

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0343/2003

7 October 2003

*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position with a view to the adoption of a European Parliament and Council Regulation concerning monitoring of forests and environmental interactions in the Community (Forest Focus)
(8243/01/03 – C5-0292/2003 – 2002/0164(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Encarnación Redondo Jiménez

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or
amend the common position*
- *** Assent procedure
*majority of Parliament's component Members except in
cases covered by Articles 105, 107, 161 and 300 of the EC
Treaty and Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or
amend the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
PROCEDURAL PAGE.....	4
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	18
FINANCIAL STATEMENT	20

PROCEDURAL PAGE

At the sitting of 13 February 2003 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive concerning monitoring of forests and environmental interactions in the Community (Forest Focus) (COM(2002) 404 – 2002/0164 (COD)).

At the sitting of 3 July 2003, the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (8243/01/03 – C5-0292/2003).

The committee had appointed Encarnación Redondo Jiménez rapporteur at its meeting of 2 October 2002.

It considered the common position and the draft recommendation for second reading at its meetings of 10 September, 1 and 7 October 2003.

At the latter meeting it adopted the draft legislative resolution by 35 votes to 11, with 4 abstentions.

The following were present for the vote: Caroline F. Jackson, chairman; Mauro Nobilia, Alexander de Roo and Guido Sacconi, vice-chairmen; Encarnación Redondo Jiménez, rapporteur; María del Pilar Ayuso González, Juan José Bayona de Perogordo (for Martin Callanan), Jean-Louis Bernié, Hans Blokland, Carmen Cerdeira Morterero (for David Robert Bowe), Dorette Corbey, Chris Davies, Proinsias De Rossa (for Torben Lund), Avril Doyle, Anne Ferreira, Karl-Heinz Florenz, Cristina García-Orcoyen Tormo, Françoise Grossetête, Cristina Gutiérrez Cortines, María Esther Herranz García (for Raffaele Costa), Christa Klauf, Eija-Riitta Anneli Korhola, Bernd Lange, Paul A.A.J.G. Lannoye (for Marie Anne Isler Béguin), Giorgio Lisi (for Marialiese Flemming), Jules Maaten, Minerva Melpomeni Malliori, Patricia McKenna, Emilia Franziska Müller, Rosemarie Müller, Riitta Myller, Juan Andrés Naranjo Escobar (for Peter Liese), Ria G.H.C. Oomen-Ruijten, Marit Paulsen, Joaquim Píscarreta (for Giuseppe Nisticò), Frédérique Ries, José Ignacio Salafranca Sánchez-Neyra (for Jorge Moreira da Silva), Yvonne Sandberg-Fries, Karin Scheele, Ursula Schleicher (for John Bowis), Horst Schnellhardt, Inger Schörling, Jonas Sjöstedt, María Sornosa Martínez, Bart Staes (for Hiltrud Breyer), Catherine Stihler, Nicole Thomas-Mauro, Antonios Trakatellis, Peder Wachtmeister, Phillip Whitehead.

The recommendation for second reading was tabled on 7 October 2003.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council common position with a view to the adoption of a European Parliament and Council Regulation concerning monitoring of forests and environmental interactions in the Community (Forest Focus)
(8243/01/03 – C5-0292/2003 – 2002/0164(COD))**

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (8243/01/03 – C5-0292/2003),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2002) 404²),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0343/2003),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ Texts adopted: 13.2.2003, P5_TA(2003)0059.

² OJ C020 of 28.1.2003, p. 67.

Amendment 1
AMENDMENT TO THE LEGISLATIVE RESOLUTION

Considers that the financial statement attached to the recommendation is compatible with the ceiling of heading 3 of the Financial Perspective, possibly through a reduction of other policies or through recourse to the provisions of the Interinstitutional Agreement of 6 May 1999.

Justification

This amendment restores amendment to the legislative resolution adopted in first reading 13 February 2003.

The financial statement of this programme entails expenditure under the ceiling of heading 3 of the Financial Perspective. According to the common declaration of 20 July 2000, the budgetary authority is entitled to evaluate the compatibility of new proposals with the expenditure ceilings in place.

