



Policy Brief for the EP Environment Committee
IP/A/ENVI/FWC/2005-35

Climate change and natural disasters:

**Assessment of EU measures to tackle
forest fires, in particular the contribution
made by Forest Focus**

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By

Martin Farmer (IEEP)

and

Cristina Álvarez Baquerizo (IPAE)

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**POLICY BRIEF FOR THE EP ENVIRONMENT COMMITTEE
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1 INTRODUCTION

1.1 EU Measures for tackling forest fires

The Treaty establishing the European Community makes no provision for a specific common forestry policy. However, the EC has adopted forestry legislation on an *ad hoc* basis in order to protect forest resources – in particular, for forest fires. The Forest Focus Regulation¹, which applies to the period 1 January 2003-31 December 2006, is the latest in a line of community actions relating to forest fires which stem back to the late 1980s. This Regulation needs to be set in the context of other relevant EU policy, predominantly agriculture and rural development policy. This paper presents a short overview of the varying levels of contribution that these policy tools have made in tackling forest fires.

1.2 Forest fires in the EU

Community intervention in managing the risks and consequences of forest fires can be justified given the scale of forest fires and the associated environmental and socio-economic consequences. For the period 1991-2000 the average annual fire area on forest and wooded land across the EU25 was 451,386 ha². The most affected Member States have been Portugal, Greece, Italy and Spain. Forest fires result in a number of environmental impacts: on climate change and air pollution, through the release of carbon dioxide and other greenhouse gases, and the associated decline in carbon sinks; on biodiversity, through the destruction of habitat; on landscape, because of the change in the visual characteristics of affected areas; and increased soil erosion (including, potentially, desertification) and run-off because of the removal of trees.

Forest fires are an inherently difficult phenomenon to tackle. The incidence of forest fires varies from year to year, and is dependent on meteorological conditions, socio-economic changes, forestry policy and human negligence. Member States estimate that most fires are caused by human negligence or deliberate action such as arson. For example, in Italy in 2002, 1 per cent of fires were attributed to natural causes, 35 per cent to negligence and 60 per cent to arson³. Natural factors, such as windspeed and direction, influence the impact and scale of a fire. Socio-economic issues also play a role, primarily through rural depopulation and land abandonment. Also, on urban fringe areas fires may be started deliberately in order to clear land for development. In the opinion of the working group on forest fires (the WGFPP), forestry policy may also have a role; a shift in focus from the production of wood to nature conservation and recreation objectives is seen to decrease timber removal in some wooded areas, increasing the vulnerability of such areas to forest fires.

¹ Regulation (EC) 2152/2003 of the European Parliament and of the Council of 17 November 2003 concerning monitoring of forests and environmental interactions in the Community (Forest Focus) (OJ L324, 11/12/2003)

² Data from Schelhaas et al (2001) in M.J. Schelhaas et al (2005) Survey of Technical and Management Based Mitigation Measures in Forestry, Report for the MEACAP (Impact of Environmental Agreements on the CAP) project.

³ Information from a questionnaire for the first meeting of the working group of forest fire prevention experts (WGFPP), 28.09.2004

2 THE ROLE OF EU POLICY IN TACKLING FOREST FIRES

First, in section 2.1, Forest Focus is contextualised by the wider strategic role for forestry in the EU, as set out in the EU Forestry Strategy. Section 2.2 describes Forest Focus and looks at the adequacy of the Regulation in tackling forest fires. Sections 2.3 and 2.4 respectively analyse the roles of rural development and agriculture policy.

2.1 The role of the EU Forestry Strategy in the context of forest fires

The EU Forestry Strategy⁴ (1998) attempts to provide a co-ordinated approach to sustainable forest management across the EU. The strategy takes stock of the various national and international processes surrounding forestry, such as national forest programmes, the MCPFE⁵, the Convention on Biological Diversity and the Kyoto Protocol. The strategy advocates the multifunctional role of forestry, and outlines the contribution forests can make to biodiversity, climate change, renewable energy resources, the promotion of wood and non-wood products and quality of life. The strategy considers forest fires, and in respect to the Regulation that preceded the Forest Focus Regulation, stated that the Council:

Advocates the continuation and evaluation of, and consideration of a possible improvement to the Community scheme for the protection of forests against fire, introduced by Regulation (EEC) No 2158/92, in view of the positive impact it has had on the effectiveness of prevention measures and of the importance of coherent arrangements to protect forests.

In 2005 the Commission produced a Communication⁶ reporting on the implementation of the EU Forestry Strategy, covering the period 1999-2004. This was accompanied by a much longer 'staff working document' which provided considerable detail on the measures included in the Strategy. The Communication stresses that forest fires remain a major concern despite the actions taken through Regulation 2158/92, and underlines the opportunity afforded by the subsequent Forest Focus Regulation (2158/92 expired in 2002) to develop a comprehensive and integrated forest monitoring system. The same document analyses the success of 2158/92, but provides little reflection on the success or otherwise of Forest Focus. The Communication concluded with the Commission proposing to the Council that it will develop an EU Action Plan for Sustainable Forest Management.

⁴ European Council Resolution of 15 December 1998 on a forestry strategy for the European Union (1999/C 56/01)

⁵ The Ministerial Conference on the Protection of Forests in Europe (MCPFE). The MCPFE is a high level process for forest policy dialogue, co-operation and policy framing involving 44 European countries, the EC and international observers.

