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Health Resort Forests in Poland as Forests with Special Legal Status – Selected Issues

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The paper focuses on health resort forests in Poland as forests with special legal status. Due to the lack of a legal definition, an attempt is made to characterise and analyse the notion of health resort forests. In this context, the basic terminology related to forests and health resorts is presented, along with the key functions performed by forests. Subsequently, the current model of health resort forests is described, comprising protective forests, forests located within health resort protection zones, forests with increased social functions, and promotional forest complexes. A key issue addressed is the characterisation and definition of health resort forests – a collective term resulting from the overlap of several legal regimes associated with different forest types. The only tangent point of these regimes is the area of the health resort itself, along with numerous forest management restrictions arising from it. Undoubtedly, health resort forests serve not only protective and environmental functions. They also fulfil a variety of additional roles, such as social, educational, promotional, health-related, recreational, and tourist functions. Moreover, the research has shown that health resort forests should be viewed more broadly – not only in the context of the health resort itself, but in relation to the entire health resort commune. Such a distinction would allow for the development of a classification of health resort forests based on an ecosystem approach, including assessment of both the natural and social value of forests. This would enable a division into three categories: forests excluded from use, covering the area of the health resort; forests partially excluded from use, located in the health resort commune adjacent to the resort; and forests used for economic purposes, covering the remaining part of the health resort commune. Given the expectations of various social groups and the evolving economic and development conditions, this classification would reflect a compromise through the implementation of the concept of a multifunctional health resort forest – one that integrates protective, social, and wood production functions.

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Introduction

Forests and health resorts are closely interconnected. Forests are among the most important components of the natural environment, and their importance results from their multiple functions [Chmielewski 2014, Jaszczak 2009, Korzeniowski 2017]. Health resorts, which constitute the entire area or part of a health resort commune, are special places on the map of Poland

which, due to their natural conditions, benefit from what the health resort forests located in their area may offer. Due to social expectations, as well as conditions resulting from ongoing economic processes, the perception of health resort forests has been changing.

The protection of forests while ensuring rational exploitation of wood raw materials and other forest benefits is an important legal issue, especially in the context of health resort forests, which by default are

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subject to special management requirements. This corresponds directly to the model of a health resort commune having health resort status as adopted in the Polish legal system, as these entities are also treated as areas subject to special legal protection.

The issue of health resort forests and the legal aspects of this separate category of forests have received too little attention in the legal literature. No comprehensive study in this area has been published, and what is available is too fragmentary. As health resort forests are a key issue, the forest law literature cited numerous times in this paper has been supplemented with literature on health resort law [Bojar-Fijałkowski 2011, Golba 2020, Madeyski 2004].

The research problem arose during the analysis of available statistical data on forests in health resorts, as well as internal standardization documents in the State Forests entitled “Forest management instructions” and “Silviculture principles”, which are directional and of the nature of a framework, and specify in detail the objectives and principles of forest management defined in legal provisions and in the “State Forest Policy”. Interestingly, the phrase “health resort forests” used there, which is the subject of these considerations, is not a concept used in either legal or legislative language. This issue is even more complex because health resort forests, specified in these data and documents among the protection categories, are classified only as one of the types of protective forests. However, research shows that the concept of a health resort forest is undoubtedly a broad one, by no means limited only to the concept of a protective forest. Apart from protecting the natural environment, forests of this type also perform many other varied functions in health resorts.

The issue of forests and health resorts is currently regulated primarily by two acts [Act of 1991, Act of 2005]. Analyses of legal texts additionally covered other documents that are sources of generally applicable law, including local legal acts and internal regulations.

The aim of this paper is to describe and analyse the legal status of health resort forests in Poland. The scope of research has been limited to presenting the concept and characteristics of this category of forests, bearing in mind that Polish legislation does not define this term. In this context, the basic terminology regarding forest and health resorts is analysed and the most important functions of the forest are indicated. Next, the issue of protective forests as forests located around health resorts, as well as the related concept of health resort protection zones, which constitute an additional forest protection regime in health resorts, are discussed. Forests around health resorts are also characterized as forests with the status of areas with increased social function and forest promotional complexes referred to as functional areas in a health resort. This sequence

of arguments and research enables an attempt to define the concept of a health resort forest, as well as to determine its characteristic and specific features.

Taking into account the ambiguity and resulting difficulties in correctly classifying health resort forests, nevertheless, based on the latest statistical data, it can be stated that at the end of 2022, the total forest area with the status of protective forests was 3,906,900 (3.9 million) hectares (42.1% of the forest area in the country), including 97.6% managed by the State Forests (*Lasy Państwowe*) (3,811,300 hectares) [Forestry, Chief Statistical Office, 2022]. Among the protection categories of protective forests managed by the State Forests, health resort forests accounted for 1.3% [Environmental Protection, Chief Statistical Office, 2023]. It should also be added that, according to data from the Polish Ministry of Health, 47 Polish localities, located in 45 health resort communes, within 13 voivodeships, currently have the status of health resorts. The following voivodeships do not have health resorts: Opolskie, Wielkopolskie, and Lubuskie [Data of the Ministry of Health].

Research methodology

This paper concerns the legal status of health resort forests in Poland. The aim of the research was to demonstrate that these forests perform many more functions than just protecting the natural environment. Since the analyses concerned two concepts, that is a forest and a health resort, the topic boundaries were determined by presenting basic definitional elements creating a specific conceptual network of issues discussed. The determination of the subject scope allowed us to identify the authorities responsible for forest and health resort issues, as well as other groups of entities affected by these regulations. The spatial framework of the health resort forests concerned the territory of Poland; therefore the scope of the legal and comparative analysis was limited to the necessary minimum, in the context of emphasizing the specificity of the examined institutions in terms of differences or similarities, in both historical and spatial perspectives. However, in-depth research in this area would require a separate study.

The following research methods were used in the study. First of all, the dogmatic and legal method was used. Taking as a basis the positive, applicable law regarding regulations concerning forests and health resorts, these were systematically presented in the order of logically grouped legal material, postulating the removal of possible gaps and contradictions [Jarra 1922]. The following ancillary methods were used: historical and, where necessary, empirical. The historical method allowed us to show the evolution of changes in the definition of forests in health resorts and

enabled the creation of a possible legal definition and characteristic features, as well as the concept, of health resort forests in the Polish legal system. In turn, the empirical method serves to confront the content of the applicable law – regarding the role and importance of forests in health resorts in terms of the model adopted in Poland – with the practice of its application in the life of society. The adoption of such research methods allowed us to obtain the final result of the analysis of the presented material and created a basis for formulating *de lege ferenda* assessments, comments, and proposals not only in the legislative sphere, but also in the context of theoretical considerations regarding health resort forests. The study covers a wide selection of legal and ancillary economic literature on forestry and the jurisprudence of the Constitutional Tribunal and administrative courts. The paper includes available statistical data on forest issues, with particular emphasis on the context of health resort forests.

