

We scrutinize the bills:

LEX SZYSZKO

The date of 16 December 2016 will go down in the Polish parliamentary history as on this day, after moving the parliamentary debate to the Column Hall, the deputies of the Law and Justice party (PiS) 'voted in' not only the 2017 budget, but also the amendment to the Environment Protection Act. The report from this 'vote' is on the pages of the parliament, handwritten and containing only a summary information that 236 members of the parliament voted for, nobody was against and nobody abstained.

And this is where we have another controversy in relation to this amendment. MP Robert Winnicki, ex-Kukiz'15 and now independent, who was present in the Column Hall, tweeted in February 2017 that he then abstained from voting. Because there were no cameras of the journalists in the Column Hall, the cameras in the parliament did not record in detail what happened then and it is difficult to say whether Winnicki lies or if the voting report is not true.

Amendment to the Environment Protection Act makes it possible to remove, without any permission or fees, any tree that grows on the private land, when it is removed for the reasons not associated with conducting business, even if this tree is a several hundred years old oak. Before the chairman of PiS, Jaroslaw Kaczynski, several months after implementing this amendment, made negative comments about it, the PiS politicians praised this

amendment. They argued that the amendment returns full rights to landowners, who should be able to make decisions relating to their own land. This sounds peculiar in the context of the existing restrictive rules requiring to report to the authorities the intention to build even a smallest shed or a greenhouse on the private land if it is on the side of a public road. The very same PiS MPs, in 2016 voted for the rule which restricts the sale of arable land. Everyone who passes by large billboards or screens covering building fronts on the daily basis, understands that we need regulations for improving landscape in city centres.

However, 'Lex Szyszko' is first of all a bow to the building developers. This amendment primarily, makes it possible for the owners, even a developer to fell trees with circumference not exceeding 100 cm at the height of 130 cm without permits or fees in case of poplars, willows, chestnut, silver maple, box elder, horse chestnut, black locust and London plane. 50 cm circumference in case of other trees. As an example; we need 55 years for poplar to have circumference of 100 cm. Before the inception of the amendment, developers had to obtain a permit to cut down such tree and to pay appropriate fee. Presently, companies not only do not have to pay, but they can fell trees with smaller than 100 cm circumference and sell timber on the free market.

The Act does not prevent situations of transfer of ownership

for the purpose of getting rid of the trees. For example: when the owner of the developing company gives the plot of land to his relative so that as a private owner, he or she can freely remove all trees from the plot and eventually, transfer the ownership of the land back to the developer. This process is out of control.

Even the chairman of PiS, Jaroslaw Kaczynski after almost two months of this Act being in force, at his party meeting, stated that 'lobbying is visible in this law' and he announced its rapid improvement. The new amendment was voted by the parliament on the 7 April 2017 and it is awaiting the decision by the senate. The essence of this proposed amendment is a requirement to report intention of cutting a tree to the appropriate administration (chief officer of the rural district, the mayor or president of the city) and a declaration that unless this administration does not express any objections in the course of 14 days, then the owner of the property is free to cut down the tree without the obligation of paying fees. Additionally, if the owner of the land will want to use the land commercially before the period of 5 years from cutting the tree, a fee will be required. Still, a private person as well as any company will be able to freely, without the requirement of giving any notice or payments, fell trees of up to 100 cm circumference, even if these trees are situated in the centre of a city.

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