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Comment on the draft Guidelines on NATURA 2000 and Forests

Dear Ladies and Gentlemen,

we thank you for taking our association into consideration and for possibility to participate in the development of a new set of guidelines on NATURA 2000 and forestry.

We also appreciate the uptake and maintaining of the municipal case study (Vallée de la Loue et du Lison, Franche Comté) in the guideline draft which was presented by our french member FNCOFOR on the occasion of the second Workshop on NATURA 2000 and forests (23rd May 2013).

Nevertheless we would like to outline in the following a number of points that are important from our point of view with regard to the draft guidelines and the further process.



Municipalities, Municipal forests and NATURA 2000

Municipalities in the EU are involved in NATURA 2000 as both forest owners as well as local authorities with responsibility for country planning and NATURA 2000 governance (e.g. in France). Consequently they play an important role that is not yet recognised in the draft guideline so far.

Municipal forests in general cover an appreciable size of area in several member states of the EU (Spain: 6 million hectares, France: 2.7 million hectares, Germany: 2.1 million hectares, Italy: 1.9 million hectares, ...). These municipal forests quite often contribute to the NATURA 2000 network with important and disproportionate high share of area (e.g. France, parts of Germany, Catalonia, ...). In this regard we suggest to avoid the term „public forest“ in any place of the draft guideline but to mention the clearly ownership types of forest in the EU (private forests, municipal forests and state forests). Each of them are affected by and involved in NATURA 2000 in different kind of ways.

Conservation status of the NATURA 2000 sites in forests (chapter 2.4)

As accurately described in chapter 1 of your initial „Scoping document“ from 23rd July 2012 (“Background and Context”, p. 5), the conservation status of habitats as well as populations of flora and fauna considering NATURA 2000 in forests is to be assessed as significantly better than in non-forest areas. Utilising these areas as forests is the most conservational and closest-to-nature form of area management. We attach great importance to the comprehensive recognition and consideration of the extensive benefits and effects of forests, which can only be fully developed through sustainable management by the forest owners. The implementation of NATURA 2000 in forests should not be viewed in isolation from this overall context.

NATURA 2000 and hoofed game

From our point of view, excessive hoofed game stocks represent a considerable obstacle for natural and sustainable forest management in large parts of Europe. They also lead to problems in NATURA 2000 sites with regard to various aspects of nature conservation (see also 4.2.2 of the initial “Scoping document”).

We would like to highlight this aspect again, which should be taken into greater account in the guideline (possibly in a separate Chapter?). It should also be mentioned as an important pressure/ threat in chapter 2.4.5 (e.g. in the mentioned overview).

Local Hunters and responsible national authorities in regard to hunting regulation (e.g. development of shooting plans) have to be included in the management process of NATURA 2000 (e.g. to be added in chapter 5.1. oder 5.2. of the guideline draft).

Abstaining from management through a “non-intervention” approach (wilderness areas) (chapter 3.3.1)

Under the heading “Integration of ecological and economic objectives and constraints” (chapter 3.3.1.,p. 28) your guideline draft states that a concept of “non-intervention” could be a promising management approach for handling forests in NATURA 2000 areas.

We would like to point out that the majority forests in the EU (almost all) are secondary forests which have generally been created through active afforestation and have since been under forest management.

The favourable habits in the forests of the NATURA 2000 areas with their valuable flora and fauna are also a result of this sustainable forestry management, through which the forest owners are at-

tempting to generate a local consensus from the various economic, ecological and social requirements.

In general, the question is raised as to whether with the proposed concept of “non-intervention management” (process protection) the specific protection and development goals of NATURA 2000 sites can actually be achieved in individual cases with regard to certain species and habitats. It is a known fact that smooth and uninterrupted succession development cannot be controlled and that the development outcome is unpredictable. There are no species or forest habitats known so far to profit by stopping close-to nature sustainable forest management (SFM).

Furthermore, from the experience of our mediterranean members, a setting aside of forest land there could raise severe problems in regard to fight against forest fires (accumulation of fire-triggering biomasses).

We therefore consider an integrative approach to be necessary as part of active sustainable forest management (SFM) in order to take into account the goals of NATURA 2000 as well as the other important functions of the forest. Furthermore, in our opinion, the concept of “non-intervention management” and diverse variation forms („wilderness areas“, see 2.3 on p.18) is not suitable and should not be given any further consideration in the development of these guidelines.

Forest management plans and implementation of NATURA 2000 (chapter 3.4)

Chapter 3.4 of your guideline draft is dedicated to the local planning of measures as defined in NATURA 2000 and their integration into the local forest management.