Results by issues

1. Forest and health resort – basic terminology

The currently binding [Act of 1991] specifies the principles of preserving, protecting and expanding forest resources as well as the principles of forest management in connection with other elements of the environment and the national economy. The legal definition of a forest is regulated by Article 3, according to which a forest is land: (1) with a compact area of at least 0.10 ha, covered with forest vegetation (forest stand) – trees, shrubs and forest undergrowth – or temporarily deprived of it: a) intended for forest production, or b) constituting a nature reserve or being part of a national park, or c) entered in the register of monuments; (2) related to forest management, occupied by buildings and structures used for forest management purposes, water drainage devices, forest spatial division lines, forest roads, areas under power lines, forest nurseries, wood storage areas, and also used for forest parking lots and tourist facilities. It is worth adding that this definition differs from the definition used in the natural sciences [Miłkowska-Rębowska 2018]. The statutory obligation of forest owners is to conduct permanently sustainable forest management aimed at maintaining the durability of forests, ensuring the continuity of their multilateral use, and increasing forest resources. This regulation applies to all forests, regardless of the form of ownership. Pursuant to Article 4 [Act of 1991], forests owned by the State Treasury are managed by the State Forests National Forest Holding, hereinafter referred to as the “State Forests”. However, the legislator has introduced certain exclusions regarding forests: (1) held in perpetual usufruct by national parks; (2) included

in the Agricultural Property Stock of the State Treasury; (3) held in perpetual usufruct under separate regulations. As part of management, the State Forests manage forests, land as well as other real estate and movable property related to forest management and also keep records of State Treasury assets and determine their value. Supervision over the State Forests is exercised by the minister responsible for the environment. However, supervision over forest management is exercised by: (1) the minister responsible for environmental affairs – in the case of forests owned by the State Treasury; (2) the *starosta* – in the case of forests not owned by the State Treasury (Article 5). The State Forests are managed by the Director General – who is appointed and dismissed by the minister responsible for the environment – with the assistance of the directors of the regional directorates of the State Forests. The forest officer independently manages forests in the forest district based on the forest management plan and is responsible for the condition of the forest (Article 33). The management model in the State Forests is therefore based on three levels: the Director General of the State Forests, 17 regional directorates of the State Forests, and 429 forest districts. The organizational structure is specified in the charter.

The currently applicable [Act of 2005] refers to all issues related to the status of health resorts [Leoński 2009]. Pursuant to Article 1, it specifies the principles and conditions for conducting and financing health resort treatment, the therapeutic directions of health resort treatment, the rules for supervising health resort treatment and the authorities competent in this regard (the Minister of Health, the voivode, the chief physician of a health resort), the rules for granting health resort status to an area (or removing that status), and the tasks of health resort communes. Three legal definitions regulated in Article 2 [Act of 2005] are important here. A health resort commune is a commune whose area or part thereof has been granted the status of a health resort in accordance with the procedure specified in the Act. In turn, a health resort is an area where health resort treatment is provided, designated for the purpose of using and protecting natural therapeutic raw materials located within its area, meeting the conditions referred to in Article 34, section 1 (conditions for granting the status of a health resort to an area), which has been granted the status of a health resort. Health resort treatment means organized activity consisting in the provision of health care services in the field of health resort treatment or health resort rehabilitation, carried out in a health resort by health resort treatment centres or outside the health resort in hospitals and sanatoriums located in arranged underground mine workings, using natural conditions, such as: (a) properties of natural therapeutic raw materials, (b) the healing

properties of the climate, including thalassotherapy and subterraneotherapy, and the healing properties of the microclimate – as well as accompanying physiotherapeutic treatments.

To illustrate the information cited earlier [Data of the Ministry of Health], the following health resort localities in Poland currently have the status of health resorts (in alphabetical order): Augustów, Busko-Zdrój, Ciechocinek, Cieplice Śląskie-Zdrój, Czerniawa-Zdrój, Dąbki, Długopole-Zdrój, Duszniki-Zdrój, Goczałkowice-Zdrój, Gołdap, Horyniec-Zdrój, Inowrocław, Iwonicz-Zdrój, Jedlina-Zdrój, Kamień Pomorski, Kołobrzeg, Konstancin, Krasnobród, Krynica-Zdrój, Kudowa-Zdrój, Latoszyn, Łądek-Zdrój, Muszyna, Nałęczów, Piwniczna-Zdrój, Polanica-Zdrój, Polańczyk, Połczyn-Zdrój, Przerzecznica-Zdrój, Rabka-Zdrój, Rymanów-Zdrój, Solec-Zdrój, Sopot, Supraśl, Swoszowice, Szczawnica, Szczawniok-Zdrój, Świeradów-Zdrój, Świnoujście, Uniejów, Ustka, Ustroń, Wapienne, Wieniec-Zdrój, Wysocha-Zdrój, Złockie, and Żegiestów-Zdrój.

An extremely significant fact is that state forests (alongside only underground waters, sea waters, mineral deposits, and natural resources of national parks) – unlike health resorts – are included by Polish legislation among the country's strategic natural resources [Act of 2001]. This law thus specifies only five resource categories, forming a closed list, and being the subject of various regulations in the field of Polish internal (national) law, confirming its real connections with the environmental protection law system [Haładyj, Trzewik, 2020]. In this context, it should be added that Polish legislation does not construct a legal definition of the concept of “natural resources”. However, the term “resources” in relation to legally regulated environmental components has entered the legal language of the economic and especially natural sciences, with the possibility of specifying the type of the resource, in this case “natural” [Haładyj, Trzewik 2014]. The term “resources” in the dictionary sense is “deposits of ores, minerals, vegetation, raw materials, and the like natural resources important for the economy and industry”, and a “resource” is “a certain (significant) amount of something, accumulated for future use, stock, reserve” [Doroszewski 1968]. The term natural resources occurs interchangeably or alongside terms such as “natural objects”. The broadest scope seems to be that of the concept of “natural resources”, identified in the literature with the concept of “natural objects”. These will include forests, among others [Grabowska 1980]. The category of natural resources is most often used in the sense of “stock” (assets) when their quantity is expressed in numerical terms. However, resources in the sense of their usefulness (use value) are called “natural conditions”. Excessive exploitation of resources and the degradation of the natural environment depletes

national wealth and may turn out to be an ecological barrier to development [Górka 2014]. This, in turn, implies further obstacles to compliance with the principle of sustainable development and the protection and management of the country's natural economic and social resources, other than those listed in the aforementioned act of 2001. In this way a legal loophole has been created, whereby the natural therapeutic raw materials of Polish health resorts are not included in the category of national strategic natural resources, in the interest of the general good, but this seems to require legislative intervention.

Forests fulfil various functions naturally or as a result of human activities [State Forests Report of 2022]. Since forest functions are of interest to both forest sciences and economic practice, there are many configurations and qualification criteria [Płotkowski 2008]. According to other researchers, there are over 100 of them [Mandziuk, Janeczko 2009]. However, if limited to the most important functions of the forest as set out in [Act of 1991], these are:

- natural (protective) functions, including: the beneficial impact of forests on the global and local climate and the regulation of the water cycle in nature, preventing floods, avalanches and landslides, protecting soils against erosion and the landscape against steppe formation, as well as absorbing carbon dioxide by trees [State Forests Report of 2022]. These functions, also referred to in the literature as ecological, are performed primarily by protective forests [Chmielewski 2014]. This allows them to be distinguished from the economic functions assumed to be predominant in multifunctional forests [Ważyński 2008];
- social functions, which include, among others: shaping favourable recreational and health conditions for society; forests are a place of work and ecological education for society [State Forests Report of 2022]; forests also have a beneficial impact on infrastructure and buildings [Paschalis-Jakubowicz 2004];
- production (economic) functions, consisting mainly in the ability to produce renewable biomass, including primarily wood and by-products, as well as in game management [State Forests Report of 2022]. In other words, they concern the possibility of producing wood, secondary uses and obtaining game, hence they are also referred to as reproductive functions [Chmielewski 2014].

