

Proposal for a European Parliament and Council Regulation concerning monitoring of forests and environmental interactions in the Community (Forest Focus)

(2003/C 20 E/10)

COM(2002) 404 final — 2002/0164(COD)

(Submitted by the Commission on 15 July 2002)

EXPLANATORY MEMORANDUM

Objective of the proposal

The purpose of the present proposal for a European Parliament and Council regulation is the establishment of a new Community scheme on monitoring of forests and environmental interactions to protect the Community's forests. The scheme will be built on the achievements of two Council regulations for monitoring the impacts of atmospheric pollution ⁽¹⁾ and of fires ⁽²⁾ on forest ecosystems. The present proposal provides a multi-annual framework covering initially a 6 year period from 2003 to 2008. It aims at adapting the scope of the above mentioned regulations to provide a flexible monitoring scheme to assess forest ecosystem conditions in a broader context. It also simplifies existing activities by regrouping elements of both regulations under a single framework regulation covering the protection and monitoring of forests.

Background

Legislative Background

A Community scheme to protect forests against atmospheric pollution was established by Council Regulation (EEC) No 3528/86 in order to provide increased protection for forests in the Community and thereby contribute in particular to safeguarding the productive potential of agriculture.

The action aims at setting up a long-term forest monitoring system. The Community action was implemented in close co-operation with the International Co-operative Programme on the Evaluation and Monitoring of Air Pollution Effects on Forests (ICP Forests) under the UN-ECE Convention on Long-range Trans-boundary Air Pollution (Geneva, 1979) ⁽³⁾, to which the European Community is a signatory party. The regulation foresees a 50 % Community co-financing of measures carried out by Member States in the context of national programmes.

Council Regulation (EEC) No 2158/92 set up an action framework mainly for the prevention of forest fires. Various measures were co-financed under this regulation, such as the creation or improvement of existing prevention systems and, in particular, the establishment of protection infrastructure (forest paths, tracks, hydrants, firebreaks, etc.), as well as the creation or improvement of systems to monitor forests or identify the causes of forest fires and determine the means for combating them. The forest fire information system is one of the elements of this regulation, which will be also covered by the proposed framework regulation.

⁽¹⁾ Council Regulation (EEC) No 3528/86 of 17 November 1986 on the protection of Community's forests against air pollution (OJ L 326, 21.11.1986, p. 2).

⁽²⁾ Council Regulation (EEC) No 2158/92 of 23 July 1992 on the protection of Community's forests against fire (OJ L 217, 31.7.1992, p. 3).

⁽³⁾ UN/ECE, 1979, the Convention on Long-range Transboundary Air Pollution.

Council Regulation (EC) No 307/97 of 17 February 1997 ⁽¹⁾ amending Regulation (EEC) No 3528/86 referred to Article 43 of the Treaty as the legal basis. On 30 April 1997 the European Parliament submitted an application on this subject to the Court of Justice. On 25 February 1999 the Court delivered a judgement in Joined Cases C-164/97 and C-165/97 ⁽²⁾, in which it noted that the Council should have taken Article 130 of the Treaty (now Article 175 of the EC Treaty) as the sole legal basis. Consequently, Regulation (EC) No 307/97 was annulled. However, the Court suspended the effects of the annulment until the Council adopts a new regulation on the same subject within a reasonable period. This new regulation (EC) 1484/2001 ⁽³⁾ entered into force on 21 July 2001. Council Regulation (EEC) No 3528/86 has recently been amended by Regulation (EC) No 804/2002 ⁽⁴⁾.

Protecting forests against atmospheric pollution

In co-operation with ICP Forests, Community action has been developed over the years in line with objectives formulated in Ministerial Conferences on the Protection of Forests in Europe (Strasbourg ⁽⁵⁾, Helsinki ⁽⁶⁾ and Lisbon ⁽⁷⁾) and the United Nations Conference on Environment and Development (UNCED) (Rio de Janeiro 1992). The Community action has been implemented by Commission Regulations (EEC) Nos 526/87 ⁽⁸⁾ and 1696/87 ⁽⁹⁾, (EC) Nos 1091/94 ⁽¹⁰⁾ and 2278/99 ⁽¹¹⁾ and has fulfilled the objectives set by the Council.

Protecting forests against forest fires

In 1994, the Commission adopted Regulation (EC) 804/94 ⁽¹²⁾ on implementing the Community forest-fire information system. This regulation introduced systematic collection of a set of data on each fire occurring, for all areas at risk of fire in the Member States participating in the system. The forest-fire information system now covers six Member States of the Union with fire-risk areas: Germany, Portugal, Spain, France, Italy and Greece. The system is an operational tool for monitoring and assessing the measures taken by the Member States and the Commission for fire prevention.

