

(English version)

**Question for written answer E-001494/24  
to the Commission  
Alexander Bernhuber (PPE)  
(7 August 2024)**

*Subject:* EU overstepping its competences in the field of forestry

In recent years, the Commission has adopted several regulations that directly affect the forestry sector, despite the fact that, according to the subsidiarity principle, responsibility for this lies with the Member States.

1. To what extent does the Commission consider existing Member State legislation on forestry to be inadequate, prompting it to adopt its own provisions regarding the forestry sector?
2. What is the legal basis for the assumption that the shared subject matter of the ‘environment’ also includes the direct regulation of forestry?
3. What measures does the Commission intend to take to ensure that future provisions respect the competences of the Member States in the field of forestry?

Submitted: 8.8.2024

**Answer given by Executive Vice-President Šefčovič on behalf of the European Commission  
(9 September 2024)**

While the Treaty on the Functioning of the European Union does not explicitly mention ‘forest policy’, the EU has competences that may cover elements related to forests.

These competences, such as environment<sup>(1)</sup> and agriculture, are areas of shared competence. The EU has exercised them through the adoption of different legal acts covering elements related to forests, in line with the subsidiarity principle.

In accordance with established jurisprudence of the Court of the Justice of the European Union, the choice of the legal basis is made specifically for each legal act and is based on objective factors, such as the aim and content of the measure.

In accordance with the Commission’s Better Regulation principles<sup>(2)</sup>, any legislative initiative proposed by the Commission is accompanied by a comprehensive impact assessment.

A thorough analysis of subsidiarity is necessary for all impact assessments accompanying legislative initiatives in areas which do not fall under the exclusive competence of the EU.

In addition, every politically sensitive or important legislative proposal accompanied by an impact assessment is accompanied by a subsidiarity assessment grid which is a special template for assessing whether EU action is justified in light of the principles of subsidiarity and proportionality.

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<sup>(1)</sup> Court of Justice of the European Union judgment of 25 February 1999 in Joined Cases C-164/97 and C-165/97, EU:C:1999:99.  
<sup>(2)</sup> [https://commission.europa.eu/law/law-making-process/planning-and-proposing-law/better-regulation\\_en](https://commission.europa.eu/law/law-making-process/planning-and-proposing-law/better-regulation_en)