Council common position

Amendments by Parliament

Amendment 2
Horizontal amendment

forest ecosystem(s)

forest(s)

This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.

Justification

This amendment restores oral amendment 1 adopted in plenary on 13 February 2003. As the Common Position deletes the definition of 'Forest ecosystems' proposed by the Commission (Article 3, paragraph 1 a) (COM(2002)404) it is only logical and coherent to replace the term throughout the text, which has only partially been done by the Council.

Amendment 3
Title

Regulation (EC) no /2003 of the
European Parliament and of the Council
concerning monitoring of forests and

Regulation (EC) no /2003 of the
European Parliament and of the Council
concerning monitoring of forests and

environmental interactions in the
Community (Forest Focus)

environmental interactions in the
Community **and forest fire prevention
measures**
(Forest Focus)

Justification

This amendment restores amendment 1 in EP first reading on 13 February 2003 (with the necessary adaptation to the new wording).

Preventive activities must be included alongside monitoring activities, so as to ensure that on-site Community projects are taken into account as well.

Amendment 4
Recital 1

(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.

(1) Forests have an important multifunctional role for society. Apart from ***the major impact which they have in social and economic terms and*** their significant role in the development of rural areas ***whose existence may depend in large measure on the presence and good condition of the surrounding forest,*** 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.

Justification

This amendment restores amendment 2 from EP first reading 13 February 2003. Self-explanatory.

Amendment 5
Recital 2 a (new)

(2a) The guiding principle underlying the Community's contribution to reducing the number and scale of fires and of the areas affected by them should be the need to tackle the causes of fires and the provision of fire prevention measures and forest surveillance measures.

Justification

Reintroduces amendment 3 in first reading 13 February 2003. The amendment seeks to highlight the major problem of environmental damage caused by fires.

Amendment 6
Recital 2 b (new)

(2b) having regard to the European Parliament resolution of 4 September 2003 on the effects of the summer heat-wave and particularly Paragraph 8 concerning the financing of appropriate forest fire prevention facilities in the context of the Forest Focus Regulation,

Justification

This amendment does not call for any particular comments: it refers to the position adopted by the European Parliament by 307 votes to 99 on 4 September 2003 (p5-ta-prov 2003/0373, Paragraph 8).

Amendment 7
Recital 2 c (new)

(2c) The protection of forests against fires is a matter of particular importance and urgency for the Community, which should coordinate its Member States' efforts and

maximise its contribution thereto in order to enhance those efforts.

Justification

This amendment restores amendment 4 in EP first reading 13 February 2003. Self-explanatory.

Amendment 8
Recital 7

(7) Both Regulations expired 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".

(7) Both regulations expired on 31 December 2002. ***Owing to the damage that is caused to European forests both by atmospheric pollution and by fires***, it is in the general interest of the Community to continue and further develop the ***preventive and*** monitoring activities established by those regulations by integrating them into a new scheme called "Forest Focus".

Justification

This amendment restores amendment 7 in first reading 13 February 2003. Regulations (EEC) No 3528/86 and (EEC) No 2158/92 recognise that the damage caused by atmospheric pollution and fires are of importance to the Community, and it was precisely for that reason that they were introduced. The Regulation should therefore make specific reference to these phenomena.

Preventive activities must be included alongside monitoring activities, so as to ensure that on-site Community projects are taken into account as well.

Amendment 9
Recital 7 a (new)

(7a) The forested areas of Europe (in particular those in the southern part of

the continent) are extremely vulnerable to the risk of forest fire and require the pursuit and development of a specific, distinctive EU policy to combat forest fires – an activity which has so far been carried out on the basis of Regulation (EEC) No 2158/92.

Justification

This amendment reintroduces amendment 8 from EP first reading 13 February 2003. The need for a clearly identified European forest fire prevention policy must be restated here. In view of the risks present in certain European regions the EU must send out a strong, unmistakable political signal in support of forest fire prevention policies. Fire prevention activities must stem from a comprehensive risk-management policy and must not be swallowed up in the EU's general rural development policy, since that may kindle anti-European sentiment in the event of serious incidents.