References to Environmental Policies and Integrating New Environmental Issues

This enhanced monitoring regulation is related to the overall package of environmental action areas and will follow a scientific based approach. The various monitoring elements proposed are all related to key priorities in the 6th Environmental Action Programme ⁽¹³⁾ and the Sustainable Development Strategy ⁽¹⁴⁾, i.e. pollution, climate change, biodiversity, natural resources and soils.

⁽¹⁾ OJ L 51, 21.2.1997, p. 9.

⁽²⁾ [1999] ECR I-1139.

⁽³⁾ OJ L 196, 20.7.2001, p. 1.

⁽⁴⁾ OJ L 132, 17.5.2002, p. 1.

⁽⁵⁾ General Declaration and Resolutions Adopted. First Ministerial Conference on the Protection of Forests in Europe, Strasbourg, 1990.

⁽⁶⁾ General Declaration and Resolutions Adopted. Second Ministerial Conference on the Protection of Forests in Europe, Helsinki 1993.

⁽⁷⁾ General Declaration and Resolutions Adopted. Third Ministerial Conference on the Protection of Forests in Europe, Lisbon 1998.

⁽⁸⁾ OJ L 53, 21.2.1997, p. 14.

⁽⁹⁾ OJ L 161, 22.6.1987, p. 1.

⁽¹⁰⁾ OJ L 125, 18.5.1994, p. 1.

⁽¹¹⁾ OJ L 279, 29.10.1999, p. 3.

⁽¹²⁾ OJ L 93, 12.4.1994, p. 11.

⁽¹³⁾ The 6th Environmental Action Programme: Our Future our Choice, 24.1.2001, COM(2001) 31 final.

⁽¹⁴⁾ A Sustainable Europe for a better world: A European Union Strategy for Sustainable Development, 15.5.2001, COM(2001) 264 final.

Environmental legislation and policies at Union level, such as the Clean Air for Europe Programme ⁽¹⁾, the 2000/60/EC Water Framework Directive ⁽²⁾, the 79/409/EEC Directive on the conservation of wild birds ⁽³⁾ and the 92/43/EEC Directive on the conservation of natural habitats and of wild flora and fauna ⁽⁴⁾, as well as the recent EU Thematic Strategy for Soil Protection ⁽⁵⁾, need better information to identify the nature of risks and uncertainties, so as to provide a basis for solutions and further policy decisions. A Community scheme on monitoring of forests and environmental interactions will contribute to meeting these needs.

The proposed monitoring activity could assist substantially the monitoring requirements deriving from European Climate Change Programme ⁽⁶⁾, the EU Biodiversity Strategy ⁽⁷⁾ and corresponding Biodiversity Action Plans, the Soil Strategy and the forthcoming scheduled work on the Soil Monitoring Directive and could contribute to Global Monitoring of Environment and Security (GMES) activities.

The European Union and its Member States are committed to promote sustainable development in all policies and actions. The EU and its Member States are also committed to the sustainable management and protection of forests in all relevant international and pan-European processes related to forests such as in particular the Forest Principles agreed at the 1992 UN Conference for Environment and Development in Rio de Janeiro and the subsequent work deriving from its follow-up ⁽⁸⁾, the ongoing process of the Ministerial Conference on the Protection of Forests in Europe and the resolutions ⁽⁹⁾ adopted so far in this context, as well as the Convention on Long-range Transboundary Air Pollution and the protocols under this Convention.

Evaluation of the proposed Community scheme

The proposal has not been based on an ex-ante evaluation, as the proposed scheme builds on the monitoring activity of the Council Regulations (EEC) No 3528/86 and (EEC) No 2158/92. The Commission has recently prepared a report on the application of the monitoring activity 1987-2001, which will be sent to the European Parliament and the Council.

However, the proposal has taken into consideration the results of an independent review of the monitoring activity. Centralised co-ordination by a Scientific Co-ordination Body, continuous monitoring of activities carried out by the scheme and a new organisational structure, shall help to further improve the efficiency of the scheme. The requirement in the National Programmes of the Member States to elaborate ex-ante, midterm and ex-post evaluations will enhance the transparency of the scheme's activities and its overall cost efficiency. The Commission will similarly carry out a midterm review of the scheme followed by an evaluation report at the end of the execution period of the scheme.

⁽¹⁾ Communication from the Commission, The Clean Air for Europe (CAFE) Programme: Towards a Thematic Strategy for Air Quality, 4.5.2001, COM(2001) 245 final.

⁽²⁾ OJ L 327, 22.12.2000, p. 1.

⁽³⁾ OJ L 103, 25.4.1979, p. 1.

⁽⁴⁾ OJ L 206, 22.7.1992, p. 7.

⁽⁵⁾ Communication from the Commission to the Council and the European Parliament, Towards a Thematic Strategy for Soil Protection, 16.4.2002, COM(2002) 179 final.

