

## Rockin' around the Christmas Tree

As Christmas draws nearer, there is a widespread trend of cutting down coniferous trees. Year by year, the prices of Christmas trees are rising, leading more people to consider harvesting traditional trees from their gardens. What better time to discuss the topic of cutting down trees on your property than now?

Before taking any irreversible steps, it's important to remember when and if this action is legal and to understand the consequences of breaking the regulations in this area.

The issue of tree cutting is regulated by the Act on Nature Conservation. This regulation also applies to Christmas trees to be obtained from our property. As a rule, tree removal can only occur after receiving a relevant permit. However, the law provides many exceptions, mainly depending on the size of the plants. So, if you're cutting down a tree on your property that belongs to the "Christmas tree species" and its trunk circumference at 5 cm height does not exceed 50 cm - you do not need the permission permit. Considering the size of a standard Christmas tree, this exception should be sufficient for home use.

The restrictions on tree and shrub removal from a property outlined in the Act on Nature Conservation do not apply to trees and shrubs in forests. For trees growing in woods, no decisions are issued for the removal of specific trees, and tree removal from forest resources is carried out under timber harvesting rules.

According to the Central Statistical Office of Poland, less than 20% of forest areas in Poland are private forests. It is easy to imagine a situation where a person who owns a forest would want to harvest a Christmas tree from such an area independently. However, this might only sometimes be possible under the Forest Act. Before cutting down trees, you should check if your forest is covered by a simplified forest management plan or a decision defining the principles of forest management. If so, the cutting is based on the provisions of the given document. However, if a plan or decision does not cover the plot, or if the cutting exceeds the limits set in these documents, instead of the mentioned notification, there is a requirement to obtain a permit from the head of relevant poviast (starost). Additionally, replanting the forest within five years of removal is an obligation. In each case, you must also complete the formalities related to the so-called timber marking, confirming the legality of its acquisition.

Illegal tree-cutting is subject to a range of penalties under applicable regulations. Mainly, a person who cuts down a tree without the required permission is subject to an administrative fine amounting to twice the fee for removing that tree. Cutting down a tree without a permit or contrary to the conditions of the simplified forest management plan or decision defining forest management tasks is a misdemeanor punishable by a fine. Meanwhile, cutting trees from the forest for appropriation, popularly called "forest tree loot", depending on the value of the tree, can result in either misdemeanor or even criminal liability.

When deciding on a real Christmas tree, choosing between buying one or cutting it down yourself, remember that, unfortunately, the old principle of "my house is my castle" does not extend to gardens or private forests. Cutting down your Christmas tree, while possible and legal under certain conditions, is subject to some limitations and requirements, and not complying with them can have serious consequences. If violating the above rules, public administration and law enforcement authorities are unlikely to "speak in a human voice," and the scale from the Christmas Eve carp in your wallet might be convenient. In the worst case scenario, the seat at the Christmas table might remain empty.

**Do you want to know more? Contact us!**

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