Amendment 10 Recital 9

(9) Measures under the scheme concerning forest fire monitoring should complement those measures which are undertaken, in particular, under Council Decision 1999/847/EC of 9 December 1999 establishing a Community action programme in the field of civil protection, 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 Council Regulation (EEC) No 1615/89 of 29 May 1989 establishing a European Forestry Information and Communication System (EFICS)

(9) Measures under the scheme concerning forest fire **prevention and** monitoring should complement those measures which are undertaken, in particular, under Council Decision 1999/847/EC of 9 December 1999 establishing a Community action programme in the field of civil protection, 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 Council Regulation (EEC) No 1615/89 of 29 May 1989 establishing a European Forestry Information and Communication System (EFICS), **which must include the conducting of information and awareness campaigns. Sufficient financial resources must be allocated for that purpose.**

Justification

This amendment restores amendment 9 of EP first reading 13 February 2003. The EFICS programme is currently unable to function due to a lack of financial resources.

Amendment 11
Recital 10 a (new)

(10a) The European Parliament particularly values its prerogatives as a co-legislator in the field of forest-fire risk prevention. All the activities carried on under Regulation (EEC) No 2158/92 (which expired on 31 December 2002) must therefore be continued under this Regulation in order to ensure that the requisite democratic checks can be carried out.

Justification

This amendment restores amendment 10 in EP first reading 13 February 2003. Self-explanatory.

Amendment 12
Recital 11 a (new)

(11a) The proposed monitoring activity could make a substantial contribution to fulfilment of the monitoring requirements deriving from other EU commitments, such as from the European Climate Change Programme¹, the EU Biodiversity Strategy² and corresponding Biodiversity

Action Plans, the Sixth Environment Action Programme, Directive 92/43/EEC on habitats³, the Soil Strategy, and the forthcoming scheduled work on soil.

¹COM (2000) 88 final.

² COM (1998) 42 final.

³ Council Directive 92/43/EEC of 21 May

Justification

Restores amendment 13 of EP first reading 13 February 2003. It is crucial to stress the link between this regulation and other forest-related EU processes.

Amendment 13
Recital 15 a (new)

(15a) Funding beyond 2006 should be subject to approval by the budgetary authority and take into account the mid-term review of the programme.

Justification

Reintroduces amendment 15 of EP first reading 13 February 2003. The existing financial perspective is valid until 2006. Future financing of Community programmes, from 2007 and onwards, should be decided once the new overall financial resources have been decided. In consequence, the financial amounts beyond 2006 will have to be confirmed either by an agreement on a new financial perspective and/or by annual budgetary decisions.

Amendment 14
Recital 23 a (new)

(23a) In the light of the subsidiarity principle, it is of the utmost importance that the Member States' authorities be given the fullest opportunity to contribute to the formulation of the implementation

measures envisaged by this Regulation in view of its specific subject matter. It is therefore appropriate that, exceptionally, the implementation measures envisaged by this Regulation be subject to the regulatory committee procedure as laid down in Article 5 of Decision 1999/468/EC.

Justification

Reinstates Amendment 46 adopted at first reading.

Amendment 15

Article 1, paragraph 1, introduction

1. *A* Community scheme for broad based, harmonised and comprehensive, long-term monitoring of the conditions of forests, (hereinafter referred to as "the scheme") is hereby established to:

1. ***With due regard for the need for subsidiarity, a*** Community scheme for broad based, harmonised and comprehensive, long-term monitoring of the conditions of forests, (hereinafter referred to as "the scheme") is hereby established to ***support national forest policies in Member States whilst respecting the specific ecological characteristics found in the outermost regions of the European Union, and to:***

Justification

Restores partially AM 17 in first reading.

Amendment 16

Article 1, paragraph 1 (c) a (new)

(ca) continue and develop forest fire prevention measures

Justification

Restores partially AM 17 in first reading.

