

Environmental newsletter

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Amendments concerning tree felling – draft amendment to the Nature Conservation Act

The government is currently working on a draft amendment to the Nature Conservation Act (“NCA”, draft no. UDER25) which aims to streamline the procedure for tree felling notifications submitted by natural persons. Property owners and holders currently view the NCA’s existing provisions unfavourably primarily because the proceedings related to notifications are frequently prolonged by administrative authorities which, despite their statutory obligations, fail to conduct inspections of the trees or shrubs intended for removal. This, in turn, adversely affects many construction projects.

Amendments concerning on-site inspections

Current law

Under the current wording of Article 83f(8) of the NCA, the competent authority to consider a notification of intent to remove a tree (i.e. the *wójt, burmistrz, prezydent miasta, or wojewódzki konserwator zabytków*) must conduct an on-site inspection within 21 days of receiving the notification. Afterwards, within 14 days of having completed the inspection, the authority may lodge an objection by means of an administrative decision. Removal of the tree may proceed if the authority has not objected within that 14-day period. This procedure applies to the felling of trees located on a property owned by natural persons if the tree or shrub is being removed for purposes not related to a business activity.

Under the existing provisions, if the inspection is not conducted, the timeline, i.e. the 14 days the authority has to lodge an objection, does not commence. This, in practice, results in prolonged administrative proceedings.

Proposed amendment

The draft amendment aims to establish a fixed timeline for the authority to lodge an objection that the authority cannot exceed. The amendment gives the authority a total of 35 days to lodge an objection, to be counted from the date on which the authority receives a submitted notification of the intent to remove a tree. This change means that, even if the authority fails to perform the on-site inspection within the statutory 21-day timeframe, the entire procedure, including the possibility to lodge an objection, must still be completed within the 35-day period. If the competent authority does not issue an objection within those 35 days, the property owner can remove the tree or shrub.

A transitional provision stipulates that any proceedings initiated prior to the entry into force of the amendment is governed by the existing rules.

Certificate of no grounds to lodge an objections

Current law

Under the current provisions, the competent authority may issue a certificate of no grounds to lodge an objection before the deadline to lodge an objection has expired. If the competent authority issues a certificate, this precludes its possibility to lodge an objection.

Proposed amendments

The draft amendment however clarifies exactly which deadline the issuance of the certificate will be correlated with, in light of the introduction of the fixed 35-day period. The amendment specifies that the authority may issue a certificate of no grounds to lodge an objection only during the 14-day period which starts from the date of the on-site inspection (i.e. as under the current law). Accordingly, the regulation assumes that, for the certificate to be issued, the authority must have conducted the on-site inspection beforehand.

Administrative penalty

Current law

Article 88(1)(6) of the NCA provides that the *wójt*, *burmistrz*, or *prezydent miasta* can impose an administrative monetary penalty for removing a tree without having submitted a notification, or before the expiration of the period in which the competent authority may lodge an objection.

Proposed amendments

An administrative monetary penalty may also be imposed where a tree is removed without obtaining a certificate confirming the absence of grounds to lodge an objection.

Legislative stage

The draft Act is currently undergoing review by the Council of Ministers. The planned date for the Council of Ministers to adopt the draft is the third quarter of 2025, after which, the draft will be submitted for consideration by the Sejm.

How can we assist?

- Legal support in the construction projects.
- Assistance in obtaining the necessary administrative permits.
- Preparing notifications for the felling of trees or shrubs, and representation in administrative proceedings.

Contact us!



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