It is worth noting that although forests perform a number of functions in the natural environment, until the end of the 1980s, attention was focused mainly on their economic role as a source of wood. In 1990, forestry provided 1.2% of the gross domestic product, of which 47% was the value of harvested wood,

Table 1. Protective forests as of 1 January [GUS 2005, 2014, 2022] in thousand ha

Forest category	1995	2000	2005	2010	2015	2020	2022
Total	3312	3399	3265	3356	3709	3820	3811
Health resort	72	61	68	56	55	50	50

18% the value of secondary uses and game animals, and 35% the value of other forestry production and services [Falencka-Jabłońska 2012]. After 1990, with the implementation of the principles of sustainable development in Polish forest management, the environmental role of the forest took an equal position alongside its productive functions, and the category of protective forests, including health resort forests, became particularly important. Nevertheless, based on the analysis of available statistical data for the years 1995–2022, it is concluded that the area of health resort forests has been gradually decreasing, as confirmed by Table 1.

2. Protective forests as forests located around a health resort

The issue of protective forests in health resorts is addressed by the aforementioned [Act of 1991]. Protective forests are an instrument of forest management; this includes the possibility of recognizing forests that meet certain legally defined criteria [Miłkowska-Rębowska 2018]. Undoubtedly one of them is that the commune has the status of a health resort.

Currently, since 2005, with the entry into force of [Act of 2005] and in accordance with Article 15 section 7 point b of [Act of 1991], forests [Radecki 2004, 2008] that are located in the protection zones of health resorts (and health resort protection areas) within the meaning of [Act of 2005] may be considered forests subject to special protection, hereinafter referred to as “protective forests”. This regulation has undergone a certain evolution. In the original text of [Act of 1991], these were forests located in protection zones around sanatoriums and health resorts. Yet another definition arose – and essentially still applies – under the implementing regulations regarding protective forests included in [Regulation of 1992] issued on the basis of Article 17 of [Act of 1991], where it was assumed that forests that protect the natural environment may be considered protective, including health resort forests, as well as forests located in zones specified in the charters of health resorts, and forests in protection zones around sanatoriums within a radius not exceeding 1,000 m from the sanatorium. When analysing both [Act of 1991] and [Regulation of 1992], there are undoubtedly some discrepancies. As a consequence, the decision recognizing a forest as protective may, in the

event of an incorrect interpretation, indicate statutory bases that are inconsistent with the provisions of the implementing act [Chmielewski 2014].

Article 15 of [Act of 1991] defines a protective forest [Chmielewski 2014] by indicating which forests may be considered protective forests. The recognition as a protective forest is intended to fulfil a preventive function, which is the most effective legal means of environmental protection aimed at preventing damage to the environment [Skoczylas 2011] or unauthorized environmental impact. The list in Article 15 [Act of 1991] includes two groups [Rakoczy 2011] of such forests. This division concerns forests located in health resort protection zones. In the first group, the location of the forest in the health resort area is decisive. The determinant for the second group of this type of forest is the fulfilment of a therapeutic function related to the protection of health resorts and their existence [SAC Judgement of 1999].

Protective forests are forests that require special protection due to their functions or existing threats. It follows that protective forests are forests that are subject to special protection due to the occurrence of at least one of the circumstances listed in Article 15 sections 1–7 of [Act of 1991]. In the case under consideration, this is the status of a health resort. This provision specifies the substantive legal conditions for recognizing forests as protective, which means that the legislation indicates which forests with the features mentioned therein may be recognized as such, and the competent authority, when depriving a forest of its protective character, should be guided by these premises [SAC Judgement of 2016]. Incidentally, special protection is also reflected in the way forest management is carried out in these forests and in the restrictions introduced by the provisions of another act, namely [Act of 1995]. All forests recognized as protective under the former act [Act of 1991] and designated and recognized as such in spatial development plans, in the charters of health resorts and in forest management plans have become protective forests [Radecki 2008]. This conclusion is confirmed by the premises of two Supreme Administrative Court resolutions [SAC Resolution of 1995, SAC Resolution of 1996].

The protective functions of a forest are shaped by targeted forest management activities, which are carried out there in accordance with the applicable rules and

perform all economic, social and protective functions, but are based on the category of protective forests as the dominant one within their boundaries [Orzechowski 2016]. Protective forests are forests that essentially perform (exclusively or additionally) nonproductive functions [Falencka-Jabłońska 2012]. In forests recognized as protective, production functions are therefore relegated to the background, and forest management is carried out in a modified manner. In any case, there is a need to adjust economic activities to the protection goals being pursued. Fundamental pro-protective actions in forests are implemented at every stage of management (forest management, silviculture and raw material acquisition, removals of wood), and consist, for example, in adjusting the species composition to the habitat and functions performed, maintaining good health and sanitary condition, increasing the age of felling, reducing clear cuts, and conducting all activities with a view to maintaining the sustainability of the forest [Droździk 2020].

According to Article 16 of [Act of 1991], recognition of a forest as protective occurs not *ex lege* but by administrative decision. The authority competent to issue such a decision, depending on the forest's ownership, is: (1) the Minister of Environment and Climate, being responsible for environmental affairs – in forests owned by the State Treasury; (2) the *starosta* – in forests not owned by the State Treasury. In both cases the issuance of a decision is preceded by the requirement to obtain the opinion of the commune council, which is not binding on these bodies. The council should express an opinion in the form of a resolution within two months of the date of receipt of the request for its expression. If it does not express an opinion within this period, the law states that the commune council is deemed to have no objections [Radecki 2008]. The removal of the protective character of a forest is subject to the same procedure [Bobek et al. 2024]. The fact that the commune can only express an opinion was questioned by one of the communes before the Constitutional Tribunal, claiming that this regulation contradicts the constitutional principle of participation of local government in the exercise of power and the principle of equality (the case concerned constitutional provisions applicable in law before 1997). According to the Tribunal, Article 16 of [Act of 1991] is compatible with both of the aforementioned constitutional principles. It was further argued that forest management, because of its obvious connection with environmental issues, is subject to special legal treatment. The legislature had decided that the issue of forest protection, as part of the area of environmental protection, should be the responsibility of the government administration, so that a uniform policy could be pursued nationwide in this regard. Therefore, communes were rightly not

given a decisive voice, but the right to submit an opinion. Moreover, “the recognition of forests as protective is related to nature protection [...]”. Recognizing a forest as protective should therefore also be in the broader interest of the local community” [CT Judgement of 1994].

