# COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.07.1999 COM(1999)379 final

99/0159 (COD) 99/0160 (COD)

# Proposal for a

# **EUROPEAN PARLIAMENT AND COUNCIL REGULATION (EC)**

amending Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution

Proposal for a

# **EUROPEAN PARLIAMENT AND COUNCIL REGULATION (EC)**

amending Regulation (EEC) No 2158/86 on the protection of the Community's forests against fire

(presented by the Commission)

#### **EXPLANATORY MEMORANDUM**

Council Regulations (EC) No 307/97 amending Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution<sup>1</sup> and (EC) No 308/97 amending Regulation (EEC) No 2158/86 on the protection of the Community's forests against fire<sup>2</sup> take Article 43 of the Treaty as their legal basis.

On 30 April 1997 Parliament queried this matter with the Court of Justice. On 25 February 1999 the Court gave its judgement in joint cases C-164/97 and C-165/97. The judgement repealed both Regulations and stipulated that the Council should have used Article 130s of the Treaty (now Article 175 of the Treaty) as the only legal basis.

However, the Court suspended the effects of the repeal to enable the Council to adopt two new Regulations with the same purpose within a reasonable time.

Attached are proposals for new Regulations having the same purpose as the repealed Regulations, this time with Article 175 of the Treaty as their legal basis.

The financial allocation for these two measures has been adjusted in line with the actual budget allocations for 1997-1999 and those provided for in the 2000 PDB.

1

OJ L 51, 21.2.1997, p. 9.

<sup>&</sup>lt;sup>2</sup> OJ L 51, 21.2.1997, p. 11.

#### Proposal for a

#### **EUROPEAN PARLIAMENT AND COUNCIL REGULATION (EC)**

# amending Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION.

Having regard to the Treaty establishing the European Community, and in particular Article 175 thereof,

Having regard to the proposal from the Commission<sup>3</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>4</sup>,

Having regard to the opinion of the Committee of the Regions<sup>5</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

- (1) Whereas the period of application of Council Regulation (EEC) No 3528/86 of 17 November 1986 on the protection of the Community's forests against atmospheric pollution<sup>6</sup> expired on 31 December 1996;
- Whereas forests play an essential part in maintaining fundamental ecological balances, particularly as regards the soil, water resources, climate, fauna and flora; whereas those ecological balances are indispensable for sustainable agriculture and the management of rural areas;
- Whereas the conservation of the forest ecosystems is important for its economic, ecological and social functions and contributes, in particular, towards safeguarding the social function of those people working in agriculture and in rural areas;
- (4) Whereas the Community and the Member States committed themselves at international level at the pan-European Ministerial Conferences on the Protection of Forests in Europe, held in Strasbourg in 1990 and in Helsinki in 1993 to continuous surveillance of forest damage; whereas the scheme provided for by Regulation (EEC) No 3528/86 contributes to the fulfilment of this commitment;

4 OJ C

<sup>3</sup> OJ C

<sup>5</sup> OJ C

OJ L 326, 21.11.1986, p. 2. Regulation as last amended by Regulation (EEC) No 2157/92 (OJ L 217, 31.7.1992, p. 1).

- (5) Whereas results from the systematic survey network show obvious trends in spatial and temporal distribution of forest damage over the entire area of the Community;
- (6) Whereas plots for the intensive and continuous monitoring of forest ecosystems have been set up by the Member States; whereas a continuation of this monitoring activity over a longer period will improve the understanding of the causal relationship between changes in forest ecosystems and the factors influencing them;
- Whereas consequently the scheme provided for by Regulation (EEC) No 3528/86 should be continued and its duration extended for five years, its period of application thereby being extended to fifteen years as from 1 January 1987;
- (8) Whereas the financial allocation established by this Regulation covers the full duration of the measure and constitutes the prime reference for the budgetary authority during the annual budgetary procedure within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure;
- (9) Whereas Regulation (EEC) No 3528/86 should therefore be amended,

#### HAVE ADOPTED THIS REGULATION:

#### Article 1

Article 11 of Regulation (EEC) No 3528/86 is replaced by the following:

#### "Article 11

- 1. The scheme shall run for 15 years from 1 January 1987.
- 2. The financial allocation for the implementation of the scheme shall be EUR 34 million for the period 1997 to 2001.
  - Annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.
- 3. Before expiry of the period referred to in paragraph 1, the Commission shall submit to the Council a report on the application of this Regulation."

#### Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament The President For the Council The President

#### Proposal for a

# EUROPEAN PARLIAMENT AND COUNCIL REGULATION (EC)

# amending Regulation (EEC) No 2158/86 on the protection of the Community's forests against fire

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION.

Having regard to the Treaty establishing the European Community, and in particular Article 175 thereof.

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee<sup>8</sup>,

Having regard to the opinion of the Committee of the Regions<sup>9</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

- Whereas, since the rural communities, in particular foresters and stock (1) farmers, who are the main trustees of Europe's forest heritage, and in particular their professional organisations, play a fundamental role in drawing up regional fire prevention action plans, in practising preventive silviculture and as first-line firefighters, it is important to create the conditions for the effective participation of these people in the protection of European forests against this abiotic agent;
- (2) Whereas the period of application of Council Regulation (EEC) No 2158/92 of 23 July 1992 on protection of the Community's forests against fire 10 expired on 31 December 1996;
- (3) Whereas forests play an essential part in maintaining fundamental balances, particularly as regards the soil, water resources, climate, flora and fauna; whereas those ecological balances are indispensable for sustainable agriculture and the management of rural areas;
- (4) Whereas the conservation of the forest ecosystem is important for economic, ecological and social reasons and contributes, in particular, towards maintaining the social situation of those people working in agriculture and in rural areas:

JO C

OJ C

OJ C

OJ L 217, 31.7.1992, p.3.

