



30.11.2018

## NOTICE TO MEMBERS

**Subject: Petition No 1030/2017 by Ismael Antonio López Pérez (Spanish) on the misuse of ERDF funds in fire-fighting operations in Galicia**

### 1. Summary of petition

The petitioner accuses the Council of Galicia of wasting the European Regional Development Funds (ERDF) allotted to risk prevention and management of forest fires during the period 2014-2020. He requests that the money is invested in mountain planning and fire prevention. He requests structural issues to be addressed (discontinuation of wood extraction, lack of silvicultural systems, lack of grazing) and not just extinction of fires. He calls for more investment in prevention and less in extinction. He requests that an evaluation of forest risks is carried out and that the objectives of the Council's forestry plan from 1992 are thoroughly reviewed

### 2. Admissibility

Declared admissible on 29 January 2018. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 30 November 2018

#### The petition

The petitioner is asking for a reassessment of Galicia's strategy on the forestry sector, claiming that it should be based on an updated diagnostic and a more rigorous risk assessment, taking into account climate change in the strategic plans for forest conservation and fire prevention. He also mentions the possible misuse of ERDF allocations - under the regional Operational Programme Galicia - for fire prevention operations, due to the poor risk plan provided by the Managing Authorities as enabling condition to access the fund.

In an additional document from April 2018, the petitioner requests the introduction of *Eucalyptus camaldulensis* and other species of genre *Eucalyptus* in the list of exotic and invasive species in Spain, in accordance with the Scientific Committee of the Spanish Ministry of Agriculture, Fishery and Environment (MAPAMA).

In particular, the petitioner requests to adopt the conclusions of MAPAMA's report CC 30/2017 of 1 December 2017 in the EP resolution P8-TA (2015)0109 on the EU Forest strategy.

#### The Commission's observations

As part of obligations under the Decision on a Union Civil Protection Mechanism (Decision 1313/2013/EU<sup>1</sup>), Member States are required to develop risk assessments at national or appropriate sub-national level and make available to the Commission a summary of relevant elements every three years. The next reporting deadline is 22 December 2018. In 2010, the Commission published Risk Assessment and Mapping Guidelines for Disaster Management (SEC(2010)1626 final) that Member States can use on a voluntary basis to guide their risk assessment process.

As regards the ERDF Operational Programme Galicia 2014-2020<sup>2</sup>, the implementation of operations under Thematic Objective 05 *Promoting climate change adaptation, risk prevention and management* depends on the fulfilment of ex-ante conditionality 5.1 *Risk prevention and risk management: the existence of national or regional risk assessments for disaster management, taking into account climate change*. The ex-ante conditionality 5.1 was fulfilled at the time of the adoption of the Operational Programme in 2015, as the Xunta of Galicia developed a Territorial Risk Plan (PLATERGA) and other emergency plans of a sectoral or specific nature in compliance with the Commission requirements.

OP Galicia covers the thematic objective 5 with a total EU allocation of EUR 39,538,127. It provides investments for adaptation to climate change, ensuring disaster resilience and developing disaster management systems. More concretely, as regards forest fires, the OP Galicia supports actions like the implementation of risk prediction models (early detection tools), as much as the provision of modern fire extinguishing vehicles and equipment for the prevention and management of risks in the fields of emergencies and civil protection.

The Commission may discuss with Member States whether changes are needed to the Operational Programmes. In this context, programmes can be modified swiftly.

The Commission further encourages the inclusion of the impacts of climate change in national, subnational and sectoral planning through its EU Strategy on Adaptation to Climate Change (COM(2013) 216 final). The Principle and recommendations for integrating climate change adaptation considerations under the 2014-2020 rural development programmes (SWD(2013) 139 final) outline principles and opportunities for integrating adaptation in the rural development programmes. Financial support for the development of vulnerability assessments and adaptation strategies – including with a view to reduce forest fire risks – is

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<sup>1</sup> Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1401179579415&uri=CELEX:32013D1313>

<sup>2</sup> Commission Implementing Decision [C\(2015\)897 - 12/02/2015](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1401179579415&uri=CELEX:32015D0897)

available through the LIFE programme.

In relation to the reference to the report from the Spanish scientific committee about the possible inclusion of several *Eucalyptus* species in the Spanish list of invasive species in the European Parliament resolution on '*A new EU Forest Strategy: for forests and the forest-based sector*', the Commission would like to stress the following:

- The resolution was adopted on 28 April 2015 by the European Parliament and refers to the adoption by the Commission of the Communication on a new EU Forest Strategy for forests and the forest-based sector (COM(2013)659 final). This Resolution can only be amended by the European Parliament.
- The EU Forest Strategy, for which the Resolution was produced, addresses the priority 'protecting forests and enhancing ecosystem services' through, *inter alia*, the EU nature and biodiversity policies, which include the 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<sup>1</sup>.
- Including *Eucalyptus* into the list of invasive alien species of Union concern, based solely on the report of the Spanish Scientific Committee, is not possible. In accordance to Article 5 (1) of Regulation (EU) 1143/2014, including *Eucalyptus* into the EU list of invasive alien species would require the Spanish authorities to submit a risk assessment in compliance with the requirements of that provision. The abovementioned report does not comply with these requirements, as it covers only the Spanish territory and not the entire European Union. The Commission has no competence with regard to the establishment of the national invasive alien species list, which is responsibility of the Spanish authorities.

As regards the EAFRD and the Rural Development Programme 2014-2020 for Galicia<sup>2</sup>, the Commission would like to inform the petitioner that very recently (August 2018) two new operations were introduced, with a budget of more than EUR 2 million of public expenditure:

- The replacement of eucalyptus by broadleaves and species of indigenous character, in order to increase areas of native forests;
- The elimination of eucalyptus in peat bogs and wet heaths, in order to improve their state of conservation and management, ensure their persistence and contribute to the struggle against climate change, as they are considered large carbon reservoirs.

Moreover, according to the latest version of RDP Galicia, more than EUR 160 million are programmed to support forest damage prevention from fires, natural disasters and catastrophic events (where drafting and implementation of forest management plan is an eligible cost), whereas EUR 16 million are earmarked for restoration. *Eucalyptus* is excluded from support for afforestation.

## Conclusion

Pursuant Article 6 f) of the Treaty on the Functioning of the European Union in the area of

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<sup>1</sup> OJ L 317, 4.11.2014, p. 35.

<sup>2</sup> Commission Implementing Decision [C\(2018\)5236 - 30/07/2018](#)

civil protection, the Union has competence to carry out actions to support, coordinate or supplement the actions of the Member States. In addition to the Risk Assessment and Mapping Guidelines for Disaster Management, the Commission has compiled good practices in risk assessment methodologies and processes in the Staff Working Document (2017) 176: “Overview of natural and man-made disaster risks the European Union may face”.

In application of the shared management principle between Member States and the Commission, national Managing Authorities and regional Intermediate Bodies have the responsibility to select operations that do not deviate from the strategic objectives of the ERDF Operational Programmes, while ensuring the legality and regularity in the use of EU funds. Managing Authority should notify cases of alleged misuse of funds and, where appropriate, make the necessary corrections.

At present, including *Eucalyptus camaldulensis* into the EU-wide list of invasive alien species or into the European Parliament resolution on ‘*A new EU Forest Strategy for forests and the forest-based sector*’ is not possible. It is for the Spanish authorities to decide on whether and how to address these species as invasive alien species of national concern, and take the appropriate measures to mitigate their impact on the environment.’