

**Question for written answer E-001924/2019
to the Commission**
Rule 130
Pál Csáky (PPE)

Subject: Request for clarification regarding response to E-005487/2018

In its response to question for written answer E-005487/2018, the Commission stated that the regulation of forest areas is a Member State competence which must, however, comply with EU law and with the requirements concerning the fundamental freedoms. However, the Member States may impose restrictions on the grounds of public order or public interest such as environmental protection or the sustainable exploitation of forest areas, on condition that the means used are proportionate and suitable for achieving the stipulated aim.

According to the Commission, restricting exploitation of the forests with the aim of safeguarding their current status can be justified by overriding reasons of public interest for the duration of legal proceedings concerning the legality of forest property rights.

Our view is that, in the case of areas returned primarily as compensation, the withdrawal of exploitation cannot be justified from an environmental protection standpoint. This is supported by the case-law (points 53-54 of Case No C-452/01).

(1) Based on the above, what legitimate public interest and overriding reasons as recognised by settled case-law can be invoked with regard to the relevant Member State law and its provisions?

(2) In the event of a positive response to (1), can this restricting provision be upheld if application of the legislation relates to only a limited number of potential stakeholders?

(3) Is the fact that this measure jeopardises the credit of the owners concerned in compliance with the principle of proportionality and the right to property as protected by the EU's legal order?