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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
Subject:	Non-ETS (LULUCF): WPE 27 March - PL proposals for articles 8, 9 and 10 and Annexes

With a view to the WPE meeting on 27 March delegations will find attached proposals from Poland on the above.

Proposed changes by Poland	Reasoning
<p>Art.8</p> <p>Accounting for managed forest land</p> <p>1. Member States shall account for emissions and removals resulting from managed forest land, calculated as emissions and removals in the periods from 2021 to 2025 and from 2026 to 2030 minus the value obtained by multiplying by five its forest reference level. A forest reference level is an estimate of the average annual net emissions or removals resulting from managed forest land within the territory of the Member State in the periods from 2021 to 2025 and from 2026 to 2030.</p> <p>2. Where the result of the calculation referred to in paragraph 1 is negative in relation to its forest reference level, a Member State shall include in its managed forest land accounts total net removals of no more than the equivalent of 3,5 per cent of the Member State's emissions in its base year or period as specified in Annex III, multiplied by five</p> <p>2. Member States shall determine the new forest reference level based on the criteria set out in Annex IV, section A. They shall submit to the Commission a national forestry accounting framework plan including a new forest reference level, by 31 December 2018 for the period from 2021 to 2025 and by 30 June 2023 for the period 2026-2030.</p> <p>The national forestry accounting framework plan shall contain all the elements listed in Annex IV, section B and include a proposed new forest reference level</p>	<p>PUBLIC</p> <p>This definition has been moved to art.3 about definitions.</p> <p>We do not see a justification for the use of a cap. The application of a cap disincentivizes increased mitigation action, which is contrary to the articles of the Paris Agreement. The cap was set due to the lack of experience with the establishment of the FMRL under the KP. In 2021 we will have a decade of practice of FMRL application from when it was submitted in 2011. A lot of experience and progress will have been made during that decade.</p> <p>The word framework provides a better description of the document.</p> <p>As forestry has been evolving, we believe we should be looking at</p>

based on the trends of sustainable forest management practices in accordance with the best available data and adopted policies and programs, taking into account the protection of biodiversity. ~~continuation of current forest management practice and intensity, as documented between 1990-2009 per forest type and per age class in national forests,~~ expressed in tonnes of CO2 equivalent per year.

~~The national forestry accounting plan shall be made public and shall be subject to public consultation.~~

3. Member States shall demonstrate consistency between the methods and data used to establish the forest reference level in the national forestry accounting ~~framework plan~~ and those used in the reporting for managed forest land. At the latest at the end of the period from 2021 to 2025 or from 2026 to 2030, a Member State shall submit to the Commission a technical correction of its reference level if necessary to ensure consistency.

4. The Commission shall ~~carry out a~~ review the national forestry accounting ~~frameworks plans~~ and technical corrections and ~~conduct a technical analysis of assess~~ the extent to which the proposed new or corrected forest reference levels have been determined in accordance with the principles and requirements set out in paragraphs (3) and (4) as well as Article 5(1) ~~until corresponding modalities, procedures and guidelines are developed by bodies of the UNFCCC.~~ To the extent that this is required in order to ensure compliance with the principles and requirements set out in paragraphs (3) and (4) as well as Article 5(1), the Commission may ~~provide technical recommendations to Member States in order to facilitate a technical revision of recalculate~~ the proposed new or corrected forest reference levels.

trends of forest management, above all, to reflect the undergoing changes in the forestry sector. The word “trends” will also capture the diversity of the MS forest sectors.

We also suggest to emphasize sustainable forest management and biodiversity protection in the text, as these are important concepts for the UE.

We think that there is no need to conduct public consultations on a technical document.

