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Selected legal aspects of biodiversity, especially related to agriculture (CAP 2023–2027, Poland, Austria and Canada)

Wybrane aspekty prawne bioróżnorodności, ze szczególnym uwzględnieniem rolnictwa (WPR 2023–2027, Polska, Austria i Kanada)

Abstract: Agricultural activities are essential for providing food, but they can also have a positive or negative impact on biodiversity protection. This article assesses the extent to which legislation and policy address biodiversity issues, particularly in relation to agriculture, and explores how they can contribute to halting and reversing biodiversity loss. Due to the broad scope of the topic, the article focusses on specific aspects of the EU's Common Agricultural Policy for 2023–2027, as well as national legislation in Poland and Austria. Canadian legislation is also analysed. The article begins by referring to the Convention on Biological Diversity (signed in Rio de Janeiro on 5 June 1992), the Kunming-Montreal Global Biodiversity Framework (agreed in December 2022) and FAO Council Resolution 1/1681, concerning the conservation and sustainable use of biological diversity for food and agriculture. The author concludes that the issue of biodiversity in agriculture is becoming increasingly important at the global, EU, and national levels due to the worldwide decline or disappearance of many plant and animal species. More legal regulations are being adopted to encourage agricultural producers to protect biodiversity, for instance, by participating in agri-environment-climate programmes, eco-schemes, soil protection initiatives, precision farming techniques and tree planting on agricultural land. However, further legislative action is needed in CAP 2028–2034.

Keywords: biodiversity, Common Agricultural Policy, agricultural activity, agri-environment-climate programmes, eco-schemes, rural areas

Abstrakt: Działalność rolnicza ma zasadnicze znaczenie dla zapewnienia żywności, ale może mieć pozytywny lub negatywny wpływ na ochronę różnorodności biologicznej. Celem niniejszego artykułu jest ocena, w jakim stopniu przepisy prawne i polityka odnoszą się do kwestii różnorodności biologicznej, zwłaszcza w odniesieniu do rolnictwa oraz w jaki sposób mogą one przyczynić się do powstrzymania i odwrócenia procesu utraty różnorodności biologicznej. Ze względu na szeroki zakres zagadnień w artykule skupiono się na wybranych aspektach wspólnej polityki rolnej UE na lata 2023–2027, krajowych przepisach prawnych w Polsce i Austrii. Nastąpi także nawiązanie do Kanady. Na początku wskazano na postanowienia Konwencji o różnorodności biologicznej, sporządzonej w Rio de Janeiro 5 czerwca 1992 r., Globalnych ram różnorodności biologicznej z Kunming-Montreal z grudnia 2022 r. oraz rezolucji Rady FAO nr 1/168 w sprawie ochrony i zrównoważonego wykorzystania różnorodności biologicznej na rzecz wyżywienia i rolnictwa. Podsumowując, autorka stwierdziła, że kwestia różnorodności biologicznej w rolnictwie staje się coraz ważniejsza na poziomie globalnym, unijnym i krajowym ze względu na spadek liczebności lub zanikanie wielu gatunków roślin i zwierząt na całym świecie. Uchwalanych jest więcej regulacji prawnych zachęcających producentów rolnych do podejmowania działań na rzecz ochrony różnorodności biologicznej, na przykład poprzez udział w programach rolno-środowiskowo-klimatycznych, ekoschematach dotyczących ochrony gleb, wykorzystywanie technik rolnictwa precyzyjnego i sadzenie drzew na gruntach rolnych. Potrzebne są jednak dalsze działania legislacyjne w ramach WPR 2028–2034.

Słowa kluczowe: różnorodność biologiczna, Wspólna Polityka Rolna, działalność rolnicza, programy rolno-środowiskowo-klimatyczne, ekoschematy, obszary wiejskie

1. Introduction

Human activity in areas such as industry, mining, and the overexploitation of natural resources, forests, oceans, rivers, lakes and soils has had a negative impact on biodiversity. Climate change, environmental pollution, invasive alien

species and ecologically unsustainable production and consumption patterns also contribute to biodiversity loss.¹ Biodiversity is fundamental to human and planetary health and economic prosperity by supporting all life systems on Earth. It provides crucial ecosystem services such as food, medicine, energy, clean air and water, safety from natural disasters, recreation and cultural inspiration.² The Convention on Biological Diversity, drawn up in Rio de Janeiro on 5 June 1992,³ defines biodiversity as the variability among all living organisms derived, *inter alia*, from terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part. This encompasses genetic diversity within species, taxonomic diversity between species and ecological diversity between ecosystems and habitats, particularly those characterised by high species richness, a high proportion of endemic or threatened taxa and a demonstrable social, economic, cultural or scientific value.⁴

During the UN COP 15 Biodiversity Conference in Montreal, Canada, on 7–14 December 2022, the European Union joined the countries that signed the historic Kunming-Montreal Global Biodiversity Framework (GBF).⁵ The

¹ *Działania w obronie interesów natury – Kompendium informacyjne* [Actions in Defense of Nature's Interests – Information Compendium], <https://www.gov.pl/web/wprpo2020/strategia-na-rzecz-bioroznorodnosci-2030>, [access: 3.08.2025].

² *Introduction to the GBF*, <https://www.cbd.int/gbf/introduction> [access: 3.08.2025].

³ The article specifies the objectives of the Convention on Biological Diversity, signed in Rio de Janeiro on 5 June 1992, *Journal of Laws of 2002*, No. 184, item 1532.

⁴ B.J. Cardinale, J.E. Duffy, A. Gonzalez, D.U. Hooper, C. Perrings, P. Venail, A. Narwani, G.M. Mace, D. Tilman, D.A. Wardle, A.P. Kinzig, G.C. Daily, M. Loreau, J.B. Grace, A. Larigauderie, D.S. Srivastava, S. Naeem, *Biodiversity Loss and Its Impact on Humanity*, "Nature" 2012, no. 486, p. 59–67; S.C. Phang, P. Failler, P. Bridgewater, *Addressing the Implementation Challenge of the Global Biodiversity Framework*, "Biodiversity and Conservation" 2020, vol. 29, no. 9–10, p. 3061–3066, <https://doi.org/10.1007/s10531-020-02009-2>; H. Locke, E.C. Ellis, O. Venter, R. Schuster, K. Ma, X. Shen, S. Woodley, N. Kingston, N. Bhola, B.B.N. Strassburg, A. Paulsch, B. Williams, J.E.M. Watson, *Three Global Conditions for Biodiversity Conservation and Sustainable Use: An Implementation Framework*, "National Science Review" 2019, vol. 6, no. 6, p. 1080–1082, <https://doi.org/10.1093/nsr/nwz136>; D. Armitage, P. Mbatha, E. Muhl, W. Rice, M. Sowman, *Governance Principles for Community-centered Conservation in the Post-2020 Global Biodiversity Framework*, "Conservation Science and Practice," 2020, vol. 2, no. 2, p. 1–18, <https://doi.org/10.1111/csp2.160>; M. Baran, *Towards EU Nature Restoration Law: A Boost for Biodiversity and Climate?*, in: A. Sikora, I. Kawka (eds), *The European Green Deal and the Impact of Climate Change on the EU Regulatory Framework: Searching for Coherence*, Presses universitaires Saint-Louis Bruxelles, Bruxelles 2024, p. 113–140, <https://books.openedition.org/pusl/36401> [access: 3.08.2025].

⁵ *The Kunming-Montreal Global Biodiversity Framework*, <https://www.cbd.int/gbf> [access: 30.09.2025]; E.A. Mikhailova, H.A. Zurqani, L. Lin, Z. Hao, C.J. Post, M.A. Schlautman, G.C. Post, G.A. Highberger, G.B. Shepherd, *The Role of Soil Diversity in the Kunming-Montreal Global Biodiversity Framework: Example of the Contiguous United States of America (USA)*, "Biosphere" 2025, no. 1, p. 3, <https://doi.org/10.3390/biosphere1010003>; A.C. Hughes, R.E. Grumbine, *The Kunming-Montreal Global Biodiversity Framework: What it Does and Does Not Do, and How to Improve It*, "Frontiers in Environmental Science" 2023, no. 11, p. 1–12, <https://doi.org/10.3389/fenvs.2023.1281536>.

GBF was adopted by 196 countries with the aim of reducing biodiversity loss and the main objective to “halt and reverse biodiversity loss”, based on 23 targets to be achieved by 2030, along with four long-term targets for 2050. After a four-year consultation and negotiation process, targets were identified: to restore 30% of the world’s degraded ecosystems (on land and at sea) by 2030; to halt the extinction of known species and, by 2050, to reduce tenfold the risk and rate of extinction of all species (including those not yet known); to reduce the risk of pollution and the negative impact of pollutants from all sources by 2030 to a level that is not harmful to biodiversity and ecosystem functions; to manage agricultural areas, aquaculture, fisheries and forestry and to achieve a significant increase in agroecology and other biodiversity-friendly practices; to combat climate change through nature-based solutions; and to reduce the introduction and establishment of invasive alien species by at least 50% by 2030.⁶ It is worth noting that the Cartagena Protocol on Biosafety to the Convention on Biological Diversity,⁷ also drawn up in Montreal, Canada in 2000, states that its objective is to ensure an adequate level of protection in the safe movement, transport, transfer and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity.