⁽⁶⁾ EU policies and measures to reduce greenhouse gas emissions: Towards a European Climate Change Program, COM(2000) 88 final.

⁽⁷⁾ A European Community Biodiversity Strategy, 5.2.1998, COM(1998) 42 final.

⁽⁸⁾ UNCED, 1992, the Convention on Biological Diversity, the Convention on Climate Change, the UN Intergovernmental Panel and Forum on Forests and the UN Forum on Forests.

⁽⁹⁾ Ministerial Conferences on the Protection of Forests in Europe (Strasbourg, 1990, Helsinki, 1993 and Lisbon, 1998).

Outline of the proposed framework monitoring regulation

Legal Basis

According to the decision of the European Court (25 February 1999) concerning the legal basis for Council Regulation (EEC) No 3528/86 as well as for Council Regulation (EEC) No 2158/92 and with respect to the objectives of the future EU action Article 175 of the Treaty is the only legal basis. The Community policy on the environment shall contribute, under Article 174, paragraph 1, to preserve, to protect and to improve the quality of the environment and encourage prudent and rational use of natural resources, taking into account the diversity of situations in different regions of the Community.

Implementation of the scheme

The framework regulation will be implemented by Commission regulations, which will prescribe general aspects of the monitoring activities, procedures to be followed for reporting and for the national programmes. The Commission regulations will also deal with the establishment of manuals that describe the monitoring methods.

Objectives, Content and Definitions (Article 1-3)

The main objective of the proposed action is to provide a framework for a Community scheme to contribute towards the protection of forest ecosystems in the Community by monitoring the conditions of these ecosystems. The objective cannot be sufficiently achieved by the Member States acting separately. It can be better achieved by a Community action in order to ensure harmonised data collection and the provision of policy relevant information at Community level, which shall help the evaluation of ongoing Community measures to promote the conservation and sustainable management of forest ecosystems.

The following aspects have been taken into account:

- Nearly 44 % of the total land area of the EU is covered with forests and other wooded areas. Forest ecosystems fulfil various functions with economic, social and ecological significance. Furthermore forest ecosystems are also habitat for various species of plants and animals.
- Forest ecosystems are exposed to serious threats from air pollution, fires, climatic change, and attacks from parasites and diseases. Most of these threats can have cross-border effects and can seriously upset and even destroy forest ecosystems.
- The protection of forest ecosystems is therefore a major concern. The European Union and its Member States are committed to the protection of forests and to the sustainable management of forests in all relevant pan-European and international processes related to forests. The forest strategy and the sixth environmental action programme address forest related issues of concern and identify monitoring needs.
- Forest ecosystem conditions, changes of these conditions, forests ecosystems reaction to environmental stress and the effects of policies can only be traced by means of monitoring.
- Changes in forest ecosystem condition as well as the reasons for these changes may be recognised at an early stage thereby allowing the adoption of timely and appropriate measures in due time.
- A long-term monitoring programme, which is flexible in its implementation, is needed to achieve these objectives.

The future EU scheme shall be based on four pillars:

- establishment of a monitoring programme on air pollution effects on forests,
- establishment of forest fire monitoring,
- continuous evaluation of the efficiency of monitoring activities in the assessment of forest ecosystem conditions and the further development of monitoring activity,
- establishment of new monitoring activities on forest biodiversity, soils, climate change and carbon sequestration after the development of appropriate monitoring methods and provided that the necessary additional financial resources will be made available by the budgetary authority.

Monitoring and tools to improve and develop the scheme (Article 4-7)

The monitoring of air pollution effect on forests will be carried out on a systematic network of observation points, which covers the whole Community, and a network of intensive monitoring plots. The systematic network provides representative information on forest conditions and changes. Intensive monitoring in selected plots allows for in-depth monitoring activities in order to observe ecosystem processes. Thus the intensive monitoring plots and the monitoring on the systematic network of points complement each other.

Fires seriously affect forests in many parts of the Community. The forest fire monitoring will be established with a view to monitoring the extent and causes of forest fires. It will allow assessing the impacts of fires on forest ecosystem conditions and will provide an operational tool for monitoring and assessing the measures taken by the Member States and the Commission. The provisions of the Programme activities will support and complement activities related to forest fires undertaken under the provisions of civil protection ⁽¹⁾, the Council Regulation (EEC) No 1257/1999 on support for rural development ⁽²⁾ and the European Forest Information and Communication System (EFICS) ⁽³⁾.

The Commission shall conduct studies, experiments and demonstration projects, which shall in particular help to develop the scheme and to further improve its efficiency. In order to make full use of the results derived from these actions, Member States will be asked to conduct studies, experiments and demonstration projects in the new monitoring areas. The determination of appropriate parameters, the elaboration of methods for data collection and a test phase to check the feasibility and practicability of the methods are therefore prerequisites for the gradual incorporation of new monitoring elements.