Alongside protective forests, Polish law also distinguishes protected forests located in health resorts. They have a similar name as well as a certain territorial overlap. However, these are established on the basis of a different act [Act of 2004] and differ in terms of the implications for forest management and the rules of land use applicable to the areas adjacent to them [Orzechowski 2016]. Because of the comprehensiveness of the regulation of each of the forms of protected natural area, these issues are beyond the scope of this study and therefore require separate research.

3. Health resort protection zones as an additional forest protection regime in health resorts

Health resort communes having the status of health resort in accordance with the assumptions of the legislation are particularly privileged entities, endowed by nature with unique therapeutic raw materials, unique landscape, clean air and highly forested areas, and simultaneous special treatment by the state. Three protection zones are distinguished in health resorts, currently specified in Article 2, section 6 of [Act of 2005] and defined as health resort protection zones, meaning parts of the health resort area or health resort protection area, specified in the health resort charter, separately defined in order to protect therapeutic factors and natural therapeutic raw materials, environmental values and spa facilities. This is essentially the only legal definition, among many pieces of legislation, that comprehensively outlines what a protection zone is [Jankowska 2014]. What is more, the phrase “separately defined” used in Article 38 of [Act of 2005] means that the regulation has an absolute character. The commune's legislative body does not have the ability to determine other health resort protection zones [SAC Judgement of 2014].

Protection zones fall under the legal concept of a protection area as developed in the doctrine of administrative law [Stelmasiak 2009]. These zones are referred to in the literature as special zones [Leoński 2005] or special areas [Boć 2005], designated interchangeably as areas subject to special legal protection [Ura 2010]. The essence of protection zones is the establishment of a specific public law regime, where the term “regime” lexically means a system of government power (often with a negative tint); strictly established procedure; discipline, rigour [Szymczak 1981].

Health resorts are treated as areas of special legal protection with an overriding ecological function, to

the extent that they must take into account the environmental protection requirements to maintain their therapeutic functions. Thus, such an area is a portion of the state's territory in which a special legal regime applies, limiting or making exemptions from some generally applicable laws, with priority given to the purpose of its creation [Stelmasiak 1986]. In addition to achieving the primary purposes, it is permissible to perform other tasks, provided that they do not conflict with the primary purpose [Wasilewski 1969].

The essence of the legal regime in special areas consists in the fact that a certain behaviour causes a certain legal situation only within an individualized area because of a legal regulation specifically and exclusively concerning that particular area. This gives reason for detailed and complete legal provisions, providing a basis for distinguishing such regimes as closed wholes which, in relation to the general regime, exhibit independence, priority in the implementation of standards, and a specific local nature of regulations [Boć 2005]. Legal consequences for citizens are dependent on their legal position in relation to the health resort regime and the zones designated within its area. This applies, for example, to a resident, a patient, a forest or real estate owner, an entrepreneur undertaking certain forestry activities, or other persons residing within the area [SAC Judgement of 2019].

Given the diversity of the protection zones, legal doctrine distinguishes certain criteria for their classification [Ura 2010]. Health resort protection zones can be classified with regard to: (1) their separation and establishment – by act of law, (2) the subjects of the applicable regulations – environmental protection and human health protection [Zacharczuk 2017].

It is noteworthy that the creation of health resort protection zones takes place in accordance with a specific procedure as defined in [Act of 2005]. To put it in simple terms, the commune prepares a health resort report which defines health resort protection zones and sends that document to the Minister of Health. The latter confirms the fulfilment of the necessary conditions to be granted the status of a health resort by way of an administrative decision. Thereafter, the commune council establishes the charter of the health resort. In the regulations on health resort charters, it is stipulated that prohibited activities should be defined for the individual protection zones. The granting of authority to the commune council to determine prohibited activities in protection zones means that the statutory regulation of prohibitions does not exclude local regulation. The role of the charter of a given health resort is to specify prohibitions depending on the individual conditions of that resort. The individual conditions of the health resort are therefore important for determining the prohibitions applicable in individual protection

zones, and their scope is decided by the commune council when it adopts the charter of the health resort. It should therefore be recognized that the charter is not limited only to the spatial designation of individual health resort zones, and the power to make prohibitions regarding individual health resort zones does not result solely from Article 38(1) of the Act, but from a statutory regulation based on the above-mentioned provisions of the Act [SAC Judgement of 2008]. Thus, the object of the regulation contained in the charter of the health resort is the establishment of abstractly defined orders or prohibitions addressed to generally defined recipients who are external to the administration; this act therefore meets the conditions allowing it to qualify as an act of local law [VAC Judgement of 2012].

Article 38, sections 1–3 of [Act of 2005] regulate in detail the extent of three health resort protection zones designated A, B and C, taking into account the percentage of green and biologically active areas designated within the area of the health resort. It is correctly pointed out by L. Stanek [2011] that parametric features of the health resort which may or may not be covered by the zone are left undefined. Practical problems concern the rigid and artificial division relating to the percentage of green and biologically active areas, because communes have difficulties in delineating the boundaries between the zones.

The regulations on the resort protection zones and the extent of prohibitions have undergone certain changes. In the original version of [Act of 2005], zone A covered an area in which the percentage of green areas was not less than 75%; zone B, in which the percentage of green areas was not less than 55%, covered an area adjacent to zone A; while zone C, adjacent to zone B, covered an area having an impact on the preservation of scenic and climatic values and the protection of natural deposits of therapeutic raw materials. Important changes resulted from [Act of 2011], and according to the current Article 38 of [Act of 2005] the following three types of spa protection zones are defined within the area of a health resort: (1) zone A, for which the percentage of green areas is not less than 65%, covering the area where health resort treatment facilities and health resort treatment facilities are located or planned, together with other facilities for health resort treatment or for patients or tourists, to the extent that they do not impede the operation of health resort treatment centres, in particular guesthouses, restaurants or cafés; (2) zone B, for which the percentage of green areas is not less than 50%, covering an area adjacent to zone A and designated for service and tourist facilities (including hotels), as well as recreational, sports and amenity facilities, housing and other facilities, serving to meet the needs of people residing in the area, or included within the boundaries of a national park or

nature reserve or being a forest, sea or lake that do not adversely affect the therapeutic properties of the health resort and are not inconvenient for patients; (3) zone C, for which the percentage of biologically active areas is not less than 45%, covering an area adjacent to zone B and having an impact on the preservation of scenic and climatic values and the protection of natural deposits of therapeutic raw materials.

As regards prohibitions, according to the original version of [Act of 2005] in zone A it was prohibited to establish new industrial plants or to expand existing ones, and to carry out felling of forest and park trees, except for sanitary cuts. In zone B it was prohibited to establish new industrial plants or expand existing ones, and to carry out felling of forest and park trees, except for sanitary cuts. In zone C the unplanned felling of trees was forbidden. In [Act of 2005], before and after particular amendments, many prohibitions are defined for individual health resort protection zones, such as “construction” and “other activities”. According to the current version of Article 38a, sections 1–3 [Act of 2005] there is a prohibition in zone A on the construction of industrial plants and felling of forest and park trees, except for maintenance cuts. On the one hand, this constitutes a specific limitation on forest management activities, but on the other hand it serves as an effective tool for forest protection. In zone B the felling of forest and park trees is prohibited, with the exception of maintenance cuts and felling specified in the forest management plan. In zone C there is a prohibition on the construction of industrial plants and “other activities”, such as felling of forest and park trees, except for sanitary cuts and felling specified in the forest management plan. In practical terms the regulations for zones B and C imply protection at the level of an ordinary protective forest, but under this procedure, the commune has the main influence on the designation of protective forests [Bobek et al. 2024].