Agricultural activities, which produce agricultural products essential for human life, can have either a positive or negative impact on biodiversity conservation (e.g. the loss of animal habitats, the extinction of plant species and the reduction of genetic diversity in crop populations through the use of large amounts of plant protection products, improper work practices and extensive farming). The less intensive agriculture is, the greater the diversity of plants and animals in the fields can be. Biodiversity has a positive impact on agricultural production, ensuring such aspects as proper soil structure and function, soil fertility and productivity, pollination of plants, protection against water and wind erosion, nutrient cycling in nature (including waste decomposition),

⁶ M. Rutkowski, *Dla przyrody i ludzkości — COP 15. Historyczne porozumienie podpisane!* [For Nature and Humanity – COP 15. Historic Agreement Signed!], <https://ksow.pl/aktualnosc/dla-przyrody-i-ludzkości-cop-15-historyczne-porozumienie-podpisane> [access: 30.09.2025].

⁷ Cartagena Protocol on Biosafety to the Convention on Biological Diversity, done in Montreal on 29 January 2000, Journal of Laws 2004, No. 216, item 2201; J. Jendrośka, M. Bar, Z. Bukowski, *Protokół Kartageński o bezpieczeństwie biologicznym do Konwencji o różnorodności biologicznej: komentarz* [Commentary on the Cartagena Protocol on Biosafety to the Convention on Biological Diversity], Centrum Prawa Ekologicznego, Wrocław 2004; *Cartagena Protocol on Biosafety to the Convention on Biological Diversity*, Secretariat of the Convention on Biological Diversity, Montreal 2000, <https://www.cbd.int/doc/legal/cartagena-protocol-en.pdf> [access: 7.08.2025]; D. Pyć, *Ochrona przyrody* [Nature Conservation], in: Z. Brodecki (ed.), *Ochrona środowiska* [Environmental Protection], LexisNexis, Warsaw 2005, p. 277–291.

control over the proper water cycle in nature and diversity of organisms in a changing climate.

FAO Resolution 1/168, Conservation and sustainable use of biodiversity for food and agriculture and the post-2020 global biodiversity framework⁸ of 4 December 2021, emphasises that the Commission on Genetic Resources for Food and Agriculture points to the need to protect biodiversity for food and agriculture and to promote its use in order to support global food security and sustainable development for present and future generations. This resolution encourages Member States to incorporate the Commission's sectoral global action plans, the framework for action on biodiversity for food and agriculture and policy tools into policies, programmes and national and regional action plans in agriculture, forestry, fisheries and aquaculture, biodiversity, climate change, food security, nutrition and health and other relevant sectors, as appropriate. This document also emphasizes the need to develop proposals for financing biodiversity actions for food and agriculture, including genetic resources, in line with their national priorities, where appropriate, seeking funding from various sources, including the Global Environment Facility, the Green Climate Fund and other financing mechanisms and forms.⁹

EU legislation has been addressing the issue of biodiversity for many years. It is worth noting that as early as 1993, the Convention on Biological Diversity, signed in June 1992 in Rio de Janeiro, was approved on behalf of the European Economic Community.¹⁰ This was done on the basis of Council Decision of 25 October 1993 on the conclusion of the Convention on Biological Diversity (93/626/EEC).¹¹ The preamble emphasises that the conservation of biological diversity is a matter of global concern and that it is therefore appropriate for the Community and its Member States to participate in international efforts to achieve the same objective – in particular, by promoting the conservation and sustainable use of biological diversity and by adopting agreed rules on its use

⁸ Appendix E. Resolution 1/168 The Conservation and Sustainable Use of Biodiversity for Food and Agriculture and the Post-2020 Global Biodiversity, <https://openknowledge.fao.org/server/api/core/bitstreams/ac175d82-5b5a-4b66-a088-62a114677c7b/content> [access: 30.09.2025].

⁹ I. Brierley, E. Wooden, K. Crumpler, J. Bélanger, *Biodiversity and Agrifood Systems in Nationally Determined Contributions – NDC Thematic Policy Analysis*, Food and Agriculture Organization, Rome 2024, <https://doi.org/10.4060/cd2827en>.

¹⁰ M. Niekisch, R. Wittig, *Gesetze, Verordnungen und Konventionen zum Schutz der Biodiversität*, in: R. Wittig, M. Niekisch (eds), *Biodiversität: Grundlagen, Gefährdung, Schutz*, Springer, Berlin 2014, p. 373–405, https://doi.org/10.1007/978-3-642-54694-5_13.

¹¹ Council Decision of 25 October 1993 concerning the conclusion of the Convention on Biological Diversity, OJ L 309, 13.12.1993, p. 1–2.

and the sharing of its benefits. The EU's efforts to halt the loss of biodiversity and ecosystems are based on legislation such as the Birds and Habitats Directives, the Water Framework Directive and the Marine Strategy Framework Directive. In addition, resolutions, communications and strategies setting out action plans for biodiversity are also important, e.g. the EU Biodiversity Strategy for 2030.¹²

This is an ambitious, long-term plan to protect nature and reverse the degradation of ecosystems. The main objective of the strategy is to restore biodiversity in Europe by 2030 through specific actions and commitments. In turn, the EU Biodiversity Strategy for 2030, entitled "Restoring nature to our lives",¹³ was published by the European Commission on 20 May 2020. It emphasises that biodiversity is crucial to ensuring food security and that the EU agricultural sector plays an important role in producing healthy, safe and affordable food. It also points out that farmers have a key role to play in the success of this strategy and that the strategy itself should be aligned with the measures, objectives and targets set out in the Farm to Fork Strategy, taking into account the potential socioeconomic impacts. It is necessary for farmers to receive support, including economic support and training, in the transition to sustainable agricultural systems in order to promote agroecological practices and other innovative sustainable practices.

However, according to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 laying down provisions on support for strategic plans,¹⁴ the specific objective of the Common Agricultural Policy (CAP) for 2023–2027 is to contribute to halting and reversing biodiversity loss, enhancing ecosystem services and protecting habitats and landscapes. The preamble emphasises that, given the importance of counteracting the radical loss of biodiversity, support under this Regulation should help integrate biodiversity measures into Union policies and achieve the goal of allocating 7.5% of annual expenditure under the multiannual financial framework (MFF) to biodiversity

¹² European Parliament resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030 – Bringing nature back into our lives (2020/2273(INI)), OJ C 67, 8.02.2022, p. 25–55.

¹³ *Biodiversity Strategy for 2030*, https://environment.ec.europa.eu/strategy/biodiversity-strategy-2030_en [access: 7.08.2025].

¹⁴ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013, OJ L 435, 6.12.2021, p. 1–186.

objectives in 2024 and 10% of annual MFF expenditure to biodiversity objectives in 2026 and 2027.

Based on EU legislation and the permitted possibilities for enacting national regulations, Poland and other EU countries are taking measures to protect biodiversity. One example is Austria, which has the largest share of organic farming in the EU,¹⁵ and substantial forested and mountainous areas. Biodiversity protection is also crucial on other continents. Another relevant example is Canada, a country where agriculture is very important and which has been taking action in this area for many years. Although it has a significant amount of agricultural land, most of it is not high quality and is subject to drought.

This article aims to determine the extent to which legislation and policy take into account the issue of biodiversity, especially in relation to agriculture, and can contribute to halting and reversing the process of biodiversity loss. Due to the broad scope of the discussion, the article focusses on selected issues of the Common Agricultural Policy for 2023–2027 and national legal regulations in force in Poland, Austria and Canada.¹⁶

2. International and EU policy and legal regulations on biodiversity – Selected aspects

Article 8 of the 1992 Convention on Biological Diversity stipulates, among other things, that each contracting party shall, as far as possible and as appropriate, pass regulations on and manage biological resources important for the conservation of biological diversity both within and outside protected areas. There is no doubt that the challenges related to biodiversity vary from country

¹⁵ B. Freyer, E. Michael, W. Schneeberger, I. Darnhofer, L. Kirner, T. Lindenthal, W. Zollitsch, *Organic Farming in Austria – Developments and Perspectives*, “German Journal of Agricultural Economics” 2001, vol. 50, no. 7, p. 400–409; N. Gleirscher, *Policy Instruments in Support of Organic Farming in Austria*, “International Journal of Agricultural Resources, Governance and Ecology” 2008, vol. 7, no. 1, p. 51–62, <https://doi.org/10.1504/IJARGE.2008.016979>; K. Ishikura, *Current Status of Organic Farming Promotion and Agri-environmental Policy in Austria*, “Journal of Rural Problems” 2024, vol. 60, no. 1, p. 19–26, <https://doi.org/10.7310/arfe.60.19>.

¹⁶ Poland, Austria and Canada are countries that vary in size and natural conditions, but agriculture is an important sector of their economies. Environmental protection is also a priority in these countries. For example, organic farming accounts for over 20% of the agricultural sector in Austria, and in Canada, environmental protection is also a significant issue due to the country’s diverse climate zones and farming conditions. Similarly in Poland. Furthermore, having conducted comparative legal research on agriculture in these three countries, the author of this article considers that the issue of biodiversity should also be addressed.

to country and depend on the natural conditions and socioeconomic situation.¹⁷ The Convention introduced three levels of nature protection – genetic, species and ecosystem – and the concept of protection is understood as a number of measures consisting of preserving biodiversity at all levels, including restoring lost elements and creating forms of biodiversity resource management.¹⁸

Agricultural activities can have a negative impact on, for example, water, soil and the organisms living in it. That is why it is important to use land, especially agricultural land, in a sustainable manner. The Convention on Biological Diversity defines “sustainable use” as the use of elements of biological diversity in such a way and at such a rate that they are not depleted over the long term, thus maintaining their potential to meet the needs and aspirations of present and future generations (Art. 2). The Convention states that soil biodiversity includes microorganisms – encompassing bacteria, fungi, protozoa and nematodes – as well as larger organisms, which together contribute to the ecological and functional diversity of soil ecosystems. Biodiversity below and above ground is closely linked and interacts through mutual relationships (e.g. mycorrhizal fungi that connect plant roots).