National Programmes, Co-ordination and Co-operation (Article 8-11)

The monitoring activities to be carried out by the Member States, in particular the collection of data as well as studies, experiments and demonstration projects shall be implemented under multi-annual national programmes (3 year period).

To achieve these objectives the Commission shall establish a Scientific Co-ordination Body, which may be within the Joint Research Centre. It shall in particular organise the collection and assessment of data and shall develop a Community data platform.

The Commission may need additional assistance from contracted decentralised thematic centres and may in addition consult and contract experts and research institutes for carrying out specific works.

⁽¹⁾ OJ L 327, 21.12.1999, p. 53.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 165, 15.6.1989, p. 12.

The European Environmental Agency shall assist the Commission in its reporting activity. In this context co-operation with pan-European and international bodies, in particular with ICP Forests in the common field of monitoring air pollution, is needed to ensure a coherent approach to monitoring.

Period of Execution and Financial Aspects (Article 12-13)

The scheme shall run for 6 years, from 1 January 2003 to 31 December 2008. The proposed framework regulation will provide co-financing up to 50 % of the eligible costs for monitoring activity and database platforms, as well as for studies, experiments and demonstration projects to be carried out by Member States in the context of their national programmes. The Commission will finance its own activities, such as co-ordination and evaluation work, as well as studies, projects and experiments. A contribution shall be made to the European Environmental Agency. Furthermore, a contribution may be provided to ICP Forests to establish a scientific interface with the Scientific Co-ordination Body of the Community, thus allowing the ICP Forests to ensure the exchange of knowledge, information and data and to allow for a coherent approach in common fields of forest monitoring.

In order to conduct monitoring of air pollution effects on forests and on forest fires, to develop new monitoring activities and to improve the scheme 52 Million EUR shall be provided for the period 2003-2006. For the years 2007 and 2008, the annual amount of 13 million EUR may be increased in order to fund new activities, provided such an increase is approved by the budgetary authority.

Execution, Reporting by Member States, Standing Forestry Committee (Article 14-17)

The Member States shall each designate one National Focal Centre to ensure efficient and clear communication structures.

The data gathered under the scheme shall be submitted by the National Focal Centres to the Commission. The environmental data gathered under the scheme shall be made available to the public and especially to experts and research institutes.

A multi-annual approach with a reporting period of three years is foreseen for the reporting of the results gained from the monitoring of forest ecosystems conditions. However, for forest fires these will be for annual reporting. The Commission will conduct a review of the scheme after three years and report on its implementation.

The Standing Forestry Committee shall assist the Commission in co-ordinating, monitoring and developing the scheme for harmonised and comprehensive monitoring of forest ecosystem conditions and related environmental impacts. It will be consulted in accordance with the procedures of Council Decision 1999/468/EC ⁽¹⁾ of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

Reporting by the Commission, Review, Candidate Countries (Article 18-21)

The Commission shall conduct a review of the scheme after its first 3 year period and shall report during its fourth year based on this review, on this basis on the implementation of the scheme. Also before the running period referred to in the regulation expires, the Commission will report to the European Parliament and to the Council on the implementation of the regulation. The scheme shall be open to the candidate countries.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽¹⁾,

Whereas:

- (1) Forests have an important multifunctional role for society. Apart from their significant role in the development of rural areas, forests have a major value for nature conservation, play an important role in preserving the environment, are key elements of the carbon cycle and significant carbon sinks and represent a critical controlling factor of the hydrological cycle.
- (2) Forest ecosystems can be seriously affected by natural factors such as extreme weather conditions, attacks from parasites and diseases, or human influences such as climate change, fires and air pollution. Such threats can seriously distort and even destroy forest ecosystems. Most natural and anthropogenic factors affecting forest ecosystems can have cross-border effects.
- (3) The Communication from the Commission to the Council and the European Parliament on a Forestry Strategy for the European Union ⁽²⁾ stressed the need to protect the natural environment and the forest heritage, to sustainably manage forests, and to support international and pan-European co-operation concerning the protection of forests making reference to forest monitoring and the promotion of forests as carbon sinks. The Council with its Resolution of 15 December 1998 on the Forestry Strategy ⁽³⁾ has called upon the Commission to evaluate and improve continuously the effectiveness of the European monitoring system of forest health and to take into account all the potential impacts on forest ecosystems. It has also called upon the Commission to pay special attention to the development of the Community Forest Fire Information System, which enables the effectiveness of the protection measures against fires to be better assessed.
- (4) The sixth environmental action programme of the European Community ⁽⁴⁾ identifies the need to base the

drawing-up, implementation and evaluation of environmental policies on a knowledge based approach and, in particular, the need for monitoring the multiple roles of forests in line with recommendations adopted by the Ministerial Conference on the Protection of Forests in Europe and the United Nations Forum on Forests and the Convention on Biodiversity and other fora.

