



Prague, 20 October 2022

Joint Statements by European Forest Owners and Managers for the EU Forest Directors' Meeting on the 20th October 2022

Joint Statement on a harmonised Forest Observation, Data Collection and Reporting Framework

CEPF, Copa and Cogeca and EUSTAFOR welcome the Czech Presidency's initiative to have the EU Forest Strategy's action on EU Forest Observation Reporting and Data Collection as one of their priorities.

As shown by the insightful outcomes of the Workshop organised by the Czech Presidency in Kutná Hora, clarification on the objectives of the upcoming framework remains of the utmost importance. This conclusion is in line with the most recent information note supported by 19 Member States discussed at the AGRIFISH meeting of 17th October 2022. Specific objectives would allow the real additional needs and possible gaps in existing forest reporting schemes to be assessed.

The new framework should consider the diversity of European forests and stress the importance of knowledge sharing and mutual learning. It must be built upon existing reporting schemes, in particular national forest inventories supported by evidence-based science. It must make use of existing cooperation platforms, such as ENFIN, with a view to clarifying concepts and definitions as well as minimising overlaps in data collection and reducing the reporting burden. EU-wide forest observation should use the most innovative methodologies and technical solutions. However, the collected and reported data must be corroborated by national forest monitoring and forest management statistics of the competent MS authorities.

The impact assessment will be crucial to firstly address the added value of this framework compared to existing reporting systems, such as ENFIN, FAO FRA, Forest Europe and UNECE as well as the existing and future extensive reporting required by various pieces of EU legislation. In addition to these aspects, the impact assessment should analyse the environmental, economic and social impacts of the options that will be put forward for the new framework.

The proposal should reconcile and create synergies with existing national, European and international systems while having due regard for the EU competence on forests and forest management. As pointed out in the inception impact assessment, particular attention should be given to subsidiarity, proportionality, flexibility, operational feasibility, costs and the administrative burden for Member States and relevant stakeholders.

Any national strategic plan should have as a basis, existing national forest programmes or equivalent systems and be complemented, if necessary, by a longer-term strategic vision. A complete and balanced overview of all aspects of forest management – social, environmental, but also economic – needs to be provided in order to give a fair and comprehensive overview of the challenges faced by SFM. The impact assessment should address the exact purpose and added value of the plans, with

consideration given to existing national forest programmes or strategies in order to possibly find common elements within their general structure. This will aid in assessing the pros and cons of existing strategies and structures and, if necessary, aid realignment. This work should be carried out in full cooperation with the Member States and relevant regional authorities.

Joint Statement on EU Nature Restoration Law – forestry perspective

EUSTAFOR, CEPF and Copa-Cogeca thank the Czech Presidency of the Council of the European Union for this opportunity to share their views on the proposal for an EU Nature Restoration law.

The European forest owners and managers recommend that any restoration objectives are determined based on actual forest conditions and needs confirmed by verified field data. Forest ecosystems have longer cycles than many other ecosystems, and therefore require a longer time span for proper observation of major trends and changes. Future assessment, monitoring, and reporting systems must reflect this in a much better manner than the current EU reporting under the Nature Directives.

Furthermore, the Nature Restoration Law proposal is currently very narrowly focused on reference levels from the distant past in which forest ecosystems were confronted with fewer pressures. Annex VII lists examples of restoration measures solely concentrated on natural features, natural succession, and native species. In the current climate change reality, relying solely on existing or past nature conditions does not guarantee the health and resilience of forests. Therefore, enough flexibility should be given to forestry science and practitioners to adapt forests in the best way to keep them thriving for centuries to come. Whilst high biodiversity and site adapted forestry are important means to strengthen resilience, it must be noted that some flexibility may be needed in the adaptation of silvicultural measures to keep forests healthy despite ongoing climate change.

Although the approach taken for the restoration of forest habitats listed under the Habitats Directive seems adequate, unfortunately, when it comes to the data used for assessing the state of play, partial conclusions have been drawn. The proposal suggests that for the habitat types listed in Annex I the „unknown condition” shall be considered as “not good condition” or “bad condition”. Not only does this risk creating an unnecessary and increased burden, but it casts serious doubts on the data and the methodology behind such assessments.

The establishment of indicators and related thresholds must consider existing proven methodologies and definitions, to avoid a high monitoring burden and estimation failures. In that regard, the European forest owners and managers welcome the proposed inclusion of indicators that are currently used in international forest related reporting, e.g. by FOREST EUROPE, FAO or other reporting systems.

We note that the currently proposed cycle for forest monitoring of three years is too short and should be changed to an interval of 10 years and in any case according to the monitoring systems existing at the country level. The latter must provide a foundation for a new system of EU wide forest monitoring to be established by the upcoming new EU legislation on forest monitoring and strategic plans.

The new EU Nature Restoration Law should remain within the boundaries of the already existing Habitats Directive, including the annexed habitats lists. In fact, the Fitness Check process concluded that the EU Nature Directives were “fit for purpose”, therefore, this new law should focus on the strengthening of implementation of the existing provisions rather than to expand their scope.

European forest owners and managers are aware of the challenges posed by different sources of pressure and are already taking various practical actions to address them. We hope that our expertise as custodians of Europe’s forests and actions we undertake daily will be adequately recognized and reflected upon in the upcoming national restoration plans.

Joint Statement on the Deforestation and Forest Degradation Regulation

European forest owners and managers fully support the EU's ambition and efforts in halting global deforestation and forest degradation. It is an important worldwide issue that needs to be addressed. We believe that some of the co-legislators' approaches could improve the implementability of the Commission's proposal. Important examples for this, are the removal of the definition for '*sustainable harvesting operations*' and the introduction of a deadline for the Country Benchmarking. However, a number of ill-fitted definitions and provisions remain, that risk losing the balance between high ambition and a practical implementation.

First, with regard to the **definition of "forest degradation"**, the Council's proposal provides sufficient legal clarity, whereas the initial proposal or Parliament's position do not only lack legal clarity, but are also based on certain misperceptions. Above all, we would like to point out that changes in species composition, might be necessary to adapt forest stands to changing climatic circumstances. Therefore, considering any changes in species composition as "forest degradation", as proposed by the European Parliament, will impede necessary actions on the ground.

Second, regarding requirements for operators, **geo-localisation** by longitude and latitude or polygons is currently not a common practice among European forest owners and managers. The introduction of such requirements causes uncertainties about their feasibility, related costs, and confidentiality of information. We believe that a reference to a production area could fulfil the requirements of this law.

Third, we regret that the European Parliament proposed to offer less **simplifications of due diligence requirements for operators which produce in low risk countries**. This would not only put unjustified burden on operators, but could also decrease incentives for countries to reduce their risk category. In our view, operators in low-risk countries should even be exempted from certain further requirements, such as the obligation to carry out geo-localisation.

Lastly, we would like to remind that rights of natural and legal persons to submit **substantiated concerns** are valuable and should be addressed in this law. However, we strongly believe that the positions expressed so far do not strike the right balance to also protect operators against unjustified concerns with far-reaching legal and economic consequences. An example for better balance between these two rights was presented by the revision of the Aarhus Regulation.