From the forest management point of view, we declare ourselves in favour of keeping the current character of pure forest management plans as the form of silvicultural planning. A separate ma-

management plan for the NATURA 2000 area should specify the development targets for conservation from NATURA 2000-perspective. These are then taken into account in the forest management plans as applicable (e.g. Slovakian model, p. 33 “Scoping document”).

Only through separate planning NATURA 2000 requirements will become evident which are not yet fulfilled through sustainable forest management by the forest owners on the basis of their forest management plans. Only through an identified lack of coverage in the forest management plan and the NATURA 2000 management plan targeted funding or payment of compensation can be justified for forest owners properly and implemented.

In any case, when creating management plans in accordance with NATURA 2000, the forestry administration body and the affected forest owners must continue to be informed and involved at an early stage to allow forestry expertise to be taken into account and to work towards acceptance and implementation of the management plans.

Financial funding incentives for implementing NATURA 2000 (chapter 3.5)

We welcome the statements in chapter 3.6 and further parts of the draft guidelines which call for appropriate financial funding for NATURA 2000 in forests. This is no doubt connected with the inclusion of this point in the new EAFRD Regulation for the GAP funding period 2014-2020 (Article 30 of the EAFRD Regulation (EU) Nr. 1305/2013). In that regard the EU-Commission (DG AGRI) has several times referenced the chance to compensate municipal forests via the exceptional rule of Art. 30 EAFRD (... duly justified cases ...) what should appear clearly mentioned in the draft guideline text, as well as funding opportunities regarding Art. 34 of the EAFRD regulation.

Furthermore, it is incomprehensible why financial funding should only be available to private forest owners (see 3.4.6 page 38 and 3.5.3 page 42 draft guideline). In many parts of the EU, NATURA 2000 areas are largely designated in publicly owned forests (state and municipal forests), as they are more obligated towards the common good than private forests. However, municipal forests hold a position that is somewhere between state and private forests. In some regions, municipal forest constitutes the largest percentage of wooded areas for NATURA 2000. At the same time, the income from forestry is often extremely important for municipal budgets, especially in remoted rural areas.

Justified funding for additional expenditure and payment of compensation for lower yields should also be granted to municipal forest owners. With regard to the not legally binding character of many NATURA 2000 management plans across Europe, the desired implementation of their measures on the ground have to match with the acceptance by the forest owners. A financial instrument for implementing NATURA 2000 therefore is essential for municipal forests and should not be missing.

Assessment of forestry management measures, “appropriate assessment” (AA) according to the Directive on the conservation of natural habitats and of wild fauna and flora (chapters 3.3.3 and 3.4.3)

To date, the principle has always applied that in the forests of NATURA 2000 areas the current and proper forest management can be continued. Should a change to the current practice be necessary in order to benefit certain species or types of habitat, this can only take place on a voluntary basis or through financial funding instruments (cf. “NATURA 2000 and the forest” guideline from 2003, chapter 6.4).

Therefore we strongly reject all ideas to claim the regulation of Art. 6.3 of the FFH-Directive for measures and plans of sustainable forest management (SFM) (see chapters 3.3.3 p. 29 and 3.4.3 p. 34 of the guideline draft).

Aside from the bureaucratic workload that an assessment of individual forestry management measures entails as defined in Article 6 Para. 3 of the Directive on the conservation of natural habitats and of wild fauna and flora, the afore mentioned principle should also be adhered to for reasons of credibility with regard to the affected forest owners.

Further aspects to be considered

Considerable importance should be attached to a balanced coordination and agreement across multiple forest owners of different ownership in implementing a NATURA 2000 management plan, each owner with different forest size and different forest management plan. Therefore the concrete measures should leave enough flexibility for reaching the conservation targets via implementation by different owners in the NATURA 2000 site. Although it seems necessary to give any guideline on the proceeding and the responsible body for the mentioned process of coordination/ agreement.

The results and key messages of the german FFH-Impact-project (it was presented on the first Workshop for the guidelines on December 13th 2012) should be mentioned and considered in the guidelines (e.g. relevant forestry measures like accumulation of deadwood, extension of rotation periods, limitation of tree species for planting, etc. as well as the calculated income forgone for forest owners), what could fit well in chapter 3.3 of the guideline draft text.

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Zum Schreiben vom
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We kindly ask you to take the outlined aspects into consideration in the further development of the new guidelines for NATURA 2000 and forests. FECOF is very much willing to be constructively involved in the further process and to explain its views in greater detail.

Kind regards,
Yours faithfully

A handwritten signature in black ink, appearing to read 'Georg Bauer', written in a cursive style.

Georg Bauer
Secretary General