

## **STATEMENT BY THE EUROPEAN COMMISSION**

### On FRLs

"Upon request of several Member States, the Commission would like to clarify its understanding of the accounting rules for managed forest land set forth in its proposal for the LULUCF regulation.

The Commission recalls that in its proposal for the LULUCF regulation, removals and emissions on managed forest land shall be accounted against the Forest Reference Level.

The Commission reiterates that, in line with its proposal, the proposed Forest Reference Level shall be based on an estimate of the future carbon sink in a forest, made by projecting forward the recorded forest characteristics and the forest management practices and intensity documented in a historical Reference Period (2000-2009).

The Commission underlines that the proposed Forest Reference Level takes the future impact of dynamic age related forest characteristics, such as diameter, species, rotation length, historical growth rates, fully into account and does not prevent the future increase in harvest.

These characteristics may justify in duly documented cases harvests up to the annual forest growth. Such an increase in harvest is compatible with the Forest Reference Level approach. An associated decrease in removals, needed to implement this should therefore be taken into account when establishing the Forest Reference Level.

An unbalanced age structure of the forest (with too many old trees) may lead to a long term reduction of the sink. The Commission reassures the Member States that the Forest Reference Level approach shall therefore not unduly constrain future forest management intensity adjustments, aimed at maintaining or strengthening the long term carbon sink in line with the Paris Agreement."

### On the involvement of experts

"Upon request of the European Parliament, the Commission would like to clarify its intention regarding the choice of the experts to be involved in the review of national forestry accounting plans and the assessment of the forest reference levels submitted by the Member States.

The Commission recalls that recital 10 of its proposal for the LULUCF regulation explains the organisation of the review process referred to in Article 8(5) in general, and, in particular, it clarifies that **the Commission shall set up a review team, or, in other words, shall choose the experts to be involved in the review process**, in accordance with Commission Decision C(2016)3301<sup>1</sup>.

Commission Decision C(2016)3301 establishes horizontal rules on the creation and operation of Commission expert groups as well as of other similar entities aimed at providing the Commission with advice and expertise.

Article 7 of Commission Decision C(2016)3301 obliges the Commission to specify the members of an expert group when setting it up. Furthermore, it provides for 5 types of members the Commission may invite to the expert group. It refers to, *inter alia*, **individuals appointed in a personal capacity (Type A members); organisations (Type C members); and Member States' authorities (Type D members)**.

**The Commission would like to reiterate its intention to involve in the work of an expert group which will assist the Commission to carry out the review process under Article 8(5) at least "Type A members" and "Type D members"**. The aforementioned intention is clearly expressed, on one hand, in recital 10 of its proposal for the LULUCF regulation, and in **Commission non-paper of 21 March 2017<sup>2</sup>**.

Recital 10 states that the Commission will conduct the review procedure on the basis of the good practice and experience of the expert reviews under the UNFCCC, including as regards participation of national experts and recommendations, and **select a sufficient number of experts from the Member States**.

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<sup>1</sup> Commission Decision of 30.5.2016 establishing horizontal rules **on** the creation and operation of Commission expert groups.

<sup>2</sup> Commission non-paper – Assessment of amendments related to forest accounting and Harvested Wood Products (WK 3353/2017 INIT).

The Commission non-paper further explains that this review procedure should in principle be conducted by a group of experts consisting of Member State authority appointees and individual experts acting independently and in the public interest.

This statement should in not be interpreted as a definite choice restricting the Commission right to involve, if appropriate, other type of members, defined in Article 7 of Commission Decision C(2016)3301."

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