- (5) Whereas the Community and the Member States attach particular importance to the protection of their forest resources and whereas they have given international undertakings on the sustainable development of forests and the protection of forest regions, in particular during the United Nations World Conference on the Environment and Development in Rio de Janeiro in 1992 and at the pan-European Ministerial Conferences on the Protection of European Forests in Strasbourg in 1990 and in Helsinki in 1993; whereas the Community scheme provided for by Regulation (EEC) No 2158/92 helps to fulfil those undertakings;
- (6) Whereas, pursuant to Regulation (EEC) No 2158/92, 60 million hectares of forest, equivalent to about a half of European forests, have been classified as fire-risk zones;
- (7) Whereas fires continue to restrict the sustainable development of forests in fire-risk zones:
- (8) Whereas the Community system of information on forest fires established under Article 5 of Regulation (EEC) No 2158/92 has permitted the development of Community cooperation on forest fires; whereas the development of that system will provide an effective instrument for better evaluating forest-fire protection measures and for better analysing the causes of fires;
- (9) Whereas, therefore, the scheme as provided for by Regulation (EEC) No 2158/92 should be continued, in particular to strengthen the consistency of forest measures financed in fire-risk zones, to reinforce the fight against the causes of fires and to improve prevention and monitoring systems and whereas the duration of the scheme should be extended for five years, thus bringing the period of application of the scheme to ten years from 1 January 1992;
- (10) Whereas the financial allocation established by this Regulation covers the full duration of the measure and constitutes the prime reference for the budgetary authority during the annual budgetary procedure within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure;
- (11) Whereas Regulation (EEC) No 2158/92 should therefore be amended,

#### HAVE ADOPTED THIS REGULATION:

#### Article 1

Article 10(1) and (2) of Regulation (EEC) No 2158/92 are replaced by the following:

- «1. The scheme shall run for 10 years from 1 January 1992.
- 2. The financial allocation for the implementation of the scheme shall be EUR 50 million for the period 1997 to 2001.

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

# Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament The President For the Council The President

# **FINANCIAL STATEMENT**

#### 1. TITLE OF OPERATION:

Extension of the schemes to protect forests against atmospheric pollution (Regulation (EEC) No 3528/86 - *scheme 1*) and against fire (Regulation (EEC) No 2158/92 - *scheme 2*)

#### 2. **BUDGET HEADING INVOLVED:**

B2-515 Forestry

#### 3. LEGAL BASIS:

Article 175 of the Treaty

#### 4. DESCRIPTION OF OPERATION

# 4.1 General objective

Scheme 1: to improve knowledge of forest health

Scheme 2: to improve knowledge of forest fires, prevention and monitoring

### 4.2 Period covered

1997-2001

#### 5. CLASSIFICATION OF EXPENDITURE OR REVENUE

# 5.1 Non-compulsory expenditure

#### 5.2 Differentiated appropriations

#### 6. TYPE OF EXPENDITURE OR REVENUE

See point 7

# 7. FINANCIAL IMPACT

# 7.1 Method of calculating total cost of operation (definition of unit costs)

#### Scheme 1:

 Community contribution of not more than 50% to projects submitted by the Member States to the Commission for the periodic forest health report, intensive monitoring and experiments and pilot projects,

- Community contribution of 100% for coordination and monitoring activities,
- the estimated breakdown of Community assistance is as follows: 10% for the periodic report, 65% for intensive surveillance, 15% for pilot projects and 10% for coordination.

# Scheme 2:

- Community contribution of not more than 30% or 50% (depending on the degree of forest-fire risk) to projects/programmes submitted by the Member States to the Commission for studies on the causes of forest fires, information campaigns, prevention and monitoring,
- Community contribution of not more than 15%, 30% or 50% (depending on the degree of forest-fire risk) for the continued implementation of the Community system of information on forest fires,
- Community contribution of 100% for coordination, evaluation and monitoring activities,
- the estimated breakdown of Community assistance is as follows: 15% for studies on the causes of forest fires and information campaigns, 45% for prevention, 35% for monitoring and 5% for the information system and coordination.

#### 7.2 Itemised breakdown of cost

The Commission's 1996 proposal was not fully followed by the budgetary authority, with the result that there is a discrepancy between the amount actually allocated and the financial reference amount initially provided for in the Regulations. The following table takes account of the amounts actually allocated in 1997, 1998 and 1999 and those provided for in the schedule of the 2000 PDB.

CA in EUR million (current prices)

Breakdown	1997	1998	1999	2000	2001	Total
Protection of fires against atmospheric pollution	8.3	6.2	6.5	6.5	6.5	34
Protection of forests against fire	12.7	9.8	9.0	9.0	9.5	50
Total	21.0	16.0	15.5	15.5	16.0	84

#### 7.4 Schedule of commitment and payment appropriations

The following table also reflects actual budget implementation during the period 1997-99 and the 2000 PDB

	1997	1998	1999	2000	2001	2002 and subseq. years	Total
Commitment appropriations	21.0	16.0	15.5	15.5	16.0		84.0
Payment appropriations							
1997 1998 1999 2000 2001 and subsequent financial years	0.5	5.6 0.2	6.5 4.3 0.2	6.4 6.0 4.4 0.2	2.0 4.8 6.0 4.4 0.2	0.7 4.9 10.9 15.8	21 16 15.5 15.5 16.0

# 8. FRAUD PREVENTION MEASURES

# 9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

# 10. ADMINISTRATIVE EXPENDITURE (PART A OF SECTION III OF THE GENERAL BUDGET)

On these points, there is no change from the financial statement for the two 1996 proposals for Regulations.