NOTICE TO MEMBERS

Subject: Petition No 0079/2019 by J.W. (German), signed by 1 other person, concerning felling of trees in a FFH area in North Rhine-Westphalia

1. Summary of petition

It is reported that several hundred trees, in some cases very old and protected, were felled in January 2019 in the FFH nature conservation area ‘Die Burg’ in Marl. The petitioner ascribes this to administrative failure and assumes that the authorities responsible in North Rhine-Westphalia and at European level have not been informed.

2. Admissibility

Declared admissible on 7 May 2019. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 30 August 2019

Logging in forests in Natura 2000 sites can be part of the necessary management of the sites in the sense of Article 6(1) of the Habitats Directive¹ and are not necessarily tantamount to an infringement of the obligation under Article 6(2) of the Habitats Directive to avoid the deterioration of the habitats. However if such logging is not necessary to the management of the site, it has to be subject to the appropriate assessment requirements laid down in Article 6(3) of the Directive.

According to the conservation objectives and the management plan of the site², the forest has

---

to be rejuvenated, tree species which do not belong to the plant association of the protected habitat types pursuant to Annex I of the Habitats Directive have to be logged and the edges of the forest towards the open landscape should be layered. According to publicly available information, logging will not exceed the surface of 0.3 hectares in this site which is a small percentage of the total surface of 143 hectares of the protected site.

Conclusion

The petitioner complained already to the higher and highest nature authorities in Germany which are the appropriate national competent authorities to investigate if any of the national legislation was breached. Based on the information delivered by the petitioner and public available documents, the Commission does not intend to pursue the matter further.

4. Commission reply (REV I), received on 18 February 2020

The petitioner reiterates previous arguments according to which the “competent authorities of the EU” should repeal a decision by the county of Recklinghausen, which authorised the logging of several trees in the Natura 2000 site DE4309-301, “Die Burg” in Germany/North Rhine Westphalia. The petitioner argues that this authorisation was in breach of “the law for the protection of nature in North Rhine Westphalia” and the “spatial planning authorisation ‘Vestischer Höhenback’” of the district of Recklinghausen.

Conclusion

The petitioner does not provide any new evidence that would justify Commission action. The petitioner can pursue the matter with the national competent authorities, also in his capacity as representative of the Green Party of the City of Marl, if he considers that national legislation was breached.