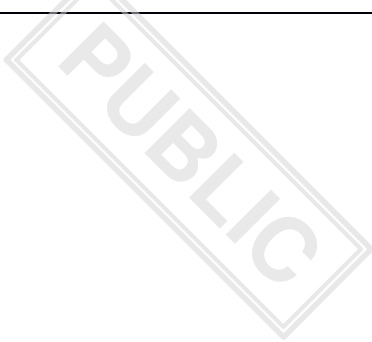
We are not comfortable with the word ‘assess’, as there is a very thin line between an assessment and evaluation. We should also remember that forestry remains in the competence of MS.

We are lacking a review process after 2020 and, thus, agree to the EC involvement. However, this should not constitute a barrier for us to align ourselves to the outputs of a process that we all develop on a global level.

MS who have calculated the FRL are capable of conducting a technical revision. The suggested unilateral recalculation is against the logic of a transparency process. Moreover, forestry is in national competence of MS. We also think that it would be worth

<p>5. The Commission shall adopt implementing delegated acts in accordance with Article 14 bis to amend Annex II in the light of the review carried out pursuant to paragraph (5) to establish update Member State forest reference levels based on assumptions provided in the national forestry accounting frameworks plans or the technical corrections submitted, and any recalculations made in the context of the review, by 31 December 2019 for the period 2021-25 and by 30 June 2024 for the period 2026-30. Until the entry into force of the delegated act, Member State forest reference levels as specified in Annex II shall continue to apply for the period 2021-2025 and/or 2026-2030.</p>	<p>considering that the review could be based on the EU Regulation 749/2014 which concerns the organization of reviews.</p> <p>We don't think that there is a need for having Annex II. We don't see any justification of automatically using a tailor-calculated FMRL for the years 2013-2020 as a FRL for the period 2021-2025 and beyond.</p> <p>Since MS have a deadline for FRL submission, there should also be a deadline for the adoption of implementing acts to make sure that MS do find themselves in a situation when the accounting period has started and there is no adopted FRL.</p>
<p>Art.9 Accounting for harvested wood products</p> <p>9.1. Member States shall account for emissions and removals resulting from the changes in the pool of harvested wood products, as the total of emissions and removals for each of the years in the periods from 2021 to 2025 and from 2026 to 2030.</p> <p>9.2. In accounts pursuant to Article 6(1) and 8(1) relating to harvested wood products, Member States shall reflect emissions and removals resulting from changes in the pool of harvested wood products falling within the following categories using the first order decay function, the methodologies and the default half-life values specified in Annex V:</p>	<p>Agreement with the FI proposal.</p>

<p>(a) paper;</p> <p>(b) wood panels;</p> <p>(c) sawn wood.</p>	
<p>Art.10</p> <p>Accounting for natural disturbances</p> <p>4. The Commission shall be empowered to adopt implementing delegated acts in accordance with Article 14 bis to revise the methodology and information requirements in Annex VI in order to reflect changes in the IPCC Guidelines.</p>	<p>Better wording.</p>
<p>Annex I: Greenhouse gases and carbon pools</p> <p>A. Greenhouse gases pursuant to Article 2:</p> <p>a. carbon dioxide (CO₂);</p> <p>b. methane (CH₄);</p> <p>c. nitrous oxide (N₂O)</p> <p>expressed in terms of tonnes of CO₂ equivalent determined pursuant to Regulation (EU) No 525/2013.</p> <p>B. Carbon pools pursuant to Article 5(4):</p> <p>1. for land accounting categories:</p> <p>a. above-ground biomass;</p> <p>b. below-ground biomass;</p>	<p>We agree with FI on adding HWP as a separate category.</p>