The International Treaty on Plant Genetic Resources for Food and Agriculture, adopted in Rome on 3 November 2001,¹⁹ emphasises that plant genetic resources for food and agriculture are a common concern of all states and that all states are highly dependent on plant genetic resources for food and agriculture originating in foreign territories. Article 1 specifies that the objectives of this treaty are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair, equitable sharing of the benefits arising therefrom, which are to be achieved in accordance with the Convention on Biological Diversity. These objectives are to be achieved by establishing a close relationship between this treaty and the Food and Agriculture Organization of the United Nations and the Convention on Biological Diversity.²⁰ The Contracting Parties shall develop and implement appropriate policies and apply

¹⁷ K. Stępień, *Charakterystyka instrumentów prawnych służących ochronie różnorodności biologicznej w Polsce* [Characteristics of Legal Instruments for the Protection of Biodiversity in Poland], *Przegląd Prawa Ochrony Środowiska* 2016, no. 2, p. 157–174.

¹⁸ *Ibidem*.

¹⁹ International Treaty on Plant Genetic Resources for Food and Agriculture, done in Rome on 3 November 2001, *Journal of Laws* 2006, No. 159, item 1128.

²⁰ P. Gała, *Ochrona i wykorzystanie roślinnych zasobów genowych. Wybrane aspekty prawne* [Protection and Use of Plant Genetic Resources. Selected Legal Aspects], *“Studia Iuridica Agraria”* 2012, no. 10, p. 489–502; P. Gała, *Ochrona bioróżnorodności a prawa własności intelektualnej w rolnictwie* [Biodiversity Protection and Intellectual Property Rights in Agriculture], *“Studia Iuridica Agraria”* 2014, no. 12, p. 137–148.

legal regulations that promote the sustainable use of plant genetic resources for food and agriculture. It is important to pursue sound agricultural policies that promote the development and maintenance of various agricultural systems that support sustainability, agricultural biological diversity and the protection of natural resources. These include expanding research that supports and protects biological diversity, broadening the genetic base of crop plants, increasing the range of genetic diversity available to farmers and promoting the widespread use of local and locally adapted crops, varieties and marginal crops.

Council Directive 79/409/EEC on the conservation of wild birds²¹ and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora²² address the issue of biodiversity, as do Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy²³ and Regulation (EU) 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species.²⁴ Of particular importance is the Natura 2000 network, an EU-wide system of protected areas established by the Habitats Directive, which also includes special protection areas established under the Birds Directive. The EU's Biodiversity Strategy to 2030 – “Bringing nature back into our lives” is an ambitious, long-term plan to protect nature and reverse the degradation of ecosystems.²⁵

The main objective of the Strategy is to restore biodiversity in Europe by 2030.²⁶ The European Parliament resolution of 9 June 2021 on the EU's Biodiversity Strategy for 2030 – “Bringing nature back into our lives” emphasises that soil provides essential ecosystem services and mitigates climate change, making

²¹ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, OJ L 103, 25.04.1979, p. 1–18.

²² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.07.1992, p. 7–50.

²³ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy, OJ L 164, 25.06.2008, p. 19–40.

²⁴ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species, OJ L 317, 4.11.2014, p. 35–55.

²⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030. Bringing nature back into our lives, COM/2020/380 final.

²⁶ *Biodiversity Strategy 2030 – Common Agricultural Policy After 2020*, <https://www.gov.pl/web/wprpo2020/bioroznorodnosc---wspolna-polityka-rolna-po-2020-roku> [access: 30.09.2025].

it one of the most important terrestrial carbon sinks. A common framework for soil should address all major threats to soil, including loss of soil biodiversity, loss of soil organic matter, contamination, salinisation, acidification, desertification, erosion and soil sealing.

In June 2024, the Council adopted legislation on nature restoration: Regulation (EU) 2024/1991 of the European Parliament and of the Council on the restoration of natural resources and amending Regulation (EU) 2022/869 (Nature Restoration Law).²⁷ As stated in the explanatory memorandum, to date the EU has failed to halt biodiversity loss. A recent study completed as part of the evaluation of the EU Biodiversity Strategy to 2020 shows that between 2011 and 2020, the EU was unable to halt biodiversity loss. The voluntary target of restoring at least 15% of degraded ecosystems by 2020 (in line with Aichi Target 15 of the Convention on Biological Diversity) has not been met. As far as biodiversity and ecosystems are concerned, the outlook is bleak and indicates that the current approach is not sufficiently effective; therefore, further legislative changes and concrete actions are necessary²⁸.

The 2024 Nature Restoration Law introduces provisions that are intended to contribute to the long-term, sustainable restoration of biologically diverse, resilient ecosystems in the terrestrial and marine areas of Member States through the restoration of degraded ecosystems. According to the Regulation, “restoration” means the process of actively or passively supporting the return of an ecosystem to a favourable condition in order to improve its structure and functions with the aim of maintaining or enhancing the biodiversity and resilience of the ecosystem, by bringing the habitat area of a given type to a favourable condition (Article 3 point 3). Article 11 of the Nature Restoration Law concerns the restoration of agricultural ecosystems. Member States are to introduce the restoration measures necessary to increase biodiversity in agricultural ecosys-

²⁷ Regulation (EU) 2022/869 of the European Parliament and of the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013, OJ L 2024/1991, 29.07.2024. see also G. Tucker, *Europe's Nature and Conservation Needs*, in: G. Tucker (ed.), *Nature Conservation in Europe: Approaches and Lessons*, Cambridge University Press, Cambridge 2023, p. 13–40.

²⁸ Proposal for a Regulation of the European Parliament and of the Council on nature restoration, COM/2022/304 final; A. Suchoń, *Prawa, obowiązki i interesy właścicieli gruntów rolnych a ochrona środowiska – perspektywa krajowa, unijna i międzynarodowa* [Rights, Obligations and Interests of Agricultural Land Owners and Environmental Protection – National, EU and International Perspectives], in: M. Baran, B. Iwańska, I. Przybojewska (eds), *Prawa i interesy w ochronie środowiska. Perspektywa międzynarodowa, unijna i krajowa* [Rights and Interests in Environmental Protection. International, EU and National Perspectives], C.H. Beck, Warsaw 2025, p. 255–286.

tems, taking into account climate change, the social and economic needs of rural areas and the need to ensure sustainable agricultural production in the Union. The aim is to achieve, at the national level, an upward trend in at least two of the three indicators in agricultural ecosystems, namely, the abundance of butterflies on grassland, organic carbon stocks in mineral soils of arable land and the percentage of agricultural land with high biodiversity features. Where appropriate, they shall create incentives for rewetting to make it attractive to farmers and private landowners and support access to training and advice for farmers and other stakeholders on the benefits of rewetting peatlands and on subsequent land management options and related opportunities.

It is also worth mentioning the Directive on Soil Monitoring and Resilience (Soil Monitoring Law).²⁹ Point 21 of its Preamble states that soils contain over 25% of all biodiversity resources and are the second largest carbon reservoir on our planet. Soil biodiversity includes microorganisms, such as bacteria, fungi, protists and nematodes, as well as larger organisms such as earthworms and insects and plant roots, which together contribute to the ecological and functional diversity of soil ecosystems. Biodiversity underground and above ground are closely linked and interact through interspecies relationships. The Directive establishes a framework and measures for a) monitoring and assessing soil health, b) soil resilience and c) managing contaminated sites.³⁰ According to Art. 3(3) of the Directive, “soil biodiversity” means the variation in soil life, from genes to communities of organisms, and the ecological complexes of which they are part – that is, complexes ranging from soil micro-habitats to landscapes.

Growing concerns about the state of the world’s soils prompted the UN General Assembly to declare 2015 the International Year of Soils. The FAO

²⁹ Directive (EU) 2025/2360 of the European Parliament and of the Council of 12 November 2025 on soil monitoring and resilience, OJ L 2025/2360, 26.11.2025; *Overview of Land Degradation Neutrality (LDN) in Europe and Central Asia*, Food and Agriculture Organization, Rome 2022, <https://www.fao.org/documents/card/en/c/cb7986en> [access: 17.10.2024]. A. Suchoń, *Proposal for a Directive of the European Parliament and of the Council on Soil Monitoring and Resilience (Soil Monitoring Directive) of 5 July 2023 in the Context of the Right to Health, Food and Information Concerning the Environment*, in: A. Sikora-Kaléda, I. Kawka (eds), *Fundamental Rights and Climate Change. Exploring New Perspectives and Corresponding Remedies*, Księgarnia Akademicka, Cracow 2025, p. 169–192, <https://doi.org/10.12797/9788383682471>.