Amendment 17
Article 5, paragraph 1

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

1. Building on the achievements of Regulation (EEC) N° 2158/92, the scheme shall continue and further develop the information system in order to collect comparable information on forest fires at Community level ***and in particular on areas at risk from forest fires in the European Union as well as at cross-border level, principally in countries bordering the Member States. It shall also continue the prevention measures introduced by the said Regulation.***

Justification

This amendment restores amendment 21 in EP first reading 13 February 2003. The new scheme should not exclude the prevention measures introduced by the previous regulation on the protection of the Community's forests against fire since many actions would lapse owing to their not being covered by Regulation (EC) No 1257/99 on Rural Development.

Amendment 18
Article 8, paragraph 4

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

4. The national programmes shall be accompanied by an ***external*** ex-ante evaluation when they are submitted to the Commission. The Member States shall also carry out mid-term evaluations at the end of

period indicated in Article 12 and ex-post evaluations at the end of that period.

the third year of the period indicated in Article 12 and ex-post evaluations at the end of that period.

Justification

The amendment reinstates Amendment 28 adopted at first reading. The ex ante evaluation for the purpose of defining a uniform standard should be carried out by people with forestry expertise, who can speak with authority on the subject.

Amendment 19
Article 9, paragraph 4 a (new)

4a. The Commission shall decide on the measures referred to in paragraphs 1 to 4 in cooperation with the Member States and after obtaining the assent of the Standing Forestry Committee.

Justification

Reinstatement of Amendment 31 at first reading. The formulation will be clearer if the Member States and the Standing Forestry Committee are not mentioned in each individual paragraph but in a separate one.

Amendment 20
Article 13

1. The financial framework for the implementation of the scheme for the period 2003-2006 ***is hereby set at EUR 52 million. In addition to this amount, the financial resources for the measures mentioned in Article 5(2), third sentence, shall be EUR 0,5 million per year.*** For the period 2007-2008 ***the financial resources shall be allocated in accordance with the new financial perspectives.***

1. The financial framework for the implementation of the scheme for the period 2003-2006 ***shall be EUR 67 million on condition that the budgetary authority agrees the appropriate means of financing under the annual budgetary procedure and the financial perspective. Thereafter, for the period 2007-2008, this amount shall be increased, subject to an authorisation by the budgetary authority, in order to cover the costs of new actions not yet***

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

3. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

implemented.

2. The financial resources fixed in paragraph 1 shall be increased ***proportionately*** in the case of accession of new Member States to the ***scheme and a corresponding adjustment shall be made to the financial ceiling***.

3. The annual appropriations shall be authorised by the budgetary authority within ***the annual budgetary procedure and*** the limits of the financial perspective.

Justification

Reinstates Amendment 35 adopted at first reading (with a modification in paragraph 2).

Amendment 21 Article 13, paragraph 3 a (new)

3a. When allocating funding, the Commission shall ensure a balanced distribution among the activities provided for in the various articles of the Regulation and shall maintain the continuity and effectiveness of these activities.

Justification

Reinstates the spirit of Amendment 47 adopted at first reading. In view of the position adopted by the European Parliament on 4 September 2003 (resolution on the effects of the summer heat-wave in 2003, P5 2003/0373, Paragraph 8), it is important to stress that the continuity of the financing of forest fire prevention activities must be ensured in full. This amendment accords with the spirit of the rapporteur's draft recommendation and is consistent with the amendments already re-tabled.

EXPLANATORY STATEMENT

The Council of Ministers of the European Union and the European Parliament reached common positions at first reading on the overall thrust of the new 'Forest Focus' regulation, for which the Commission brought forward a proposal in July 2002, and on certain key elements in its development. Both institutions declared themselves in favour of establishing a forest surveillance and monitoring system that prolongs and reinforces the actions already launched under the old regulations on the protection of forests against fires and atmospheric pollution (2158/92 and 3528/86 respectively), which will expire in December 2002. They also agree on the need to amplify the scope of the surveillance and monitoring actions to include biodiversity, carbon sequestration, climate change and soils, in order to achieve the objectives that the European Union set itself in the sixth environmental action programme. In an initial phase, which will continue until 2006, these new actions will be the subject of pilot studies.