Certain conclusions can be drawn from further analysis of the legal amendments. Until 2011, in zones A and B the law only allowed sanitary cuts and thus prohibited the logging of trees for economic purposes. Moreover, the legislation concerning the felling of forest and park trees failed to take into account that in most health resorts, forests are designated as protective forests, where an obligation already exists by definition to comply with special management requirements. In many health resorts there exist so-called health resort parks, which, despite the lack of a legal definition, are organized and orderly areas used for rest and entertainment [Kraś 2011]. In these areas typical park management takes place, consisting of the establishment and maintenance of footpaths, bicycle paths, construction and maintenance of park gazebos, ponds, dykes, rides and catering facilities, and structural landscaping.

This involves land development in accordance with the adopted management plan for the park or forest. In practice, management of such an area involves not only the planting of new trees, but also their felling and maintenance. Forest and parks around health resorts have already been subjected to far-reaching transformations (reconstruction of ecosystems) and require continuation of this work. A complete prohibition on felling of forest and park trees might adversely impact forest and park management in health resorts. It should be recalled that in the original version of [Act of 2005] in zone C only the unplanned felling of trees was prohibited. In the case of industrial plants, a practical example would be a production plant engaged in the processing, import and export of various types of wood, or a brine graduation tower, which is a wooden structure filled with blackthorn twigs, along which brine flows, this being a health resort treatment facility (like health resort parks) necessary for health resort treatment because it serves to make therapeutic use of natural therapeutic resources and the healing properties of the climate. It appears that such a plant could be located in zone C, as it does not impair or conflict with the health resort functions and moreover may have been operating for many years; the presence of such a facility was ruled not to be an obstacle to the establishment of the zone [SAC Judgement of 2016]. This may contribute to a rational compromise between multiple functions of the forest. An excellent practical example of an unusual combination of therapeutic and industrial functions is Ustroń health resort [Gonda-Soroczyńska 2013].

The behaviour of a legal entity is subject to an obligation if an activity is prescribed or prohibited by a particular regulation [Górski 2012]. Therefore [Act of 2005] combines certain injunctions (health resort status may be granted to an area when it meets all of the specified conditions) and prohibitions (applicable within a number of different health resort protection zones).

4. Forests around health resorts having the status of areas with increased social function

Forests with increased social function are a new category of forests and an important step towards the systematization of the issue of forests located around big cities, and are also a subject relevant to forests around health resorts in relation to which expectations of reduced sourcing of wood, development of recreational infrastructure or organization of mass events are expressed. The management of the State Forests points to the need to designate areas of this type and to modify principles of their development [State Forests Information 2022]. Even though new regulations concerning forests with increased social function will be introduced gradually,

they are to be created only when a new cycle of forest management planning begins, which means that they will not be created in some forest districts until 2031 [Bobek et al. 2024].

The Guidelines for the Management of Forests with Increased Social Function on the Land under the Management of the State Forests are crucial in this regard. This regulation [State Forests Ordinance of 2022] has been attached as Appendix No. 1 and entered into force on 1 September 2022. It means that the process of designating a new category of forest has already begun. It is worth adding that ordinances of this type do not constitute generally applicable law but are internal regulations in force in the State Forests. They offer no possibility of appealing against them to the courts or submitting them to control [Bobek et al. 2024]. Modern management of forests based on a rational compromise between the multiple functions of the forest requires extensive knowledge and non-schematic approaches to each tree stand. To put it simply, the Guidelines presented below, contained in 14 paragraphs, are directional and of the nature of a framework, and the forest officer can take individual decisions based on local conditions and experience, assuming they are and will be consistent with the accepted management concept applicable to forests with increased social function. With regard to the proper definition of the analysed category of forests in a health resort, these were taken to be health resort forests in zones A and B as specified in [Act of 2005], which corresponds to the legal concept of a health resort. Moreover, these are also forests subject to intensive recreational use and forest areas in the immediate vicinity of recreation centres, which may also be related to the legal status of a health resort, assuming the specific behaviour of people using forests around health resorts, i.e. beyond the designated protection zones A and B.

In forest complexes classified as areas of increased social function it will be possible to designate zones of either intensive or balanced social impact (as required). This division will be the basis for diversifying the manner of implementing economic indications. It means that where forests are particularly frequently visited, it will be possible to additionally divide them into intensive impact zones – forest areas located in the immediate or close vicinity of residential areas and along the main routes on which the recreational traffic is concentrated (mandatory guidelines) – and balanced impact zones – concerning the remaining forest areas within the complex with increased social function defined in the forest management plan, which are usually located further away from the residential areas and the main routes, with a noticeably much lower human presence (optional guidelines). The delimitation of areas will not be schematic (e.g. based on the distance

from the city boundaries). Moreover, not every forest district will need to designate them. The provisions on forest management priorities are also significant in this respect because in view of the management needs of forests with increased social function and needs of the social landscape, health or recreation, the planning and implementation of forest management work should take greater account of the intensity of recreational use of the forest by the public. It is worth adding that the guidelines also provide for the possibility of separating a special management area at the stage of creating a plan, i.e. a separate group of forests for which separate management rules will be indicated. This also applies to recreational development, which is an important element of providing access to the forest and conducting nature and forest education. In relation to the analysed guidelines, it constitutes a set of factors structuring the forest for leisure and recreation purposes, while enabling the performance of basic tasks in the field of forest management. In particular, forests in protection zones around sanatoriums and health resorts may be subject to recreational development. The basic criteria determining and justifying the recreational development of forests include in particular: the location of forest complexes in relation to urban agglomerations and centres of social life, including health resorts and their accessibility, recreational values of the forest, and other values of the natural environment. It should be added that in areas with increased social function, the use of improved stepped nested felling (IVd) is preferred for recreational and health resort areas. In addition, the use of intermittent felling (V) is recommended. Other regulations stipulated by the guidelines in question also include: selected nature conservation and landscape protection activities, forest generation exchange, forest restoration and maintenance, performance of management procedures, public safety, organization of joint ventures, educational and media activities, as well as social dialogue and local cooperation teams.

5. Forest promotional complexes as functional areas in a health resort

Forest promotional complexes are large, dense forest areas belonging to one or several forest districts. They have been created throughout the national territory, including certain health resort communes, the whole or part of whose area has been granted health resort status: they demonstrate the variability of habitat conditions, the diversity of forest species composition and the multitude of functions performed by the forests. It is an original, native idea for promoting ecological forestry. Its only European equivalent is the Swedish model forest concept, and outside Europe – a similar, slightly earlier Canadian initiative. The idea of creating

such areas has been commended by European foresters and scientists [State Forests Information 2016]. It is worth adding that this pilot area of implementation of the state's pro-ecological forest policy is a functional unit without separate administration. The first forest promotional complexes were established by [State Forests Ordinance of 1994].