- (5) The Community and the Member States are committed to implement internationally agreed activities related to the conservation and sustainable management of forests, in particular, the Proposals for Actions of the Intergovernmental Panel and Forum on Forests, as well as the Expanded Work Programme on Forest Biological Diversity of the Convention on Biological Diversity ⁽⁵⁾.
- (6) The Community has already addressed two of the causes adversely affecting forest ecosystems conditions by Council Regulation (EEC) No 3528/86 of 17 November 1986 on the protection of the Community's forests against atmospheric pollution ⁽⁶⁾ and Council Regulation (EEC) No 2158/92 of 23 July 1992 on protection of the Community's forests against fire ⁽⁷⁾.
- (7) Both regulations expire on 31 December 2002 and it is in the general interest of the Community to continue and further develop the monitoring activities established by those Regulations by integrating them into a new scheme called 'Forest Focus'.
- (8) Measures under the scheme concerning forest fire monitoring should complement those measures which are under taken, in particular, under the provisions of Council Decision 1999/847/EC of 9 December 1999 establishing a Community action programme in the field of civil protection ⁽⁸⁾, Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽⁹⁾ and Council Regulation (EEC) No 1615/89 of 29 May 1989 establishing a European Forestry Information and Communication System (EFICS) ⁽¹⁰⁾.
- (9) The scheme should encourage the exchange of information on forest ecosystems conditions in the Community and enable the evaluation of the impact of Community's measures taken to protect and develop and manage forests in the Community in a sustainable way.

⁽¹⁾ OJ C 340, 10.11.1997, p. 173.

⁽²⁾ A Forestry Strategy for the European Union, 3.11.1998, COM(1998) 649 final.

⁽³⁾ OJ C 56, 26.2.1999, p. 1.

⁽⁴⁾ The 6th Environmental Action Programme: Our Future our Choice, 24.1.2001, COM(2001) 31 final.

⁽⁵⁾ Decision VI/22 of the Conference of the Parties to the UN Convention on Biological Diversity, 2002, The Hague.

⁽⁶⁾ OJ L 326, 21.11.1986, p. 2; as last amended by Regulation (EC) No 804/2002 (OJ L 132, 17.5.2002, p. 1).

⁽⁷⁾ OJ L 217, 31.7.1992, p. 3; as last amended by Regulation (EC) No 805/2002 (OJ L 132, 17.5.2002, p. 3).

⁽⁸⁾ OJ L 327, 21.12.1999, p. 53.

⁽⁹⁾ OJ L 160, 26.6.1999, p. 80.

⁽¹⁰⁾ OJ L 165, 15.6.1989, p. 12; as last amended by Regulation (EC) No 1100/98 (OJ L 157, 30.5.1998, p. 10).

- (10) In order to promote a comprehensive understanding of the relationship between forests and the environment, the scheme should also include monitoring of other important factors such as biodiversity, carbon sequestration, climate change and soils. That scheme should therefore comprise actions in order to provide for a broader range of objectives and a flexible implementation, while building on the achievements made under Regulations (EEC) No 3528/86 and (EEC) No 2158/92. It should provide for appropriate, cost efficient monitoring of forests and environmental interactions.
- (11) The Member States should implement scheme through national programmes to be approved by the Commission following a procedure, which will be set up.
- (12) The Commission should ensure the co-ordination, monitoring and development of the scheme through a Scientific Co-ordination Body and conduct its own studies, experiments and demonstration projects.
- (13) The monitoring of forests and environmental interactions can only provide reliable and comparable information to protect forests in the Community, if data are collected on the basis of harmonised methods. Such comparable information at Community level would contribute towards the establishment of a platform containing spatial data deriving from various sources of common environmental information systems. It is therefore appropriate to prepare manuals laying down the methods to be used for monitoring of forest ecosystem conditions, the format of the data and rules for data handling.
- (14) The Commission should co-operate with other international bodies in the field of forest monitoring, and, in particular, the International Co-operative Programme on the Evaluation and Monitoring of Air Pollution Effects on Forests.
- (15) This regulation establishes a financial framework for the entire duration of the programme which is to be the principal point of reference for the budgetary authority, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽¹⁾.
- (16) It is appropriate to determine the volume of the Community contribution to activities financed under the scheme.
- (17) The financial contribution to eligible costs of the activities under the scheme should support harmonised data collection and promote the further development of the scheme. During the initial phase, financial resources will mainly be assigned for the continuation of the monitoring activities established under Regulations (EEC) No 3528/86 and (EEC) No 2158/92. The scheme should, in the future, provide for additional necessary financial contribution for newly defined monitoring activities.
- (18) Member States should designate co-ordination authorities and agencies at national level, responsible for the handling and forwarding of data, as well as for the administration of the Community contribution.
- (19) Member States should also draw up reports on different monitoring activities, which should be submitted to the Commission.
- (20) The data should be disseminated taking into account the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention) ⁽²⁾.
- (21) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred to the Commission ⁽³⁾. The Standing Forestry Committee shall assist the Commission ⁽⁴⁾.
- (22) It is important to keep the scheme under review and assess its effectiveness, in order to identify needs to be addressed. The Commission should report to the European Parliament and to the Council on the implementation of the scheme, in particular in view of its continuation beyond the implementation period fixed in this Regulation.
- (23) Since the objectives of the proposed action, namely the monitoring of forests, their ecosystems conditions and environment interactions, cannot, by their very nature, be sufficiently achieved by the Member States and can therefore, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this regulation does not go beyond what is necessary in order to achieve those objectives.