<p>c. litter;</p> <p>d. dead wood;</p> <p>e. soil organic carbon;</p> <p>2. harvested wood products:</p> <p>(a) annual change in carbon stock</p> <p>for afforested land and managed forest land: harvested wood products.</p>	
<p>Annex II: Minimum values for area size, tree crown cover and tree height and forest reference levels</p> <p>Member State forest reference levels including harvested wood products</p>	<p>We suggest deleting this part (table) of Annex II. A new FRL should be established, not the use of the existing FRML for the years 2021-30.</p>
<p>Annex III: Base years used under the UNFCCC for the optional use under art. 7. for the purposes of calculating the cap pursuant to Article 8(2)</p>	<p>We believe that MS should be given the possibility of choice, since the proposed period of 2005-07 is not representative for many MS. In addition, the UNFCCC base years were used up until now (dec.529/2013).</p>
<p>Annex IV: National forestry accounting framework plan containing a Member State's updated forest reference level</p> <p><u>A. Criteria for determining forest reference levels</u></p> <p>Member State forest reference levels shall be determined in accordance with the following criteria:</p> <p>a. Reference levels shall be consistent with the goal of achieving a balance</p>	

between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century;

b. Reference levels shall ensure that the mere presence of carbon stocks is excluded from accounting;

c. Reference levels should ensure a robust and credible accounting, to guarantee that emissions and removals resulting from biomass use are properly accounted for;

d. ~~Reference levels shall include the carbon pool of harvested wood products, providing a comparison between assuming instantaneous oxidation and applying the first-order decay function and half-life values;~~

d. Reference levels should take into account the objective of contributing to the conservation of biodiversity and the sustainable use of natural resources, as set out in the EU Forest Strategy, Member States' national forest policies, and the EU Biodiversity Strategy;

e. Reference levels shall be consistent with the national projections of anthropogenic greenhouse gas emissions by sources and removals by sinks reported under Regulation (EU) No 525/2013;

f. Reference levels shall be consistent with greenhouse gas inventories and relevant historical data and shall be based on transparent, complete, consistent, comparable and accurate information. ~~Greenhouse gas inventories shall be aligned with relevant decisions adopted by bodies of the UNFCCC or of the Paris Agreement.~~ In particular, the model used to construct the reference level shall be able to reproduce historical data from the national greenhouse gas inventory.

B. Elements of the national forestry accounting ~~framework plan~~

Agreement with the FI proposal.

It is important for the FRL to be consistent with the GHG inventories, which will in turn be aligned with any modifications done under the UNFCCC or the PA.



The national forestry accounting ~~framework-plan~~ submitted pursuant to Article 8 of this Regulation shall contain the following elements:

- a) A general description of the construction of the reference level and a description on how the criteria in this Regulation were taken into account;
- b) Identification of the carbon pools and greenhouse gases which have been included in the reference level, reasons for omitting a carbon pool from the reference level construction, and demonstration of the consistency between the pools included in the reference level;
- c) A description of approaches, methods and models, including quantitative information, used in the construction of the reference level, consistent with the most recently submitted national inventory report and documentary information on forest management practice and intensity;
- d) ~~A description of how stakeholders were consulted and how their views have been taken into account~~
- d) Information on how ~~expected~~ harvesting rates ~~will~~ ~~are expected to~~ develop ~~under different policy scenarios;~~
- e) A description of how each of the following elements were considered in the construction of the reference level:
 - 1) Area under forest management;
 - 2) Emissions and removals from forests ~~and harvested wood products~~ as shown in greenhouse gas inventories and relevant historical data,
 - 3) Forest characteristics, including age-class structure, increments, rotation length and other ~~relevant~~ information on forest management activities

As mentioned previously, this is a technical document which does not require public consultations.

There is no obligation to have different policy scenarios under the UNFCCC, just the 'with measures' (FCCC/CP/1999/7)

There is no definition of BAU, just with measures scenario.

<p>under 'business as usual';</p> <p>4) Historical and future harvesting rates disaggregated between energy and non-energy uses.</p>	<p>It is unclear why this information is needed as it does not constitute a requirement to calculate the FRL. Moreover, not all MS might have such information.</p>
<p>Annex V: First order decay function and default half-life values for harvested wood products</p> <p>Member States may, for information purposes only, provide in their submission data on the share of wood used for energy purposes that was imported from outside the Union, and the countries of origin for such wood.</p>	<p>Same comment as above.</p>