Pursuant to Article 1, section 7 of [Act of 1997], forest promotional complexes have been established since 1997 on the basis of Article 13b (1–4) and Article 33 (1) of [Act of 1991]. According to the above-mentioned regulations, in order to promote permanently sustainable forest management and protect natural resources in forests, the Director General may, by way of an ordinance, establish forest promotional complexes. The State Forests are managed by the Director General with the assistance of regional directors of the State Forests directorates. It is also worth adding that the forest promotional complexes include forests managed by the State Forests. Forests of other owners may be included in such complexes at their request. Forest promotional complexes are functional areas of ecological, educational and social importance, the activities of which are determined by a uniform economic and protection programme developed by the competent director of the Regional Directorate of the State Forests. For each forest promotional complex, the General Director appoints a scientific and social council, which is responsible for initiating and assessing the implementation of activities undertaken in a forest promotional complex.

Forest promotional complexes are an important form of nature protection. According to the latest statistics [Chief Statistical Office 2023], there are 25 forest promotional complexes located on the territory of 17 Regional Directorates of the State Forests, as well as other units (outside the State Forests), urban and commune forests, experimental forestry plants, and the Research Station of the State Academy of Sciences (Popielno), covering a total area of 1,275,445 ha. Of this, the State Forests manage an area of 1,250,010 ha, which corresponds to 17.5% of the total forest area under the management of the State Forests.

As already mentioned, the first forest promotional complexes were established in 1994. Due to the genesis

and dynamics of their establishment in different years, it is appropriate at this point to provide information on their number over the years, especially in 1994 and at present (the latest available data are for 31 December 2022), including the increase in their area. Changes in this regard are presented in Table 2.

The forest promotional complexes currently under State Forests management are subject to [State Forests Ordinance of 2018]. Importantly, according to § 2–3 of the ordinance, forest promotional complexes are functional areas of particular social, ecological and educational importance, including forests managed by the State Forests and specific forests of other owners included in such complexes at their request. Forest promotional complexes are not independent economic entities. The purpose of their establishment and operation is of great significance: (1) the promotion of permanently sustainable forest management conducted by the State Forests, understood as convincing broad social circles and decision-making circles that permanently sustainable forest management is the best activity, taking into account all aspects of sustainable development and horizontally integrated with maintaining, shaping and deepening biodiversity in forests; (2) promotion and integration of the goals of permanently sustainable forest management with active protection of natural resources in forests resulting from the management of forests in accordance with the principles of sustainable development and their use for nature conservation purposes in the strict sense of the term; (3) comprehensive identification and monitoring of the condition of biocenoses in the forest promotional complexes' area and their life conditions, as well as trends in changes taking place in these biocenoses.

Analysis of Appendix No. 1 to the Ordinance, specifying the location and the area of forest promotional complexes, shows that some of them are located in the area of health resorts, such as Ustroń (Beskid Śląski Forests), Świeradów (Western Sudetes), Muszyna (Beskid Sądecki Forests), and Supraśl (Knyszyn Forest).

When referring to forest promotional complexes in health resorts, it can be assumed that within these isolated forest complexes, the very phrase “promotion” meaning “activities aimed at increasing the

Table 2. Promotional forest complexes (PFC) in 2022 as of 31 December [own study based on GUS 2023] in ha

Year of foundation	1994	1996	2001	2002	2004	2005	2011
Total area	324 583	149 921	29 797	153 209	326 314	52 283	239 338
Total number	7	3	1	2	5	1	6

popularity of some product or enterprise; promoting, disseminating; raising the status” is already relevant [Dictionary of Polish]. Moreover in [Act of 1991] the legislator promotes permanently sustainable forest management and the protection of natural resources in forests. Although the forest promotional complexes are distinguished in the Polish legal system on the basis of the functions specified above, by adding specific characteristics to this “institution”, including social elements (scientific and social council), the legislator does not determine the structure of a forest promotional complex in any way in legal terms. The regulations do not specify what legal consequences arise from establishing a forest promotional complex, apart from the valuation of the forest areas where the complex will be established [Bieluk, Leśkiewicz 2017].

6. Health resort forests – an attempt to determine the characteristics and the meaning based on analyses of archival and current documents

This section of the article not only attempts to define the health resort forest, but is also supported by analyses of relevant archival and current documents.

In an attempt to make a reconstruction of the characteristics and concept of term “health resort forest”, reference was made to internal regulations included in individual forest management instructions. In [Instructions of 1957] two types of forest were distinguished – economic and protective. Protective forests were assumed to be those in which, in addition to timber production, other important general social functions became predominant. This category included health resort and climatic forests. The subsequent [Instructions of 1970] specified in detail the individual categories of protective forests, including health resort and climatic forests, located in the vicinity of health resorts and sanatoriums, and forests intended for mass recreation of the population, located in forest areas of special recreational and aesthetic value. The subsequent [Instructions of 1980] distinguished, similarly, between health resort and climatic forests as well as forests intended for mass recreation of the population (but only in the part located in the areas of tourist and recreation centres and their immediate surroundings, as well as in health resort areas). In [Instructions of 1994] and [Instructions of 2003] among the protective forests were health resort forests including protection zones and forests around spa sanatoriums [Jaszczak 2008]. The following [Instructions 2012] effective until December 2023 distinguished health resort forests (OCH UZDR) on the basis of protection categories – according to the relevant decision of the Minister of Environment on the recognition of the forest as protective. Importantly, economic indications were included

in a directional manner due to the needs of the forest district regarding infrastructure, including general and road construction, water reclamation and the development of mountain streams, as well as recreational development and forest landscaping in forests classified as protective in the protection zones around sanatoriums and health resorts. These instructions also distinguish special management covering functional areas performing specific functions in an organized facility, the implementation of which requires the limiting or abandonment of production functions; this includes, among others, zones subject to a prohibition on logging – health resort forests in health resort protection zones A and B, as specified in the health resort charter. As for determining the needs in the field of technical infrastructure, including tourism and recreation, the extent of health resort forests is assumed to be in accordance with the charters of health resorts. The boundaries of the zones should, in principle, run along the boundaries of exclusions or other natural objects (roads, watercourses, surface division lines). The most recent document [Instructions of 2024] also refers to resort forests in the context of the distinction between protection categories due to the functions of the forest, since according to the relevant decision of the minister responsible for the environment on the recognition of a forest as protective, when determining the leading categories and their letter codes, health resort forests are designated as (OCH UZDR). The most recent document also covers, in a directional manner: the needs of the forest district regarding infrastructure, including general and road construction, water retention and reclamation as well as the development of mountain streams and recreational development, especially recreational development and forest landscaping within the protection zones around spas and sanatoriums. With regard to the criterion of subdivision into management types, the management of forests with social impact (OS) is quite important; it includes forest areas associated with the frequent and intensive presence of people in the forest for recreational, leisure, health and other socially important purposes. This applies in particular to health resort forests in health resort protection zones A and B, as defined by the health resort charter. The extent of the health resort protection forests shall be adopted in accordance with the health resort charter. In principle, the boundaries of the zones should run along the boundaries of exclusions or other natural objects (including, for example, roads, watercourses, surface division lines). It is worth mentioning that for protective forests according to the main protection categories defined as being of health resort type, a summary of surface areas is currently drawn up according to the administrative division of communes and also aggregated for an entire forest district.