The Council of Ministers and Parliament also agreed on other more specific points in the new regulation, such as the definition of 'forests' which, drawing on the terminology used by the FAO, is suited to the realities in the various Member States. The need to achieve the maximum possible subsidiarity when adopting decisions was also a key theme of the reports drawn up by the Council and the European Parliament. In that respect, the Standing Forestry Committee has changed from being a management committee to a regulatory committee.

There is therefore broad consensus between the two institutions as to the foundations on which 'Forest Focus' will be constructed. However, their positions continue to differ as regards two key elements relating to forest fire prevention and financing.

The Council of Ministers has rejected the amendments proposed by Parliament for maintenance of the practical fire prevention measures laid down in Regulation 2158/92, despite the desire to instil a sense of continuity into 'Forest Focus'. All the Council agreed to retain, for a transitional period finishing at the end of 2005, are the information and awareness campaigns. It has excluded the other prevention measures as it considers this area to have been covered by the rural development programmes since 2000.

Your rapporteur is aware that, post-Agenda 2000, rural development policy (the second pillar of the CAP) has included a new facet dedicated to forestry, into which European forestry policy as a whole was to be incorporated, with the exception of forest surveillance and monitoring. However, the Rural Development regulation (No 1257/99) operates, in a nutshell, like an 'à la carte' menu when it comes to preparation of the various regional and national programmes. That is why in some areas fire prevention actions have not incorporated into the programmes, and why those actions depend solely on a prolongation of the measures under the old Regulation (EEC) No 2158/92. It should be borne in mind that the new 'Forest Focus' scheme was proposed by the European Commission two years after the rural development programmes were adopted and that some regions did not even consider incorporating prevention into these programmes. Therefore, in order to prevent any interruption of the actions already initiated, the prevention budget line in the old regulation should be retained under the new forestry initiative.

Furthermore, given that the scope of the new 'Forest Focus' initiative includes new areas not covered by the two regulations due to expire in 2002, sufficient financial resources must be made available to the Member States to ensure that the ambitious project devised by Community executive does not end in failure. The Council of Ministers report at first reading

increases the annual budget provided for by the European Commission by EUR 0.5 million to EUR 13.5 million, which in practice implies a reduction of EUR 4.5 million as compared to the funds allocated to the old forestry scheme in 2002 and of EUR 2.5 million as compared to years previous to that. Your rapporteur therefore reaffirms in the amendments the budgetary levels called for by Parliament at first reading.

ANNEX

FINANCIAL STATEMENT

Financial statement by the Committee on the Environment, Public Health and Consumer Policy, annexed to its recommendation for second reading on the Monitoring of Forests and environmental interactions in the Community (Forest Focus)

Policy area(s): Environment

Activit(y/ies): Natural Resources and Biodiversity – Forests

Title of action: Monitoring Forest and Environmental Interactions - FOREST FOCUS

1. BUDGET LINE(S) + HEADING(S)

B4-303: Protection of Forests

2. OVERALL FIGURES

2.1. Total allocation for action (Part B): 90 € million for commitment

2.2. Period of application:

(2003 - 2008)

2.3. Overall multiannual estimate of expenditure:

(a) Schedule of commitment appropriations/payment appropriations (financial intervention) *(see point 6.1.1)*

€ million *(to three decimal places)*

	Year [n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5 and subs. Years]	Total
Commitments	9.90	10.80	10.40	10.70	10.61	10.59	63.0
Payments	8.00	8.50	9.50	10.50	11.50	15.00	63.0

(b) Technical and administrative assistance and support expenditure *(see point 6.1.2)*

CE/CP	3.10	2.20	2.60	2.30	2.39	2.41	15.00
-------	------	------	------	------	------	------	-------

Subtotal a+b							
Commitments	13.00	18.00	18.00	18.00			67.00
Payments	10	11	11	12	12	11	67.00

- (c) Overall financial impact of human resources and other administrative expenditure
(see points 7.2 and 7.3)

Commitments	0.677	0.677	0.677	0.677			2.708
-------------	-------	-------	-------	-------	--	--	-------

TOTAL a+b+c							82.063
Commitments	13.677	18.677	18.677	18.677			69.708
Payments	10.677	11.677	11.667	12.677	12	11	69.708