³⁰ J. Augier, J. Papuchon, A. Devot, V. Ayrat, A. De Pierrepont, A. Marechal, S. Meredith, D. Lisbona, E. Poirier, E. Maire, D. Pinsault, A. Frelih-Larsen, T. Clement, *Evaluation Study on the Impact of the CAP on the Sustainable Management of Soil. Final Report to DG Agriculture*, Publications Office of the European Union, Luxembourg 2021, <https://www.ecologic.eu/sites/default/files/publication/2022/3591-Evaluation-Support-Study-on-The-Impact-of-The-CAP-on-Sustainable-Management-of-The-Soil-web.pdf> [access: 7.08.2025].

also adopted an amendment to the World Soil Charter, and World Soil Day is celebrated on 5 December of each year. Soil degradation has a negative impact on other elements of the environment. According to a FAO publication, soils perform 11 key functions, including purifying water and reducing pollution, participating in the circulation of elements, providing a habitat for living organisms, reducing the risk of flooding, being a source of medicinal substances and genetic resources, being a priority element of the natural environment and having a decisive impact on the survival and prosperity of humanity.³¹

3. Short history of the Common Agricultural Policy, the CAP 2023–2027 and biodiversity

The CAP is a central pillar of the European project and, for over 69 years, has represented a commitment to ensuring food security in accordance with the objectives of the EU Treaties. It should be emphasised that even the Treaty of Rome of 1957 contained provisions on agriculture. This was linked to problems regarding adequate food supplies and ensuring the stability of supplies following the Second World War, among other things. As Holzer rightly points out, the CAP is the most developed and structured area of the EU legal order, due to its scope, diversity, technical nature and dynamics.³² Over the years, addressing environmental challenges has become increasingly important. Article 6, added to the Treaty of Rome, and now Article 11 of the Treaty on the Functioning of the European Union, has also had an impact. It stipulates that, in defining and implementing the Union's policies and activities, in particular with a view to promoting sustainable development, environmental protection requirements must be taken into account. Article 13 is also significant: in formulating and implementing agricultural policies, the Union and the Member States shall take full account of the welfare requirements of animals as sentient beings, whilst respecting the laws, regulations and administrative provisions and customs of the Member States. Article 191 TFEU, on the other hand, states that the EU's policy on the environment shall contribute to the

³¹ *Soil Functions*, <http://www.fao.org/resources/infographics/infographics-details/en/c/284478/> [access: 17.10.2025]; N. Harari, R. Mekdaschi Studer, S. Bastidas Fegan, S. Schlingloff, A. Brès, *Promoting Sustainable Land Management Through Evidence-based Decision Support – A Guide with Country Insights*, Food and Agriculture Organization of the United Nations, Rome 2023, <https://doi.org/10.4060/cc6118en>.

³² G. Holzer, *Agrarrecht*, Der Verlag Österreich, Wien 2023, p. 10–20.

following objectives: the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources. The Union's environmental policy aims for a high level of protection, taking into account the diversity of situations in the various regions of the Union.

It should also be pointed out that the CAP objectives set out in the 1957 Treaty of Rome remain binding today, but the CAP faces an increasing number of challenges, such as climate change and the sustainable management of natural resources, care for rural areas across the EU and maintaining the sustainability of the agricultural economy, as well as ensuring profitable food production.³³ Agricultural producers also face more obligations, which often relate to environmental protection rather than agricultural production. As part of Ray MacShare's 1992 reform, a number of environmental protection measures were introduced, including the afforestation of agricultural land and agri-environmental schemes.³⁴ It should be noted that there are an increasing number of obligations linked to direct payments concerning environmental protection. The evolution of the importance of biodiversity issues should be highlighted. For example, in 2006 the Commission issued a Communication titled "Halting the loss of biodiversity by 2010 and beyond: Sustaining ecosystem services for human well-being" (COM(2006) 216 final), and in 2011 the first EU Biodiversity Strategy for 2020.³⁵ In subsequent years, an increasing number of measures have been taken to promote biodiversity, including in agriculture. The European Green Deal³⁶ has significantly helped place a greater emphasis on environmental protection within the CAP. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 laying down rules on support for strategic plans emphasises that, given the importance of addressing the dramatic loss of biodiversity, support under this Regulation should contribute to integrating biodiversity considerations into Union policies and to achieving the goal of allocating 7.5% of annual

³³ See more A. Jurcewicz (ed.), *Prawo i polityka rolna Unii Europejskiej* [European Union Agricultural Law and Policy], Instytut Wydawniczy EuroPrawo, Warsaw 2010.

³⁴ A. Matthews, *Greening Agricultural Payments in the EU's Common Agricultural Policy*, "Bio-based and Applied Economics" 2013, 2(1), p. 1–27.

³⁵ *Biodiversity Strategy for 2020*, <https://eur-lex.europa.eu/EN/legal-content/summary/biodiversity-strategy-for-2020.html> [access: 30.09.2025].

³⁶ About The EU Green Deal see: e.g. M. Inglese, *The EU Green Deal and the Farm to Fork Strategy: A Fundamental Rights Approach to Harmonise the Internal Market*, in: A. Sikora, I. Kawka (eds), *The European Green Deal and the Impact of Climate Change on the EU Regulatory Framework*, Presses universitaires Saint-Louis Bruxelles, Bruxelles 2024, p. 183–199, <https://books.openedition.org/pusl/36416> [access: 30.09.2025].

expenditure under the multiannual financial framework (MFF) to biodiversity objectives in 2024. In addition, 10% of annual expenditure under the MFF should go towards biodiversity objectives in 2026 and 2027. This Regulation specifies that within the general objectives (Article 5), support from the EAGF (the European Agricultural Guarantee Fund) and the European Agricultural Fund for Rural Development (EAFRD) shall serve to further improve the sustainability of agriculture, food and rural areas and to achieve the general economic, environmental and social objectives. This will contribute to the implementation of the 2030 Agenda for Sustainable Development, including supporting and strengthening environmental protection (e.g. biodiversity and climate action) and contributing to the achievement of the Union's environmental and climate objectives and commitments under the Paris Agreement.

The specific objective of the CAP 2023–2027 set out in Article 6 is to contribute to halting and reversing biodiversity loss, enhancing ecosystem services and protecting habitats and landscapes, contributing to climate change mitigation and adaptation – including through the reduction of greenhouse gas emissions and the enhancement of carbon sequestration – and promoting sustainable energy.

A new feature of the CAP 2023–2027 is the climate, environment and animal welfare schemes, some of which directly address biodiversity. Member States shall establish voluntary schemes for these areas and provide support for them under the conditions set out in this article and specified in their CAP Strategic Plans. Each eco-scheme should, in principle, cover at least two of the following areas of action for climate, environment, animal welfare and combating antimicrobial resistance: adaptation to climate change, including measures to increase the resilience of food production systems and animal and plant diversity, and biodiversity protection, preservation or restoration of habitats or species, including the preservation and creation of landscape features or non-productive areas. Regulation (EU) 2021/2115 provides that agricultural producers in certain sectors, referred to in Article 42(f) and including fruit and vegetable, hops, olive oil and table olives, may also benefit from interventions for protecting and improving biodiversity, sustainably using natural resources and protecting water, soil and air in particular.

The payments specified in Article 70 of Regulation (EU) 2021/2115 are also intended to contribute to the achievement of biodiversity objectives: Member States shall include agri-environment-climate commitments among the interventions provided for in their CAP strategic plans. These shall be granted only to farmers or other beneficiaries who voluntarily undertake actions recognised as beneficial for achieving one or more of the specific objectives set out

in Article 6(1) and (2), such as contributing to halting and reversing biodiversity loss, enhancing ecosystem services and protecting habitats and landscapes. This Regulation also provides that Member States may, under the conditions laid down in its Article 72 and specified in their CAP *strategic plans*, grant payments for specific disadvantages in a given area arising from the requirements of the implementing Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds or Directive 2000/60/EC. These payments shall be granted to farmers, forest holders and their associations and other land managers. When determining areas with handicaps, Member States may take into account agricultural and forested areas of the Natura 2000 network designated in accordance with Directives 92/43/EEC and 2009/147/EC or other designated environmental protection areas where environmental restrictions on agricultural or forestry activities apply, contributing to the implementation of Article 10 of Directive 92/43/EEC.

In order to halt and reverse biodiversity loss, strengthen ecosystem services and protect habitats and landscapes, suggested measures include increasing the population of farmland birds (e.g. the percentage of species and habitats of Community interest associated with agriculture that are stable or increasing, including that of wild pollinating insects); supporting the provision of ecosystem services (the share of agricultural land with landscape features); enhancing agri-biodiversity in the agricultural system; developing organic farming; supporting sustainable forest management (percentage of forest land covered by commitments to support forest protection and ecosystem service management); protecting habitats and species (percentage of utilised agricultural area covered by supported commitments to protect or restore biodiversity, including high nature value farming practices); making biodiversity-related investments (percentage of farms receiving CAP support for biodiversity investments); improving the management of the Natura 2000 network (preserving landscape features); and protecting beehives.