Moreover, forest management silviculture principles are also important. In [Forestry Rules of 2003], the natural functions of the forest were significant for health resort forests, i.e. those arising from the very existence of the forest within which the biotic functions defined in § 6 were distinguished in terms of their mode of provision, which shaped the biotic potential of the forest in space. Bioethical functions, also referred to as environmental, ecological or social, had their source in the life processes of the forest, in particular in the binding of atmospheric carbon and nitrogen oxides in the organic mass, the release of oxygen, water vapour, phytoncides, and scents, and expressed in the creation of biotic potential, the impact of which extended both to the forest environment and the broadly defined natural environment surrounding the forest. Within this group of functions, the following functions were distinguished: climatic, spa, recreational, tourist, water retention, purification and distribution, and also those related to the stimulation of productivity in non-forest economic activities. Next, there are also the protective functions, which protect natural values and the environment in the forest and outside the forest by protecting forest and non-forest natural resources and landscapes from degradation, loss of value, pollution, or harmful effects of external factors. Separate assumptions are also set out when it comes to general silvicultural procedures in protective forests: § 35 clarifies the procedures for forests in protection zones around sanatoriums and health resorts. In addition, as part of the section on forest surroundings, the rules for recreational management of forests in protection zones around sanatoriums and health resorts are regulated in § 171–172, with the recommendation to distinguish three zones A, B, and C. In [Forestry Rules of 2012], in the context of health resort forests, it is essentially only mentioned in § 6 that protective forests include forests with special natural values, in the protection category of health resort forests located

in zones specified in the charters of health resorts, and forests in protection zones around sanatoriums. The most recent [Forestry Rules of 2023] do not include any detailed regulations concerning the function and management of health resort forests, other than the rules for the conduct of clear-cutting (Vb) and (IVd).

From the analysis of generally applicable law and internal regulations, as well as other documents already cited in this paper, it can be determined that the current legal status of health resort forests results from the overlap of various regimes, which have not only a protective character, as shown in Figure 1. Undoubtedly the tangent point for all of these regimes in the current legal arrangement is the health resort area.

The term health resort is a legal one. In practice, the assessment of whether a particular forest is located in an area subject to health resort protection is objective in nature. In the literature [Gruszecki 2010] it is claimed that both the entity using the health resort forest and the administrative body competent to recognize and manage this category of forests can easily determine whether it is a health resort in the case under consideration. This is determined by assigning such a character to a specific area. While sharing this view [Gonda-Soroczyńska 2014] it can be stated that undoubtedly in the past the location of forest complexes significantly influenced the development and function of health resorts, which from the beginning of their existence were single-function centres. For this reason especially, when establishing the characteristics and concept of health resort forests, it is necessary to take into account the current trends towards the creation of health resort centres as multifunctional, most often combining health resort, recreation and tourism functions, with a predominant health resort function, assuming that other functions are also possible as complementary ones.



Fig. 1

The well-known health properties of the forest favour the development of health resort treatment and rehabilitation, as well as tourism and recreation in the vicinity of health resorts [Szymańska, Kalejta 2018]. Forests are areas with specific bioclimate characteristics because they also modify heat exchange between humans and the environment [Kuchcik et al. 2013]. Such forest communities as oak–hornbeam, light oak, mixed coniferous forest, pine and dry pine forest, as well as poplar and heather riparian forests have special health properties due to their beneficial stimulation of the respiratory and circulatory systems. The beneficial effect of forests on the microclimate and the purity of the air is acknowledged, because forest vegetation captures dust and harmful chemical compounds and perfectly suppresses noise [State Forests Report of 2022].

Attention should be drawn to the fact that according to the literature, it is assumed that forests in health resorts fulfil the following functions: (1) climatic – protecting the microclimate of a particular region, (2) recreational and leisure – due to being areas of rest and relaxation for people, (3) spa- and climate-related – protecting health resort conditions and areas [Falencka-Jabłońska 2012]. Undoubtedly, the indicated features are related to the preservation of the therapeutic function of a health resort [Jachimowicz-Jankowska 2023].

It seems that these should be supplemented with several more functions or, to phrase it better, factors, for example: (1) bioethical and aesthetic impact, (2) preservation of traditional and cultural values, (3) exerting a positive influence on building structures and the development of municipal infrastructure in order to meet the needs of people staying in the commune for health resort treatment and relaxation in and around the health resort, as well as health resort tourism in the health resort commune, (4) improved public education concerning forestry, (5) promotion of sustainable forestry, (6) ensuring an appropriate response to threats to the forest environment, (7) anticipation of urban investment areas adjacent to the health resort protection zones designated within the health resort commune

as part of the economic activity zone, (8) enabling the coexistence of the therapeutic function of a health resort with the operations of wood industry, as part of permanently sustainable forest management or assuming that it does not negatively impact the environment, (9) use of forests as a renewable source of wood, which is related to the demand for wood and wood products for economic purposes and the need to ensure economic conditions for forest management, (10) taking health resort areas into account in planning and spatial development in the health resort commune, especially in health resort protection zone A, (11) promoting the specific characteristics of the place that forms the health resort area in terms of its geographical region, habitats and woodland, as well as natural and scenic qualities. The factors influencing the legal status of health resort forests are presented in Table 3 below.

The present research shows that current legislation concerning forest and health resort issues and regulating the special status of health resort forests can be divided into four groups, relating to: (1) the fulfilment of the statutory conditions for obtaining and maintaining the status of a health resort, (2) the establishment of health resort protection zones in a health resort area, (3) the establishment of special legal protection for forests in a health resort conducive to the provision and maintenance of the health resort therapeutic function as the main one, (4) the existence of other additional functions. The health resort is understood here as a territorial part of the commune, which determines the status of the commune and determines the recognition of the health resort therapeutic function as the main one, hence most of the matters relevant to the development of the commune are subordinated to it. Thus, one gets the impression that the legislation, with regard to the creation and management of health resort forests, places the main emphasis only on the health resort and thus fails to see the health resort commune as a whole. We recall that this means a commune whose area or part thereof has been granted the status of a health resort. In practical terms this may be the whole area

Table 3. Factors influencing the legal status of spa forests – SWOT analysis [own study]

Strengths	Weaknesses	Opportunities	Threats
Separation of forests spa resorts	Degradation the environment	Tree care treatments	Atmospheric factors and climate changes
Health resort status and spa protection zone	Inflow of pollution from outside the spa commune	Raising the ecological awareness of society	Environment pollution
The occurrence of valuable protected areas	Invasive species	Expanding the range of functions	Pests and parasites moreover fires
S	W	O	T

of the commune, such as Horyniec-Zdrój health resort, or it may be only a health resort village such as Dąbki, which has the status of a health resort located in the health resort commune of Darłowo. It may also be only an ancillary unit in the form of a health resort, such as Cieplice Śląskie-Zdrój (in Cieplice Health Resort District), which is part of the town in the commune of Jelenia Góra. After all, the already analysed scope of prohibitions applies only to separated health resort protection zones in the health resort area. Thus, the wood industry developing in Ustroń, which is divided into health resort and industrial districts, is a confirmation that different functions can nevertheless complement each other. Other examples of co-existing relationships between a health resort commune and the wood industry are to be found in Augustów and Supraśl.