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

⁽²⁾ Convention on access to information, public participation in decision making and access to justice in environmental matters. UN/ECE, 1998.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁴⁾ OJ L 165, 15.6.1989, p. 14.

(24) The Europe Agreements between the European Union and its Member States, of the one part, and the candidate countries of Central and Eastern Europe, of the other part, provide for participation of these countries in Community programmes, in particular in the field of the environment.

(25) In the light of the expiry of Regulations (EEC) No 3528/86 and (EEC) No 2158/92 and in order to avoid any overlap or void it is appropriate for the regulation to apply from 1 January 2003,

HAVE ADOPTED THIS REGULATION:

Objectives, Content and Definitions

Article 1

A Community scheme for broad based, harmonised and comprehensive, long-term monitoring of forest ecosystems conditions, (hereinafter referred to as 'the scheme') is hereby established to encourage the implementation of monitoring activities, in particular in the following areas:

- (a) monitoring and protection of forests against atmospheric pollution;
- (b) monitoring and protection of forests against fires;
- (c) monitoring of biodiversity, climate change, carbon sequestration and soils;
- (d) continuous evaluation of the efficiency of the monitoring activities in the assessment of forest ecosystems conditions and the further development of monitoring activity.

The scheme shall provide reliable and comparable data and information on forest ecosystems conditions and harmful influences affecting the Community's forest ecosystems. It shall also help to evaluate ongoing Community measures to promote conservation and sustainable management of forests, with particular emphasis on actions taken to reduce impacts negatively affecting forest ecosystems.

Article 2

1. The scheme shall provide for actions in order to:

- (a) promote harmonised collection, handling and assessment of data;
- (b) improve data evaluation and promote integrated data evaluation at Community level;
- (c) improve the quality of data and information gathered under the scheme;
- (d) further develop the monitoring activity of the scheme;
- (e) enhance the understanding of forest ecosystems and, in particular, the causes of natural and anthropogenic stresses;
- (f) study the dynamics of forest fires and their impacts on forest ecosystems;
- (g) develop indicators and methodologies for cumulative risk assessment.

2. The actions set out in paragraph 1 shall be complementary to Community research programmes.

Article 3

1. For the purpose of this regulation, the following definitions shall apply:

- (a) 'Forest ecosystems' means 'forest' being land with tree crown cover (or equivalent stocking level) of more than 10 percent and area of more than .5 ha., the trees being able to reach a minimum of 5 m at maturity *in situ*, and 'other wooded land' being land either with a tree crown cover (or equivalent stocking level) of 5 to 10 percent of trees able to reach a height of 5 m at maturity *in situ*; or land with a crown cover (or equivalent stocking level) of more than 10 percent of trees not able to reach a height of 5 m at maturity *in situ* (e.g. dwarf or stunted trees) or shrub or bush cover;
- (b) 'Ecosystem' means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;
- (c) 'Development of the scheme' means the elaboration and establishment of new monitoring activities;
- (d) 'Improvement of the scheme' means the optimisation of monitoring activities already implemented.

2. Forest as referred to in paragraph 1(a) may consist either of closed forest formations where trees of various storeys and undergrowth cover a high proportion of the ground; or of open forest formations with a continuous vegetation cover in which tree crown cover exceeds 10 percent. Young natural stands and all plantations established for forestry purposes which have yet to reach a crown density of 10 percent or tree height of 5 m are included under forest, as are areas normally forming part of the forest area which are temporarily unstocked as a result of human intervention or natural causes, but which are expected to revert to forest.

Monitoring and tools to improve and develop the scheme

Article 4

1. Building on the achievements of Regulation (EEC) No 3528/86, the scheme shall:

(a) continue and further develop a systematic network of observation points in order to conduct periodic inventories in order to get representative information of forest ecosystems conditions;

(b) continue and further develop a network of observation plots, on which intensive and continuous monitoring of the forest ecosystems are carried out.

2. The detailed rules for the implementation of paragraph 1 shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 5

1. Building on the achievements of Regulation (EEC) No 2158/92, the scheme shall continue and further develop an information system in order to collect comparable information on forest fires at Community level.