4. CAP 2028–2034 – some remarks for the future

As regards the Common Agricultural Policy after 2027, the general principles are set out in the Proposal for a Regulation of the European Parliament and of the Council establishing the conditions for the implementation of Union

support for the Common Agricultural Policy for the period from 2028 to 2034.³⁷ Right at the start of the explanatory memorandum, it is pointed out that agriculture and food are sectors of strategic importance to the Union, providing 450 million Europeans with safe, high-quality food, and are also vital for solutions on protecting climate, nature, soil, water and biodiversity, which are currently under various pressures. It was also emphasised that this sector is vulnerable to climate change, biodiversity loss and socioeconomic pressures, which threaten its long-term sustainability and livelihoods. Article 10 of the Proposal concerns agri-environmental and climate actions. According to the draft, Member States are to provide incentives in the coming years for measures beneficial to the climate, the environment, animal health and welfare and sustainable forestry, such as voluntary management commitments from farmers and other beneficiaries, including commitments to maintain organic farming and the extensification of livestock production. Management commitments may be annual or multi-annual and may have the following particular objectives: protecting biodiversity, including landscape features; reducing pesticide use; protecting water quality and reducing pressure on water resources; and soil protection. Article 4 concerns priority areas for the environment and climate. Specifically, Member States are to provide support to farmers and other beneficiaries in at least each of the following environmental and climate priority areas: climate change adaptation and water resilience; healthy soil; conservation of biodiversity, e.g. protection of habitats, species or landscape features; and reduction of pesticide use.³⁸

5. Biodiversity in Poland and the CAP 2023–2027

Poland, like other European Union countries, has prepared a Strategic Plan for the CAP 2023–2027. It is worth explaining that this is a new CAP implementation instrument that gives Member States greater freedom and takes into account the needs of financing agriculture and rural areas. The Plan identifies measures which, in accordance with Regulation (EU) 2021/2115, have been selected by Poland for funding. Initially, a SWOT analysis was performed

³⁷ Proposal for a Regulation of the European Parliament and of the Council establishing the conditions for the implementation of the Union support to the Common Agriculture Policy for the period from 2028 to 2034, COM/2025/560, <https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=COM%3A2025%3A0560%3AFIN> [access: 7.04.2026].

³⁸ Ibidem.

and the challenges were identified (contributing to halting and reversing the loss of biodiversity, enhancing ecosystem services and protecting habitats and landscapes). The identified strengths were diverse geographical conditions and agricultural production systems; diverse landscapes, ecosystems (including those dependent on agriculture and forestry) and species of flora and fauna; a large proportion of agricultural land with significant natural and landscape values (the result of agricultural fragmentation and extensive agricultural production); a significant area and good condition of natural and semi-natural habitats (compared to other European countries); potential for restoring the ecosystems dependent on agriculture and forestry and related ecosystem services; well-preserved diversity of genetic resources of farm animals, crops and segetal plants and functioning systems for their protection; growing knowledge, awareness, activity and social expectations (including among farmers) regarding environmental issues, including biodiversity and landscapes; and scientific, expert, advisory and organisational support.³⁹

Weaknesses include the unsatisfactory condition of some natural habitats and the condition of plant and animal populations associated with ecosystems dependent on agriculture and forestry; the decline in pollinating insect populations; insufficient adaptation of agricultural management to natural conditions; low ecosystem efficiency of private forests in terms of carbon sequestration, water and soil protection and biodiversity; a decline in biodiversity as a result of agricultural production being dominated by plant varieties/animal breeds intended for intensive production; a lack of conservation action plans/conservation plans for all Natura 2000 sites; and conflict between the protection of protected species and agricultural management.⁴⁰

The Strategic Plan for the CAP 2023–2027 takes into account halting and reversing biodiversity loss, strengthening ecosystem services and protecting habitats and landscapes. One example is agricultural activity in Natura 2000-protected areas. According to 2020 data, Natura 2000 areas cover 19,6% of the country. This indicator does not differ significantly from the EU average (EU27) of 19,8%. The need to increase crop diversity has been highlighted.⁴¹ High

³⁹ *Plan Strategiczny dla Wspólnej Polityki Rolnej na lata 2023–2027 (PS WPR 2023–2027)* [Polish Strategic Plan for the CAP 2023–2027], <https://www.gov.pl/web/rolnictwo/plan-strategiczny-dla-wspolnej-polityki-rolnej-na-lata-2023-27> [access: 7.08.2025].

⁴⁰ *Ibidem*.

⁴¹ *Dwadzieścia procent powierzchni Polski zajmują obszary Natura 2000. Wkrótce pojawią się nowe, a niektóre już istniejące zostaną powiększone!* [Twenty Per Cent of Poland's Territory is Covered by Natura 2000 Areas. New Ones Will Soon be Added, and Some Existing Ones Will be Enlarged!], <https://www.gov.pl/web/gdos/dwadzieścia-procent-powierzchni-polski-zajmują-obszary-natura-2000-wkrotce-pojawia-sie-nowe-a-niektore-juz-istniejące-zostana-powiekszone> [access: 30.09.2025].

crop diversity counteracts the loss of biodiversity and has a positive impact on the diversity of the rural landscape. Crop rotation or other practices aimed at preserving soil potential, including crop diversification, are justified. Under the eco-schemes, crop diversification will be promoted particularly through the practice of diverse crop structure, requiring at least three different crops on the farm.

The Strategic Plan for the CAP 2023–2027⁴² also includes protecting the genetic resources of cultivated plants as part of preserving biodiversity. Plant varieties developed in the past by generations of farmers were adapted to the conditions of extensive agriculture. In terms of promoting the cultivation of traditional species and varieties, it is proposed to continue supporting extensive traditional orchards (I.8.4 – Preservation of traditional orchards of fruit tree varieties, multi-variety or multi-species, consisting of old varieties of trees). Emphasis is also placed on measures to increase biodiversity in private forests by diversifying the forest structure and species composition of tree stands (introducing deciduous species and those used in honey production). It is necessary to support the sustainable use of plant protection products and fertilisers that affect the quality of the environment.

It also indicates the importance of establishing and maintaining perennial flower strips on arable land and in fields, which provide habitat, shelter and a food source for many animal species, thereby enriching the rural landscape. Biodiversity gardens, on the other hand, shall consist of at least 20 species and contribute to the diversification of the rural landscape.⁴³ It is planned that approximately 1,400 ha will be covered by the support.

Based on the approved Strategic Plan, the Act of 8 February 2023 on the Strategic Plan for the Common Agricultural Policy for 2023–2027 was adopted.⁴⁴ In terms of biodiversity, particular attention should be paid to eco-schemes, which have appeared for the first time in the current CAP. According to Article 30, grants under eco-schemes go to farmers for areas planted for honey production, for carbon farming and nutrient management, for integrated crop

⁴² *Plan Strategiczny dla Wspólnej...*, op. cit.

⁴³ J. Kowalska, P. Sienkiewicz, M. Antkowiak, J. Krzywińska, *Pas kwiatowy jako element zielonej infrastruktury wzmacniającej bioróżnorodność ekosystemu* [Flower Strips as an Element of Green Infrastructure Strengthening Ecosystem Biodiversity], Instytut Ochrony Roślin – Państwowy Instytut Badawczy, Warsaw 2024; D.F. Dostatny, I. Świechowska, *Ogród bioróżnorodności* [Biodiversity Garden], Centrum Doradztwa Rolniczego w Brwinowie, Poznań 2023, https://www.cdr.gov.pl/images/wydawnictwa/2023/2023_Ogrod_bioroznorodnosci.pdf [access: 7.09.2025].

⁴⁴ Act of 8 February 2023 on the Strategic Plan for the Common Agricultural Policy for 2023–2027, Journal of Laws 2024, item 1741 as amended.

production, for organic farming, for water retention on permanent grassland, for land set aside, for elite or certified seed and for animal welfare.

As regards carbon farming, the beneficiaries are farmers who implement practices to increase carbon sequestration in the soil and improve nutrient management on agricultural land in approved areas. The Regulation of the Minister of Agriculture and Rural Development of 13 March 2023 on the detailed conditions and detailed procedure for paying payments under climate and environmental schemes under the Strategic Plan for the Common Agricultural Policy for 2023–2027⁴⁵ stipulates that grants for carbon farming and nutrient management are intended for implementing at least one of the following practices aimed at increasing carbon sequestration in the soil and improving nutrient management: extensive use of permanent grassland with livestock; winter catch crops or intercrops; 3) developing and adhering to a fertilisation plan, either basic or liming; diversified crop structure; mixing manure into arable land within 12 hours of application; applying natural liquid fertilisers by methods other than spraying; simplified cultivation systems; and mixing straw with soil. For example, points are awarded if the farmer cultivates at least three different crops on arable land, including at least one crop that has a positive effect on the soil organic matter balance.

Payments under interventions related to the environment, climate and other management commitments for the period 2023–2027 are granted in the form of agri-environment-climate payments, ecological payments and premiums for afforestation, tree planting or agroforestry systems. The Regulation of the Minister of Agriculture and Rural Development of 31 March 2023 on the detailed conditions and detailed procedure for granting and paying agri-environment-climate payments under the Strategic Plan for the Common Agricultural Policy for 2023–2027 specifies that agri-environment-climate payments are granted for implementing agri-environment-climate commitments referred to in Article 70(1) of Regulation 2021/2115, as part of interventions such as protecting valuable habitats and endangered species *in* Natura 2000 areas; protecting valuable habitats and endangered species outside Natura 2000 areas; extensively using meadows and pastures in Natura 2000 areas; preserving traditional fruit tree varieties; preserving endangered plant genetic resources in agriculture; pre-

⁴⁵ Regulation of the Minister of Agriculture and Rural Development of 13 March 2023 on the detailed conditions and detailed procedure for paying payments under climate and environmental schemes under the Strategic Plan for the Common Agricultural Policy for 2023–2027, Journal of Laws 2023, item 493 as amended.

serving endangered animal genetic resources in agriculture; and supporting biodiversity on arable land.