Factual differentiation between a health resort and a health resort commune would allow the creation of a classification of health resort forests based on the ecosystem approach proposed by foresters, which is based on an assessment of the natural and social value of forests [Bekas 2024]. When applied to health resort forests, such a classification into three categories would be as follows: (1) health resort forests excluded from use, which would include areas of high natural value – a health resort area with separate spa protection zones; (2) health resort forests partially excluded from use with a dominant natural or social function – the area of a health resort commune adjacent to the health resort; (3) health resort forests used for economic purposes – the remaining area of the health resort commune. The proposed model for the classification of health resort forests is presented in Figure 2.

Undoubtedly, the development of a concept of multifunctional forest management, which would need to take into account the costs of restrictions on the harvesting and use of wood resources [Bekas 2020], would constitute a compromise taking into

account the proposals and expectations regarding changes among certain social groups, as well as in political, scientific and practitioner circles [Szramka, Adamowicz 2017], thus giving rise to the creation of a multi-functional resort forest concept combining protective, environmental and wood production functions [Bergen 1994, Uibrig et al. 2014, Wysoczek-Fijorek et al. 2020]. These functions have been the subject of dispute in recent years [Sadowska et al. 2023]. On the other hand, it should be borne in mind that, in practice, the performance of logging in health resort protection zones, within forests in health resorts, has and will continue to arouse debate, constituting a battleground between environmentalists and foresters [Jastrzębski 2023]. The needs and interests of the health resort commune where the health resort is located must also be taken into account. It is not uncommon for the wood industry to employ many people in the commune, but it is also an important part of the national economy. It also creates economic and investment development opportunities for the communes, bringing in revenue. Therefore, any changes require a prior analysis of their impact in a broad perspective.

Due to the lack of a legal definition of health resort forests in Polish law, an attempt was made here to define this term. Health resort forests are forests located in the whole area of a health resort commune or its part, and also may cover areas around a health resort, located in health resort protection zones adjacent to the health resort. Adopting only the definition of health resort forests proposed above, however, would seem to be an incomplete step. It requires expansion due to the fact that, in addition to the health resort location of this category of forests, their specific functions or factors should also be taken into account as a basis for distinguishing health resort forests in terms of their special legal status.

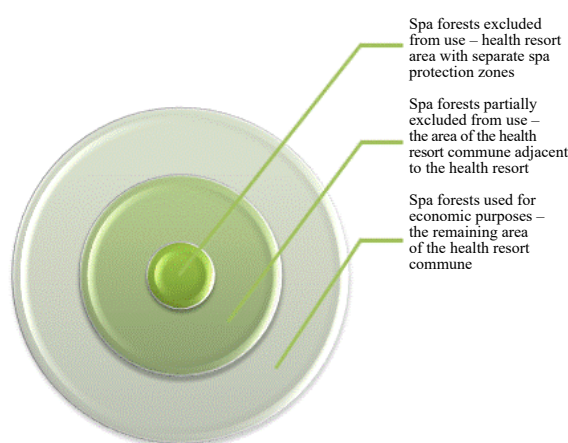


Fig. 2

Conclusions

The present research has concerned health resort forests as forests with special legal status. Due to the wide scope of the subject matter, the main emphasis was placed on an attempt to define the term “health resort forests”, which is not precisely defined in Polish law. The analyses led to the following conclusion: the individual types of forests presented in this paper, located in a health resort area, justify their designation based on the legislator’s ability to classify them into a separate group, collectively defined as health resort forests.

Unquestionably, health resort forests protect the natural environment, and the location of this type of forest in the health resort area arises from their therapeutic function related to the protection of a health resort and the existence of a health resort. This, in turn, translates into the provision of health services in the area of health resort treatment for patients. In addition to their protective functions, the forests surrounding health resorts also fulfil the function of leisure and tourism facilities for the inhabitants of the health resorts, tourists, and patients. Also characteristic of this type of forest is the establishment of a number of orders and prohibitions aimed at various groups of entities residing or carrying out specific activities in these forests, including forestry activities in a health resort, which is related to the need to designate health resort protection zones. In addition, these are forests with an increased social function, as well as functional areas of particular social, ecological and educational importance. The expansion of the range of functions of the health resort forests should be assessed positively, all the more so as changes are taking place in terms of the transformation of health resorts from single-functional to multifunctional centres.

Currently, regulatory support for the protection of health resorts is provided by the designation of forests located in a health resort as protective. The competent authorities in this respect are the Minister of the Environment and Climate and the *starosta*. The legislation assigns to the commune authorities only the role of an opinion-giving body in this regard. However, the closed list of natural resources, which generally includes forests, raises concerns with regard to other natural elements not specified therein. It seems that the inclusion of Polish health resorts in the category of national strategic natural resources would also highlight the role and increase the significance of the health resort forests. Moreover, in view of the noticeable downward trend in the area of health resort forests, it is reasonable to

propose that this type of forest be singled out as having special legal status.

Taking into account the motives and the method of creation, as well as the specific conditions and interrelated and complementary legal regimes applicable to health resort forests, their inclusion as forests with a special legal status should not raise any doubts. However, a broader discussion is needed in the context of the classification of these forests into the existing divisions and typologies. The issue of unambiguous classification of health resort forests is also an open question. It would have to be legally established whether these are only protective or social, educational, ecological, non-production forests, or whether they are multifunctional, allowing for a combination of therapeutic functions with industrial functions, for example related to food production, and finally whether they form a kind of hybrid forests group.

The broad definition of health resort forests proposed in this paper and their model, broken down into areas within a health resort commune and a health resort, combined with an ecosystem approach should allow the reconciliation of conservation and environmental functions with the priority objective of forest management, which has been, is and will continue to be the harvesting of wood. It is therefore necessary to optimize activities related to the production functions of the forest so that the State Forests can conduct regular forest management and treat wood from these places as a raw material. This should mean that silvicultural cuttings will be possible in the designated areas of a health resort commune – especially in health resort forests used for economic purposes, thus enabling foresters to promote natural recovery. Undoubtedly this may be difficult to put into practice, since it requires many legal amendments and a remodelling of the way of thinking and the perception of health resort communes as a whole in relation to health resort forests. Compromise and cooperation should therefore be sought between the health resort commune authorities and the administrative bodies responsible for forestry matters. It would be advisable to create a specialist forestry and health resort committee that would be in charge of the administration and coordination of activities in the field of the forest economy, with a view to taking advantage of and fully utilising the properties of a forest complex in a health resort commune and a health resort area. In light of the above conclusions, the issue of health resort forests discussed in this paper appears to be far from exhausted and undoubtedly requires further research.

Conflict of interest

The author(s) declare(s) that there is no conflict of interest concerning the publication of this article.

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