2. The scheme shall allow Member States to conduct studies on the identification of the causes and dynamics of forest fires, as well as on the response of forest ecosystems to them. Those studies shall complement activities and measures related to forest fires undertaken under the provisions of Decision 1999/847/EC, Regulation (EC) No 1257/1999 and Regulation (EEC) No 1615/89.

3. Member States may, at their request, participate in the measures and activities referred to in paragraphs 1 and 2.

4. The detailed rules for the implementation of paragraphs 1 and 2 shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 6

1. For the realisation of the aims set out in Article 1(c), the Commission shall conduct studies, experiments and demonstration projects to further develop the scheme and, in particular to:

(a) enhance the knowledge of forest ecosystems conditions as well as the relationship between forest ecosystems conditions and natural and anthropogenic stresses;

(b) assess impacts of climate change on forest ecosystems, including forest biodiversity;

(c) identify key structural and functional ecosystems elements to be used as indicators for assessing status and trends of forest ecosystems biodiversity;

(d) study the interactions between forests and the environment.

2. Based on the findings of the measures set out in paragraph 1, the Commission may ask Member States to carry out studies, experiments, demonstration projects or a monitoring test phase.

3. The measures set out in paragraphs 1 and 2 shall help to define new monitoring activities, to be incorporated into the scheme after the approval of appropriate manuals. When developing the scheme, the Commission shall take account of scientific as well as financial needs and restrictions.

4. The detailed rules for the implementation of paragraphs 1, 2 and 3 shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 7

1. For the realisation of the aims set out in Article 1(d) and in addition to the actions set out in Article 6, the Commission shall conduct studies, experiments and demonstration projects in order to:

(a) promote harmonised collection, handling and assessment of data at Community level;

(b) improve data evaluation at Community level;

(c) improve the quality of data and information gathered under the scheme.

2. The detailed rules for the implementation of paragraph 1 shall be laid down in accordance with the procedure referred to in Article 17(2).

National Programmes, Co-ordination and Co-operation

Article 8

1. The activities provided for in the Articles 4 and 5 and Article 6 (2 and 3) shall be implemented under national programmes, to be drawn up by the Member States for periods of 3 years.

2. The national programmes shall be submitted to the Commission within 30 days following the entry into force of this Regulation and thereafter before 1 November in the year preceding the commencement date of each 3 year period.

3. Member States shall adapt their national programmes approved by the Commission, in particular in order to allow for the extension of the monitoring activity developed in accordance with Article 6.

4. The national programmes shall be accompanied by an ex-ante evaluation when they are submitted to the Commission. The Member States shall also carry out mid-term evaluations at the end of the third year of the period set out in Article 12 and ex-post evaluations at the end of that period.

5. The Commission shall, on the basis of the national programmes submitted, or on the basis of any approved adaptations of these national programmes, decide on the financial contributions to the eligible costs.

6. Detailed rules for the implementation of paragraphs 1 to 4 shall be laid down according to the procedure referred to in Article 17(2).

Article 9

1. The Commission shall co-ordinate, monitor and develop the scheme and shall report on it.

2. The Commission shall assess data at Community level and shall ensure the evaluation of the collected data and information at Community level.

3. To fulfil the tasks laid down in paragraphs 1 and 2, the Commission shall establish a Scientific Co-ordination Body, which may be within the Joint Research Centre, which may be supported by decentralised thematic centres.

To fulfil its reporting tasks laid down in paragraph 1 the Commission shall be assisted by the European Environmental Agency.

4. The Commission may consult and contract research institutes and experts to develop the scheme and to ensure

the evaluation of the data gathered, as well as the publication of results from data evaluations.

Article 10

1. To harmonise the activities referred to in Article 4 and 5 and Article 6(3) and to ensure the comparability of data, manuals shall specify mandatory parameters and lay down the monitoring methods as well as the data formats to be used for data transmission.

2. Detailed rules for the implementation of paragraph 1 shall be laid down according to the procedure referred to in Article 17(2).

Article 11

1. The Commission shall co-operate, in particular with regard to the objectives set out in Article 1, with other bodies at an international or pan-European level to meet the Community's obligations for the protection and sustainable management of forests.

2. In the context of Article 4, the Commission shall collaborate with the International Co-operative Programme on Assessment and Monitoring of Air Pollution Effects on Forests, (hereinafter referred to as 'ICP Forests'), to meet obligations set out in the framework of the Convention on Long-range Transboundary Air Pollution.

3. For the purposes of the co-operation referred to in paragraphs 1 and 2, the Community may support the following activities:

- (a) establishment of a scientific interface to the Scientific Co-ordination Body;
- (b) studies and data evaluations.