Biodiversity on arable land refers to two options: perennial flower strips (7.1) and biodiversity gardens (7.2). Section 18 of the Regulation stipulates that agri-environment-climate payments are granted for arable land on which perennial flower strips are established and maintained using a mixture of the plant species listed in the Regulation, or biodiversity gardens established with the plants specified therein. Payments are also granted to farmers for fulfilling their obligations on agricultural land, where they carry out organic production within the meaning of Article 2(1)(10) of the Act of 23 June 2022 on organic farming and organic production, and if they have at least one hectare of agricultural land.

Agri-environmental payments, and later agri-environment-climate payments, have been part of the Polish legal system for years. Owners as well as dependent holders may continue the programme. For example, in its judgment in Gorzów Wielkopolski of 16 January 2020 (I SA/Go 734/19, LEX 2767327) the Provincial Administrative Court ruled that:

the transfer of possession referred to in § 29(1) and (2) of the Regulation of 18 March 2015 on the detailed conditions and procedure for granting financial assistance under the “*Agri-environment-climate measure*” covered by the Rural Development Programme for the years (...) (Journal of Laws of 2015, item 415) may take place between two successive tenants of the land. Although paragraph 1 contains the phrase “as a result of a sale, lease or other agreement”, this only means that the basis for the transfer of possession must be a specific legal relationship. However, the cited regulation does not impose an obligation for the parties to the aforementioned agreements to be the transferor and transferee of possession.⁴⁶

Although state forests predominate in Poland (over 86%), there are also private forests for whose maintenance biodiversity is important. The possibility of obtaining EU funds should be assessed positively. Currently, Article 46 of the Act of 8 February 2023 on the Strategic Plan for the Common Agricultural Policy for 2023–2027 stipulates that support for forest or afforestation investments carried out under Article 69(d) of Regulation 2021/2115 shall be granted under the following interventions: 1) afforestation of agricultural land; 2) creation of field trees; 3) establishment of agroforestry systems; and 4) increasing the

⁴⁶ Judgment of the Provincial Administrative Court in Gorzów Wielkopolski of 16 January 2020, I SA/Go 734/19, LEX 2767327.

biodiversity of private forests. In the current period (2023–2027), premiums for afforestation, tree planting or agroforestry systems are possible. They are granted for implementing other management commitments referred to in Article 70(1) of Regulation 2021/2115, on land 1) which, as part of the interventions referred to in Article 46(1)(1)–(3), has been afforested, wooded or on which an agroforestry system has been established, 2) afforested as a result of natural succession or 3) which has been wooded as part of the sub-measure referred to in Article 3(1)(8)(a) of the Act of 20 February 2015 on supporting the development of rural areas with the participation of the European Agricultural Fund for Rural Development under the Rural Development Programme for 2014–2020.⁴⁷

It is also worth mentioning the specific guidelines for the granting, payment and recovery of financial assistance under the Strategic Plan for the Common Agricultural Policy for 2023–2027 for intervention I.10.4 – Investments contributing to environmental and climate protection.⁴⁸ It also refers to biodiversity and landscapes (protection and quality). Aid under I.10.4 pursues the following specific objectives of the CAP: halting and reversing biodiversity loss, enhancing ecosystem services and protecting habitats and landscapes; contributing to climate change mitigation and adaptation, including through the reduction of greenhouse gas emissions and the enhancement of carbon sequestration; promoting sustainable energy; and supporting the sustainable development and efficient management of natural resources such as water, soil and air, including by reducing dependence on chemicals. For example, IV.3.7 – Improvement of carbon sequestration or soil biodiversity specifies that if the operation includes an investment aimed at increasing carbon sequestration or soil biodiversity through appropriate land use, six points are awarded. Aid is granted for investments in the construction of, for example, new storage tanks for liquid manure, slurry and manure or the conversion or purchase of such storage tanks.⁴⁹

⁴⁷ Act of 20 February 2015 on supporting the development of rural areas with the participation of the European Agricultural Fund for Rural Development under the Rural Development Programme for 2014–2020, Journal of Laws 2023, item 2298.

⁴⁸ Communication of the Minister of Agriculture and Rural Development of 16 April 2024 on detailed guidelines for the granting, payment and reimbursement of financial aid under the Strategic Plan for the Common Agricultural Policy for 2023–2027 for interventions I.10.4 Investments contributing to environmental and climate protection, Monitor Polski 2024, item 306.

⁴⁹ Wytyczne szczegółowe dla interwencji I.10.4 Inwestycje przyczyniające się do ochrony środowiska i klimatu w ramach Planu Strategicznego dla Wspólnej Polityki Rolnej na lata 2023–2027 [Detailed Guidelines for Intervention I.10.4 Investments Contributing to Environmental and Climate Protection Under the Strategic Plan for the Common Agricultural Policy for 2023–2027], <https://www.gov.pl/web/wprpo2020> [access: 30.09.2025].

6. Selected aspects of biodiversity in Austria

Due to its geographical location and natural landscape, Austria has a very wide range of habitats and species. It is also one of the most species-rich countries in Europe: there are around 67,000 species, including around 45,000 animal species and 3,000 ferns and flowering plants. However, it is estimated that 27% of its mammals and 27% of birds are endangered. In addition, 57% of the 93 types of forest biotopes are classified as endangered.⁵⁰ This country has a national biodiversity strategy that includes targets and measures for all relevant policy areas. The Austrian federal government has also created a biodiversity fund to contribute to the implementation of Austria's biodiversity strategy and the achievement of Austria's biodiversity targets.⁵¹

Small and medium-sized farms predominate in this country, which has the highest share of organic farming in the European Union. Organic farms contribute to biodiversity. The country has a long tradition of organic food production and processing: the first Austrian organic farmer was registered in 1927. Today, more than 23,000 organic farmers cultivate around 24 per cent of Austria's agricultural land. This means that about a quarter of Austria's agriculture is organic. Furthermore, between 2016 and 2017, the number of organic farms increased by six per cent, to a total of 23,000 farms. Moreover, between 2014 and 2017, an average of seven new organic farms were added every day. Consequently, 20.4 per cent of all farms in Austria are now organic, which contributes to protecting the country's biodiversity.⁵²

Biodiversity in forests is also important for Austria. Agricultural land accounts for 32% of the country's total area, while forests cover 44%. About half of the utilised agricultural area is arable land, while the other half is mainly permanent grassland. However, a substantial part of it is located in mountainous areas, which generates additional problems for cultivation. Rural areas cover 75% of Austria's territory, while 18% of the territory is categorised as intermediate regions (not yet cities). There are over 110,000 farms in the country, and the

⁵⁰ *Biodiversity in Austria*, <https://www.bmimi.gv.at/en/topics/climate-environment/nature-species-protection/biodiversity/biodiversity.html> [access: 30.09.2025]; T. Lumetsberger, G. Neubauer, R. Wenzina, *Integration of Ecosystem Services and Habitats into the Biodiversity Atlas Austria*, "Biodiversity Information Science and Standards" 2023, no. 7, p. 1–3, <https://doi.org/10.3897/biss.7.112315>.

⁵¹ *Biodiversity in Austria...*, op. cit.

⁵² *Organic Farming in Figures*, <https://www.bmluk.gv.at/en/topics/agriculture/organic-farming/organic-farming-in-figures.html> [access: 9.08.2025].

average farm has an area of about 20 hectares.⁵³ Austria's strategic plan includes issues related to biodiversity. Important objectives include halting and reversing biodiversity loss, improving ecosystem functions and preserving habitats and landscapes.⁵⁴

The summary of the SWOT analysis in Austria's Strategic Plan highlights the strengths of biodiversity in Austria, including good topographical and climatic conditions conducive to rich biodiversity; high species diversity thanks to the maintenance of extensive farming (mountain areas); a high proportion of forests with potential for further species diversity; a favourable high proportion of small-scale farms; well-developed institutions and instruments and good cooperation between actors in rural areas; a solid knowledge base and effective knowledge transfer between nature conservation and agricultural stakeholders on the status of assets protected by the Habitats Directive and the Birds Directive; and a combination of horizontal and (regional) measures promoting biodiversity.⁵⁵

The identified weaknesses include trends towards the intensification, specialisation and enlargement of farms, and the increase in cultivated area, leading to a loss of biodiversity. Moreover, the abandonment of marginal land and the reduction in agricultural area are causing a decline in biodiversity in agriculture. Climate change is also a factor that causes biodiversity loss in forests. Finally, there are limited human resources for advising on and implementing biodiversity-related measures. Opportunities include the growing commitment to international and national agreements and strategies; EU and national biodiversity strategies; rising public expectations of agriculture and forestry in terms of biodiversity conservation; increasing demand for products produced in accordance with higher environmental requirements; and a growing share of organic farms with potential for biodiversity thanks to the further development of the relevant requirements.⁵⁶

⁵³ *Green Report 2023. The Situation of Austrian Agriculture and Forestry Pursuant to Section 9 of the Agriculture Act*, Federal Ministry of Agriculture, Forestry, Regions and Water Management, Vienna 2023.

