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From: General Secretariat of the Council
To: Permanent Representative Committee/Council

Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 **(first reading)**
- Adoption of the legislative act
= Statements

Statement by Estonia

Estonia remains committed to fighting deforestation and forest degradation, especially illegal deforestation, at a global level. Estonia therefore welcomes the compromise reached on the deforestation and forest degradation Regulation.

However, fighting against illegal deforestation and forest degradation must not come at the cost of nature restoration targets. Throughout the negotiations, Estonia has highlighted that exemptions and flexibilities are needed regarding deforestation, coupled with pastoral agriculture as an important tool for the restoration and maintenance of the ecosystems of semi-natural grasslands.

Even though this concern is addressed in the recitals (recital 36 in the final text), it does not provide the legal certainty for some restoration practices to be continued after the new legislation enters into force. In addition, the final compromise on the definition of forest degradation has raised uncertainties about its application, i.e. its control, monitoring and traceability.

Estonia insists that the Commission remain committed to their assurances that no discrepancies with existing restoration targets and current practices and the future benchmarking, or other measures of the deforestation Regulation will occur.

Estonia is looking forward to future guidelines allowing the continuation of restoring semi-natural grasslands by controlled deforestation, and the permanent ecosystems' maintenance permitting livestock grazing. Both are important tools for meeting biodiversity and nature restoration goals in Member States.

Statement by Latvia

Latvia supports and commits to contribute to the aim of regulation to fight against deforestation and forest degradation worldwide.

However, Latvia abstains on the compromise reached on deforestation and forest degradation regulation, for the following reasons.

Latvia regrets that Council's general approach was not maintained, and forest degradation definition is extended to naturally regenerating forests (the conversion of naturally regenerating forests into plantation forests or other wooded land). This was very important and sensitive issue for Latvia and many Member States. Latvia believes that the proposed definition could lead to difficulties of interpretation, implementability and verifiability. It creates legal uncertainty for operators, traders and competent authorities. Latvia also sees risks related to returning of overgrown agricultural land back to economic activity, as due to historical reasons in past few decades large areas of agricultural land has been set aside and overgrown.

Addition of a broad definition of establishments for cattle sector poses risks to implementability for the farmers and raises questions about the proportionality of provisions for Member States, where agricultural land overgrows quickly and forests cover considerable part of the country's territory.

Statement by Portugal

Portugal welcomes the agreement reached on this Regulation. We believe it will provide a valuable tool to address two key environmental challenges of our time: global warming and biodiversity loss, which are inextricably linked to increased deforestation and forest degradation.

Given the extreme importance of this Regulation and in view of its successful implementation, we would like to highlight a remaining concern on the definition of ‘forest degradation’, regarding the inclusion of naturally regenerating forests and their conversion into plantation forests or into other wooded land.

Naturally regenerating forests do not always represent ecosystems of high ecological value that need to be protected; on the contrary, in certain situations natural regeneration may be carried out by invasive, opportunistic species (for example, after a fire or even by the aggressive widespread of such species) with negative impacts on native species and on the balance of the ecosystem.

It may therefore be necessary to intervene in the natural regeneration process, through forest management actions using afforestation techniques to recover and even to improve ecosystem value, and such actions should not be penalised by this Regulation.

We encourage the Commission to take these situations into account and to provide clarification by defining, in cooperation with Member States, guidance for the applicability and evaluation of forest degradation.

Statement by Slovakia

Slovensko sa plne zaväzuje k boju proti globálnemu odlesňovaniu a degradácii lesov a považuje túto výzvu za naliehavú a prioritnú. Z tohto dôvodu Slovensko podporuje zámer navrhnutého nariadenia.

Avšak sme toho názoru, že konečný text obsahuje neurčitosti, ktoré sa týkajú niektorých aspektov, najmä monitoringu a vysledovateľnosti vo vzťahu k navrhnujej definícii pojmu „degradácia lesa“.

Navrhnutá definícia degradácie lesa zníži právnu istotu operátorov, obchodníkov a príslušných orgánov a uplatniteľnosť navrhnutého nariadenia. V niektorých prípadoch táto definícia zároveň obmedzí práva vlastníkov lesov na národnej úrovni.

Vo vzťahu k navrhnutej definícii degradácie lesa sme na národnej úrovni identifikovali niekoľko praktických príkladov, ktoré môžu spôsobiť neistotu a nejasnosti i nepredvídateľné dôsledky v budúcnosti. Tieto príklady často súvisia s trvalo udržateľným hospodárením v lesoch na území našej krajiny. V tomto kontexte chceme zdôrazniť jeden špecifický prípad, ktorý sa týka ochranných lesov, ktoré sú osobitnou kategóriou lesov určených na ochranu pôdy podľa našich vnútroštátnych právnych predpisov (tieto lesy nespádajú do kategórie chránených lesov; je potrebné rozlišovať medzi “ochrannými” a “chránenými” lesmi). V mnohých z týchto ochranných lesov neboli v minulosti realizované žiadne lesohospodárske činnosti, v niektorých prípadoch išlo o obdobie dlhšie ako 100 rokov. Ich charakteristiky a štruktúra preto môžu pripomínať alebo kopírovať prírodné lesy. Napriek tomu, napríklad v prípade prírodnej udalosti, môže prísť k významnému poškodeniu týchto ochranných lesov a bude naliehavo potrebné ich obnoviť s cieľom zabezpečenia kontinuity v plnení ich ochrannej funkcie a posilnenia ich adaptability na zmenu klímy. V takýchto prípadoch môže byť použitá (v rôznej miere) umelá obnova. Avšak využitie postupov umelej obnovy v tomto prípade nepredstavuje degradáciu lesa.