Period of Execution and Financial Aspects

Article 12

1. The scheme shall run for a period of 6 years from 1 January 2003 to 31 December 2008.

2. For the purposes of the scheme the maximum financial support of the Community to the eligible costs of the national programmes shall be as follows:

- (a) Activities to be realised under Article 4: 50 %;
- (b) Activities to be realised under Article 5: 50 %;
- (c) Activities to be realised under Article 6(2) and (3): 50 %.

3. The Commission shall pay the Community contribution to the eligible costs to the Member States.

4. The Commission shall finance activities to be realised under Article 6(1), Article 7 and Article 9 (1, 2 and 4), in accordance with the applicable rules for public procurement.

5. The Community may provide a contribution to the European Environmental Agency for the fulfilment of the tasks set out in Articles 9(3) and 18.

6. The Community may provide a contribution to the ICP Forests in order to meet the Community's obligations set out in Article 11, paragraph 2.

Article 13

1. The financial resources for the implementation of the scheme for the period 2003-2006 shall be 52 million EUR. Thereafter, for the period 2007-2008, this annual amount of 13 million EUR may be increased, subject to an authorisation by the budgetary authority.

2. The financial resources fixed in paragraph 1 shall be increased in the case of accession of new Member States to the Union.

3. Annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Execution, Reporting by Member States, Standing Forestry Committee

Article 14

1. Member States shall designate the bodies competent to manage the activities included in the approved national programmes, on the basis of the financial and operational capacity of those bodies. Those bodies can be either national administrations or other entities, subject to Commission's approval of private entities.

2. Member States shall designate one single authority or agency to co-ordinate the programme at national level, (hereinafter referred to as 'National Focal Centre').

3. Member States shall be responsible for the sound and efficient management of the Community contribution. To that end, they shall adopt the provisions necessary to:

(a) ensure that the activities financed by the Community are actually carried out and that they are carried out in the proper manner, ensuring the visibility of the contribution of the Community,

(b) prevent any irregularity,

(c) recover payments lost as a result of any irregularity or negligence,

(d) ensure that the bodies mentioned in paragraph 1 have proper internal management and control systems,

(e) in the case that the bodies mentioned in paragraph 1 are not public entities, Member States stand guarantee for them.

4. Member States shall provide the Commission with all the necessary information and shall make any arrangements, which may facilitate checks, including on-the-spot inspections by the Commission or the European Court of Auditors, which the Commission considers appropriate for the purposes of managing Community financing. Member States shall inform the Commission of the arrangements made to this end.

Article 15

1. The Member States shall annually, through the National Focal Centres, forward to the Scientific Co-ordination Body the data gathered under the scheme, together with a data accompanying report.

The data shall be geo-referenced and transmitted to the Commission by means of computer telecommunications and/or electronic technology. The Commission shall establish the format and particulars needed for the transmission.

2. The Member States shall actively disseminate the data gathered according to common formats and standards and through electronic geo-referenced databases that are easily accessible to the public.

3. The Commission's right to use and disseminate the data gathered shall not be restricted in order to promote the evaluation of the data and to obtain the highest added value from the use of the data, in accordance with the Aarhus convention.

4. The detailed rules for the implementation of paragraph 1 shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 16

1. Each Member State shall draw up, in particular on the basis of the activities set out in Article 4(1), a report on the national situation regarding forest ecosystems conditions.

The report shall be transmitted to the Commission no later than 31 December every third year starting from 2005.

2. Each Member State participating in the activities set out in Article 5(1) and (2) shall draw up a report on the national situation regarding the impacts of fires on forest ecosystems.

The report shall be transmitted to the Commission no later than 31 December each year, starting from 2003.

3. Each Member State shall draw up a report on the national situation regarding matters dealt with by monitoring activities referred to in Article 6(3).

The reporting period shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 17

1. The Standing Forestry Committee set up by Council Decision 89/367/EEC shall assist the Commission.

2. Where reference is made to the present paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at two months.

Reporting by the Commission, Review, Candidate Countries

Article 18

Six months from the date set for the transmission of the reports referred to in Article 16(1) and taking into account all reports transmitted pursuant to Article 16, the Commission assisted by the European Environment Agency, shall submit a report on the implementation of the scheme to the European

Parliament and the Council together with a review of the scheme (mid-term review).

Article 19

Before the expiry of the period referred to in Article 12(1), the Commission shall submit to the European Parliament and to the Council a report on the implementation of the scheme, taking into account the review referred to in Article 18.

Article 20

This scheme shall be open to participation of:

- (a) the candidate countries of Central and Eastern Europe (CEECs), in accordance with the conditions established in the Europe Agreements, in their additional protocols, and in the decisions of the respective Association Councils;
- (b) Cyprus, Malta and Turkey on the basis of bilateral agreements to be concluded with these countries.

Article 21

This regulation shall enter into force on the third day after its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.