⁵⁴ *Austria – CAP Strategic Plan*, https://agriculture.ec.europa.eu/cap-my-country/cap-strategic-plans/austria_en [access: 9.08.2025]; *At a Glance: Austria's CAP Strategic Plan*, https://rural-interfaces.eu/wp-content/uploads/2020/04/csp-at-a-glance-austria_en_0.pdf [access: 9.08.2025]; *GAP Strategy Plan Austria 2023–2027*, <https://www.bmluk.gv.at/themen/landwirtschaft/gemeinsame-agrarpolitik-foerderungen/nationaler-strategieplan/aktuelle-planversion.html> [access: 9.08.2025]; *Green Report 2023...*, op. cit.

⁵⁵ *Ibidem*.

⁵⁶ *CAP Strategic Plan Austria 2023–2027. National Strategic Plan 2023–2027*, Federal Ministry of Agriculture, Forestry, Regions and Water Management, Vienna 2023.

Austria spends almost 60% of its rural development budget on environmental objectives, such as area payments for environmentally friendly practices. One of the strongest interventions under the Plan are payments for agri-environment-climate measures. The main objective of the Plan is to strengthen biodiversity-friendly agriculture. Practices such as nature conservation, mowing mountain meadows and results-orientated management will be applied on more than 20% of agricultural land. More than 56% of agricultural land will be cultivated with the aim of protecting water quality.⁵⁷

The Austrian programme for environmentally friendly agriculture (ÖPUL), which has been in existence since 1995, supports agricultural policy in Austria and is financed by the second pillar of the EU's Common Agricultural Policy ("Rural Development"). It was part of the rural development programme for 2014–2020 (LE 14–20)⁵⁸ ÖPUL therefore supports environmentally friendly agricultural land management, which is important for preserving the basis of agricultural production.⁵⁹ Four of the measures in the LE 14–20 are covered by ÖPUL: introducing agri-environmental and climate measures; organic farming; implementing animal welfare measures; and farming in Natura 2000 areas and under the Water Framework Directive.⁶⁰

In 2019, a total of 90,795 farms participated in the ÖPUL programme, representing 83,3% of farms registered in the INVEKOS system (integrated management and control system) (AMA 2010). In 2019, the total area covered by the ÖPUL programme was approximately 1.81 million hectares (excluding pastures), which represents approximately 80,4% of the agricultural area, excluding pastures. Compared to 2015, when the programme covered approximately 1.75 million hectares, a slight increase has been observed again in recent years. Thanks to such a high participation rate in the agri-environmental programme, Austria ranks among the leading EU Member States⁶¹ ÖPUL 2023 covers the

⁵⁷ Ibidem.

⁵⁸ *Österreichisches Programm für die Entwicklung des Ländlichen Raums 2007–2013*, https://www.suedburgenlandplus.at/fileadmin/user_upload/318__sterreichisches_Programm_f_r_die_Entwicklung_des_L_ndlichen_Raums_2007-2013.pdf [access: 1.09.2025].

⁵⁹ M. Groier, *The Development of the Agricultural Environmental Programme ÖPUL*, Austrian Federal Institute for Agricultural Economics, Vienna 2015.

⁶⁰ Bundesministerium für Landwirtschaft, Regionen und Tourismus, *Grüner Bericht 2020 Die Situation der österreichischen Land- und Forstwirtschaft*, Wien 2020, p. 54 and next

⁶¹ Bundesministerium für Landwirtschaft, Regionen und Tourismus, Umweltbericht zur strategischen Umweltprüfung (SUP) des Österreichischen Strategieplans für die Gemeinsame Agrarpolitik 2021–2027, Wien, 2021, p. 154 ; *Evaluation of the Austrian Agri-Environmental Programme ÖPUL – National Detailed Report. As part of the accompanying evaluation of the Rural Development Programme*, https://ec.europa.eu/enrd/sites/default/files/evaluation_publications/nationaler_detailbericht_2019_oepul.pdf [access: 30.09.2025].

national implementation of interventions under intervention programmes for the environment, climate and other management obligations, as well as interventions resulting from specific disadvantages in a given area, and is part of the implementation of the CAP 2023–2027 and Austria's Strategic Plan. The support measures aim to preserve or increase biodiversity and habitats, improve soil structure, reduce the use of fertilisers and pesticides in water bodies, control air pollution and climate protection and improve animal welfare in livestock farming, among other things. Starting with application year 2024, agri-environmental premiums and premiums for areas with unfavourable conditions have been increased by 8%.⁶²

The Alpine Convention is an important international agreement for the sustainable development of the Alps. It was signed in 1991 and came into force in 1995. It covers eight Alpine countries and the European Union. The Convention is also important for the protection of biodiversity in Austria. It was signed by Austria, Germany, France, Italy, Liechtenstein, Monaco, Slovenia and Switzerland. The Alps are an interesting ecological system characterised by diverse flora and fauna, including over 30,000 animal species and 13,000 plant species.⁶³ However, the biodiversity there is subject to many negative factors, particularly habitat loss due to changes in land use, such as road construction or urban expansion. The Alpine Convention and its protocol on nature and landscape conservation aim to strengthen joint efforts among the Alpine countries to address these challenges. Issues of Alpine biodiversity are not limited to the Alps, but also affect other regions, including the Carpathians. In 2023, the Convention on Biological Diversity, the Carpathian Convention and the Alpine Convention renewed a trilateral Memorandum of Cooperation to deepen their cooperation on biodiversity.⁶⁴ The 16th Alpine Conference Declaration on the Protection and Promotion of Mountain Biodiversity at an International Level emphasised the need for agricultural practices adapted to specific local conditions to preserve mountain pastures and prevent high-biodiversity pastures from overgrowing, as well as the need to protect rare and sensitive habitats.⁶⁵

⁶² *ÖPUL 2023 Special Guideline (Including Eco-schemes)*, Federal Minister for Agriculture, Forestry, Regions and Water Management, Vienna 2023.

⁶³ *Biodiversity & Nature Conservation*, <https://www.alpconv.org/en/home/topics/biodiversity-nature-conservation/> [access: 7.04.2026].

⁶⁴ Ibidem; see also C. Steine, *Bodenschutz in der Landwirtschaft: Was die Alpenkonvention dazu beiträgt?*, in: P. Kuncio, S. Schmidt (eds), *Das Protokoll „Bodenschutz“ der Alpenkonvention*, Verlag Österreich, Vienna 2023, p. 27–37.

⁶⁵ *Erklärung der XVI. Alpenkonferenz zum Schutz der Bergbiodiversität und deren Förderung auf internationaler Ebene*, https://www.alpconv.org/fileadmin/user_upload/Organisation/AC/XVI/ACXVI_MountainBiodiversityDeclaration_de.pdf [access: 30.09.2025].

7. Biodiversity in Canada

Canada is the second largest country in the world, and it has a rich biodiversity, including ecosystems and species.⁶⁶ However, due to challenges related to climate change and other factors such as fires, some plant and animal species that were once common are now disappearing and even threatened with extinction. Canada has committed to implementing the Kunming-Montréal Global Biodiversity Framework and has developed the 2030 Nature Strategy: Halting and Reversing Biodiversity Loss in Canada,⁶⁷ which points to a triple crisis inextricably linking biodiversity loss, climate change and pollution. Pollution can exacerbate the effects of climate change and other factors that cause biodiversity loss.⁶⁸ The strategy lays out six pillars to ensure greater protection of biodiversity, for example, recognising, supporting and implementing the rights of indigenous peoples and promoting reconciliation. It is rightly emphasised that indigenous peoples are the original custodians of the land, water and ice; it is important to have a coherent policy and to use the strengths of each social group to develop and deliver solutions; it is necessary to increase efficiency and create a coherent policy, support local action by taking regional differences into account, support communities and adopt flexible approaches based on community involvement. Likewise, available scientific knowledge should be used, and an integrated, holistic approach should be taken to ensure inclusiveness.

The federal government's responsibilities include protecting migratory birds, species covered by the Species at Risk Act (S.C. 2002, c. 29),⁶⁹ international trade in wild species, fisheries management, aquatic species and pollution prevention, and it plays an important role in scientific research, monitoring and the sustainable development of natural resources. Provincial and territorial

⁶⁶ Boîte à outils – Droit, <https://boite-outils.bib.umontreal.ca/droit> [access: 7.08.2025]; *Ducks Unlimited Canada – About*, <https://www.ducks.ca/about/> [access: 7.08.2025].

⁶⁷ *Canada's 2030 Nature Strategy: Halting and Reversing Biodiversity Loss in Canada*, <https://www.canada.ca/en/environment-climate-change/services/biodiversity/canada-2030-nature-strategy.html> [access: 7.08.2025].

⁶⁸ Ibidem; J. Desforges, J. Clarke, E. Harmsen, A. Jardine, J. Robichaud, S. Serre, P. Chakrabarty, J.R. Bennett, D.E.L. Hanna, J.P. Smol, T. Rytwinski, J.J. Taylor, A.L. Martel, A.K. Winegardner, J. Marty, M.K. Taylor, C.M. O'Connor, S.A. Robinson, A.J. Reid, I.F. Creed, I. Gregory-Eaves, N.W.R. Lapointe, S.J. Cooke, *The Alarming State of Freshwater Biodiversity in Canada*, "Canadian Journal of Fisheries and Aquatic Sciences" 2022, vol. 79, no. 2, p. 352–365, <https://doi.org/10.1139/cjfas-2021-0073>.

