



12.7.2010

NOTICE TO MEMBERS

Subject: Petition 1659/2009 by Ferenc Tibor Zsak (Hungarian), on behalf of the Conservationists of Eastern Hungary over the protection of a Natura 2000 site.

1. Summary of petition

The petitioner expresses concern at environmental damage to the Girincs forest, which forms part of the Natura 2000 network. He indicates that the forest, which contains special and protected species, is being seriously threatened by unprofessional forestry methods and illegal felling. He takes the view that the authorities are doing too little to protect it and expresses concern at the lack of sound procedures and monitoring necessary to prevent the destruction of this Natura 2000 area. He is accordingly seeking an investigation.

2. Admissibility

Declared admissible on 24 February 2010. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 12 July 2010.

The petition

The petitioner is concerned about the alleged irreversible environmental damage caused in the Girincs Forest, a Natura 2000 site situated in the county of Borsod-Abaúj-Zemplén in north-east Hungary. The petitioner alleges that 99% of the total ca. 110 hectares territory of the Girincs Forest, which belongs to the habitat types listed under codes 91E0 and 91F0 in Annex I of Directive 92/43/EEC¹ on the conservation of natural habitats and of wild fauna and flora (hereinafter: “Habitats Directive”), has been destroyed as a result of illegal logging as well as

¹ OJ L 206, 22.7.1992

forestry activities by the forest manager which have led to the disappearance of the significant local population of *Euphydryas maturna* (scarce fritillary butterfly), i.e. the marker species of the site, and several other species of Community interest. The petitioner claims that the Hungarian authorities have failed to fulfil their relevant obligations under the EU's Habitats Directive. The Commission received in May 2009 a complaint raising the same issues as the petition.

The Commission's comments on the petition

In 2004, the Republic of Hungary proposed the Girincs Forest, pursuant to Article 4(1) of the Habitats Directive, as a site eligible for inclusion in the list of sites of Community importance (pSCI). Following the adoption of Commission Decision 2008/26/EC of 13 November 2007¹, the Girincs Forest is now included under reference HUBN20029 on the list of selected sites of Community importance (SCI). Therefore, as from this latter date, the site has been subject to the legal protection regime laid down in Article 6 of the Habitats Directive.

According to Article 6(2) of the directive, Member States shall take appropriate steps to avoid the deterioration of natural habitats and the habitats of species as well as disturbance of species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of the directive. Article 6(3) of the directive provides for an assessment procedure intended to ensure, by means of a prior examination, that a plan or project which is not directly connected with or necessary to the management of the site concerned but likely to have a significant effect thereon is authorised only to the extent that it will not adversely affect the integrity of that site.

On the basis of the complaint received by the Commission in May 2009, the Commission has requested further information from the Hungarian authorities regarding the current state of the Girincs Forest and the implementation of the relevant requirements under Article 6(2)-(3) of the Habitats Directive.

According to the reply received, due to authorised forestry activities (forestry plan) and illegal logging a total of 38,4 hectares of the forest has been removed (i.e. approximately 57% of the total forest cover of the site). The authorities have admitted that the forestry plan was not subject to the impact assessment pursuant to Article 6(3) of the Habitats Directive given that this plan was adopted prior to Hungary's accession to the European Union and the designation of the Girincs Forest into the EU's Natura 2000 network. The authorities have also admitted that the population of *Euphydryas maturna* on the site has shrunk significantly. Therefore, it has to be concluded that the decrease in population of the butterfly results, at least partially, from tree felling.

The Hungarian authorities have committed themselves to review the existing forestry plan in order to remedy damage caused to the site and to prevent similar damage in future. The authorities have undertaken to protect the remaining stands of the concerned habitat and to reforest the area to restore damaged habitats. They have also indicated that they would plan to take measures to restore the habitat for the *Euphydryas maturna* and to launch a research project to study populations of the butterfly and to explore areas outside the Natura 2000 network in view of their possible incorporation into the network to protect the butterfly. This study is scheduled to take at least two years. In addition, the authorities have informed the

¹ OJ L 012, 15.1.2008, p.678-710

Commission that a forest protection service has been set up to prevent illegal logging.

Conclusions

The Commission's services are currently analysing the information received from the Hungarian authorities with a view to taking additional steps in the future if necessary. In this context, the Commission will assess, in particular, whether the proposed compensation measures can be considered sufficient to offset the incurred damage in order to preserve the overall ecological coherence of the Natura 2000 network.