelheim A/S v Paranova A/S and Bayer Aktiengesellschaft and Bayer Danmark A/S v Paranova A/S, EU:C:1996:282.
- Joined cases T-24/93, 25/93, T-26/93 i T-28/93. Compagnie maritime belge transports SA and Compagnie maritime belge SA, Dafra-Lines A/S, Deutsche Afrika-Linien GmbH & Co. and Nedlloyd Lijnen BV v Commission of the European Communities, EU:T:1996:139.
- Case C-61/94. Commission of the European Communities v Federal Republic of Germany, EU:C:1996:313.
- Case C-27/95. Bakers of Nailsea, ECLI:EU:C:1997:188, point 20.
- Case C-386/08. Firma Brita GmbH v Hauptzollamt Hamburg-Hafen, EU:C:2010:91, point 39.
- Case C-386/08. A. Racke GmbH & Co. v Hauptzollamt Mainz, EU:C:1998:293, point 40-45.
- Case C-461/03. Gaston Schul Douane-expediteur, EU:C:2005:742, point 21.
- Case C-240/09. Lesoochránárske zoskupenie VLK v Ministerstvo životného prostredia Slovenskej republiky, EU:C:2011:125, point 30.
- Case C-441/17. European Commission v Republic of Poland, EU:C:2018:255.