⁶⁹ Species at Risk Act of 12 December 2002, S.C. 2002, c. 29, <https://laws-lois.justice.gc.ca/eng/acts/s-15.3/> [access: 7.08.2025].

authorities focus on wildlife and habitat management, including responsibility for terrestrial species on provincial lands. They also play a significant role in the development and management of natural resources and land use planning in most of Canada's terrestrial and coastal areas.⁷⁰ At the same time, there are some in the scientific literature who claim that the system for dividing competences sometimes does not favour innovation and may not take sufficient account of scientific research.

Examples of regulations passed by the Canadian Parliament include the Canadian Act of 1999 on Environmental Protection⁷¹ or the Act of Pest Control Products,⁷² which respects transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050.⁷³ It is important in setting national greenhouse gas emission reduction targets based on the best available scientific information and promoting transparency, accountability and immediate and ambitious action to achieve those targets, in order to support Canada in achieving net-zero emissions by 2050 and meeting its international commitments to mitigate climate change. These targets will be set by the Minister of the Environment for 2030, 2035, 2040 and 2045. The legal regulations provides for public participation in climate change mitigation efforts. It also establishes an advisory body to advise the Minister of the Environment on matters related to achieving net-zero emissions by 2050 and on matters referred to it by the Minister. Furthermore, the Act requires the Minister of Finance to prepare an annual report on key measures taken by the federal public administration to manage financial risks and opportunities related to climate change. Finally, it requires the Commissioner of the Environment and Sustainable Development to examine and report at least once every five years on the Government of Canada's implementation of measures to mitigate climate change, and to protect biodiversity.⁷⁴

⁷⁰ *Canada's 2030 Nature Strategy: Halting and Reversing Biodiversity Loss in Canada*, Environment and Climate Change Canada, Gatineau 2024, <https://faolex.fao.org/docs/pdf/can231326.pdf> [access: 7.08.2025].

⁷¹ Canadian Environmental Protection Act of 14 September 1999, S.C. 1999, c. 33, <https://laws-lois.justice.gc.ca/eng/acts/c-15.31/> [access: 7.08.2025].

⁷² Pest Control Products Act of 12 December 2002, S.C. 2002, c. 28, <https://laws-lois.justice.gc.ca/eng/acts/p-9.01/FullText.html> [access: 7.08.2025].

⁷³ Bill C-12 (43rd Parliament, 2nd Session) – Canadian Net-Zero Emissions Accountability Act, <https://www.parl.ca/legisinfo/en/bill/43-2/c-12> [access: 7.08.2025].

⁷⁴ T. Swerdfager, A. Olive, *Laws Matter: A Foundational Approach to Biodiversity Conservation in Canada*, "FACETS" 2023, no. 8, p. 1–13, <https://doi.org/10.1139/facets-2022-0095>.

It is also worth mentioning that on 13 June 2024, the Government of Canada introduced Bill C-73 (the Nature Accountability Act),⁷⁵ which proposed to establish a framework of transparency and accountability for the federal government in fulfilling its Kunming-Montreal Global Biodiversity Framework commitments and related federal-level commitments. It included requirements to develop national biodiversity strategies and action plans, such as the 2030 Nature Strategy, and to report on their implementation. On 6 January 2025, Canada's parliament was dissolved and Bill C-73 could not be passed. In order to continue the work in the current parliamentary term, the bill must be resubmitted.⁷⁶

Data from the 2021 agricultural census show that Canada has 189,874 farms and 153.7 million acres of total farmland, or approximately 60 million hectares.⁷⁷ However, only about 5% of the land is classified as high-quality, and this area is decreasing. Each year, Canada loses between 20,000 and 25,000 hectares of arable land as a result of urban expansion. Factors such as climate, soil quality and terrain also limit the total usable agricultural land. Moreover, several recent droughts have affected cropping and grazing conditions in some areas. Biodiversity is also declining on agricultural land. When soil loses its fertility, desertification occurs. Desertification accelerates climate change, and climate change accelerates desertification, with urbanisation obviously being the most serious form of desertification. It is therefore very important to protect agricultural land, especially high-quality agricultural land near urban areas, to promote local food production and consumption, and to engage in urban agriculture, which is usually carried out by cooperatives. In Canada, there are many laws protecting agricultural land,⁷⁸ such as the Act respecting the preservation of agricultural land and agricultural activities⁷⁹ in the province of Quebec. It should be emphasised that agriculture contributes to greenhouse gas emissions in Canada. However, Canada's farmers are taking effective measures to reduce emissions and combat climate change in the country. Emissions from other sectors have increased, while the agricultural sector shows continuous improvement, both by reducing its share of Canada's emissions and by redu-

⁷⁵ *Canada's 2030 Nature Strategy*, <https://www.canada.ca/en/environment-climate-change/services/biodiversity/2030-nature-strategy.html> [access: 7.08.2025].

⁷⁶ *Ibidem*.

⁷⁷ A. Dyck, *Canadian Agriculture by the Numbers*, National Farmers Union, Saskatoon 2024, <https://www.nfu.ca/wp-content/uploads/2024/03/Canadian-Ag-by-the-Numbers-2024.pdf> [access: 9.08.2025].

⁷⁸ See D. Buckingham, R. Fuller, B. Scriven, *Agriculture Law in Canada*, LexisNexis, Ottawa 2019.

⁷⁹ Act respecting the protection of agricultural land and agricultural activities (P-41.1), 1996, c. 26, p. 1, <https://www.legisquebec.gouv.qc.ca/en/document/cs/p-41.1> [access: 7.08.2025].

cing emissions per unit of production. Canadian farmers are taking numerous measures to protect biodiversity and address climate change. Examples include regenerative agriculture,⁸⁰ precision farming,⁸¹ environmental stewardship and operating in a sustainable manner.⁸²

8. Conclusion

In conclusion, it should be noted that the issue of biodiversity at the global, EU and national levels is becoming increasingly important due to the decline or disappearance of many plant and animal species around the world. EU, Polish and Austrian regulations under the CAP 2023–2027 are placing increasing emphasis on financing measures to halt biodiversity loss. Farmers must meet additional conditions if they seek to benefit from many EU programmes. This improvement will provide greater environmental benefits by protecting water, soil and biodiversity, and also by contributing to reducing greenhouse gas emissions from agriculture.

It should be noted that the issue of biodiversity has been addressed within the CAP for many years, but its expansion and the transfer of EU funds to new activities related to biodiversity protection should be highlighted. The EU proposal for a directive on soil monitoring should also be viewed positively. The need to create a uniform European soil protection system has long been the subject of discussion and debate. Soil protection cannot be solely local, regional or national in nature. The directive on soil monitoring⁸³ focusses not only on agricultural land, but also on land dedicated to other uses, for example, for forestry or housing. Soil contamination can have a negative impact on human health and on biodiversity. Climate change affects the soil, and changing soil conditions affect the climate. Above all, it is important to monitor the pre-

⁸⁰ J.-F. Obregón, M. Aguanno, M. Brooking, D.-L. Arjaliès, *Advancing Regenerative Agriculture in Canada: Barriers, Enablers, and Recommendations*, Western University, London 2023, <https://ir.lib.uwo.ca/iveypub/66> [access: 30.09.2025].

⁸¹ A.A. Farooque, Q.U. Zaman, *Advancing Precision Agriculture for Sustainable Farming in Canada*, “Open Access Government” 2025, p. 438–439, <https://www.openaccessgovernment.org/article/advancing-precision-agriculture-for-sustainable-farming-in-canada/194288/> [access: 3.09.2025].

⁸² S. Gulab, G. Lhermie, *Enhancing Agricultural Research and Development for Sustainable Growth in Canada*, “Briefing Papers” 2025, vol. 18, no. 1, p. 1–11, <https://doi.org/10.55016/ojs/sppp.v18i1.80911>.

⁸³ Directive (EU) 2025/2360 of the European Parliament and of the Council of 12 November 2025 on soil monitoring and resilience, OJ L 2025/2360, 26.11.2025.

servation of biodiversity. The directive on soil monitoring is in line with the 2030 Agenda for Sustainable Development, the Charter of Fundamental Rights of the European Union, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Outside the EU, as well, increasing attention is being paid to protecting biodiversity, for example in Canada. This issue is particularly important for agriculture, which, on the one hand, can contribute to biodiversity problems and, on the other, suffers the consequences of fewer plant and animal species. The Kunming-Montreal Global Biodiversity Framework was adopted in Montreal by 196 countries with the aim of reducing biodiversity loss. The main objective of this framework is to “halt and reverse biodiversity loss”, which is based on 23 targets to be achieved by 2030, along with four long-term targets for 2050. A legal measure that should be evaluated positively is Bill C-73 (the Nature Accountability Act)⁸⁴ from 2024, which proposed establishing a framework of transparency and accountability for the federal government in fulfilling its Kunming-Montreal Global Biodiversity Framework commitments and related federal-level commitments. Canada has many federal and provincial regulations that protect biodiversity. Further legislative measures are being considered, as the current ones are insufficient.

Finally, it is worth emphasising that agricultural producers, through their participation in agri-environment-climate programmes, eco-schemes and the afforestation of agricultural land, can contribute significantly to improving or halting biodiversity loss. It is also important to promote organic farming, improve water management in terms of water quality and availability and take action to maintain and improve soil resources. At the same time, the expected effects may be undermined by progressive climate change, disturbances in weather conditions, more extreme phenomena, disruptions to water management and diseases and pests.

⁸⁴ *Canada's 2030 Nature Strategy...*, op. cit.

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