1. The Decree\(^1\) in question introduced legislative changes that facilitate clearcutting under certain conditions and lift the ban on logging in certain sensitive periods. This raises questions of compatibility with the Birds\(^2\) and Habitats\(^3\) Directives, in particular as regards the duty to avoid habitats’ deterioration in protected areas and disturbance of species during their breeding season. These concerns have been only partially allayed by a recent Order of the Minister of Agriculture\(^4\) clarifying that the lifting of the ban on logging during breeding periods cannot be applied in certain state owned forests. The Order also prohibits clearcuts in certain publicly owned native forests in protected areas and Natura 2000 sites. However, it does not cover all public forests nor private forest.

2. Under the Land use, land-use change and forestry (LULUCF) Regulation\(^5\), Hungary, like other Member States, must submit to the Commission a compliance report containing the balance of total emissions and total removals for the relevant period on each of the land accounting categories specified in Article 2, using the accounting rules laid down in the LULUCF Regulation. The Commission will carry out a comprehensive review of the compliance reports for the purpose of assessing compliance.

3. Some stakeholders announced legal action against the Decree before national courts. The Commission will continue to follow closely the evolution of the situation and will seek for clarifications from the Hungarian Authorities if needed. The Commission will take appropriate action including, if necessary, an infringement procedure.

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