⁶ COM (2005) 84 Communication from the Commission to the Council and the European Parliament Reporting on the Implementation of the EU Forestry Strategy, 10.03.2005

The EU Forest Action Plan, developed with stakeholder engagement, was published on 15 June 2006⁷. The Action Plan acknowledges that the Forest Focus monitoring scheme expires in 2006 and suggests that future monitoring activity, as well as support for forest fire prevention, the restoration of forests damaged by fire and for studies on the causes of forest fires, awareness raising campaigns, training and demonstration projects can be supported by LIFE+ and the EAFRD over the 2007-2013 period.

2.2 The role of the Forest Focus Regulation

2.2.1 Summary of the Regulation

The key objective of the Forest Focus Regulation was to establish a Community scheme for the harmonised, long-term monitoring of the condition of forests. The Regulation followed two earlier Regulations, one on the protection of forests against atmospheric pollution, and another on the prevention of forest fires and the monitoring of their causes and effects⁸. The Forest Focus scheme seeks to continue and develop the monitoring of air pollution, the monitoring of forest fires and their causes and effects and forest fire prevention. Another aim of Forest Focus is to assess the requirements for and develop the monitoring of soils, carbon sequestration, climate change effects and the protective function of forests. These aims are intended to be in line with the key priorities in the 6th Environmental Action Programme, the Sustainable Development strategy and the EU Forestry Strategy. A detailed overview of the legislative development of the Regulation is provided in Appendix 1.

Member States needed to submit bi-annual national programmes to the Commission for a period of two years (one for 2003/04 and one for 2005/06), the first of which was required within 60 days of the Regulation entering into force (i.e. by mid February 2004). The programmes needed to be accompanied by an ex-ante evaluation, later followed by a mid-term evaluation and ex-post evaluations. The Regulation estimated the cost of the scheme to the Community to be €61 million for the period 2003-2006, of which €9 million could be used for fire prevention measures. The scheme allows for Community funding to cover up to 50 per cent of the costs of each activity, except in the case of carrying out pilot projects and experiments, for which the Community may finance up to 75 per cent. In addition, Member States were required to send a report to the Commission on the condition of forests before 31 December 2005. Reports on the impact of fires on forests also needed to be submitted by the 31 December of each year.

The programme provides for financial aid to be granted to Member States for activities implemented under national programmes drawn up for periods of two years. A very strong element to the scheme is monitoring activity, comprised of the following activities:

⁷ COM(2006) 302 Communication from the Commission to the Council and the European Parliament on an EU Forest Action Plan

⁸ Regulation 3528/86 (OJ L326, 21.11.1986) which established a Community scheme to protect forests against atmospheric pollution, setting up a long-term forest monitoring system and Regulation 2158/1992 (OJ L217 31.07.1992) that provided a framework for the prevention of forest fires and monitoring their causes and effects, establishing a Community forest-fire information system. Both Regulations expired on 31 December 2002.

- the development of a systematic network of observation points for conducting periodic inventories in order to gather representative information on the condition of forests or to undertake intensive monitoring;
- conducting studies on causes, dynamics and impacts of forest fires;
- developing studies, experiments, pilot projects and new monitoring activities for enhancing knowledge of forest conditions and the relationship between their condition and natural and anthropogenic stress factors, assessing the impacts of climate change on forests and identifying indicators to assess biological diversity and protective functions of forests;
- carrying out studies, experiments, demonstration projects or monitoring in a test phase;
- improving data collection and data harmonisation at Community level.

There is a much smaller emphasis on forest fire prevention, where Member States can use Forest Focus to finance awareness-raising campaigns and special training for those involved in fire prevention, or to continue the financing of forest fire prevention measures established under the previous Forest Fire Regulation⁹. Importantly, measures for forest fire prevention could only be financed if they were not included in national or regional rural development programmes as supported by Regulation (EC) No 1257/1999. The Standing Forestry Committee¹⁰, the Joint Research Centre and the European Environment Agency all play a role in Forest Focus by providing scientific support and expert knowledge.

The Commission, assisted by the European Environment Agency, is due to submit a report on the effectiveness of Forest Focus to the Parliament and the Council by mid-2006 based on the national reports due to be submitted by the end of 2005. This will provide a basis for a proposal from the Commission to continue the activities within Forest Focus after 2006. The EU Forest Action Plan seems to suggest that there will not be a direct replacement for Forest Focus after 2006 and that the activities performed within it will instead be financed by a combination of the EAFRD and LIFE+.

2.2.2 The adequacy of the Forest Focus Regulation in tackling forest fires

This section presents some evidence of the implementation of national programmes under Forest Focus. Notwithstanding the many variables that can influence the occurrence and extent of forest fires (as summarised in section 1.2), it is possible to make some inferences about the adequacy of Forest Focus in tackling forest fires.

A total of 11 Member States have submitted biannual national programmes (France, Germany, Greece, Italy, Portugal, Spain, Cyprus, Poland, Slovakia, Slovenia and Hungary)¹¹. Based on the national forest focus programmes for 2003-2004, Spain,

⁹ In the Forest Fire Regulation (2158/92) Member States could write forest-fire protection plans to help reduce the number of forest fire outbreaks and the extent of areas burnt.

¹⁰ set up by Council Decision 89/367/EEC (OJ L165, 15.6.1989)

¹¹ This information and all other in this section is gathered from the following report, unless otherwise stated: EC (2005) Forest Fires in Europe 2004

Italy, Portugal and Greece have received the most from EU co-financing. This is because these Member States have very large areas categorised as being as of medium or high risk of fire. The division of co-financing between Member States is shown below, in Figure 1. The total budget allocated to forest fire prevention measures (about 15% of the total financial resources for the Regulation) has been criticised as inadequate¹².

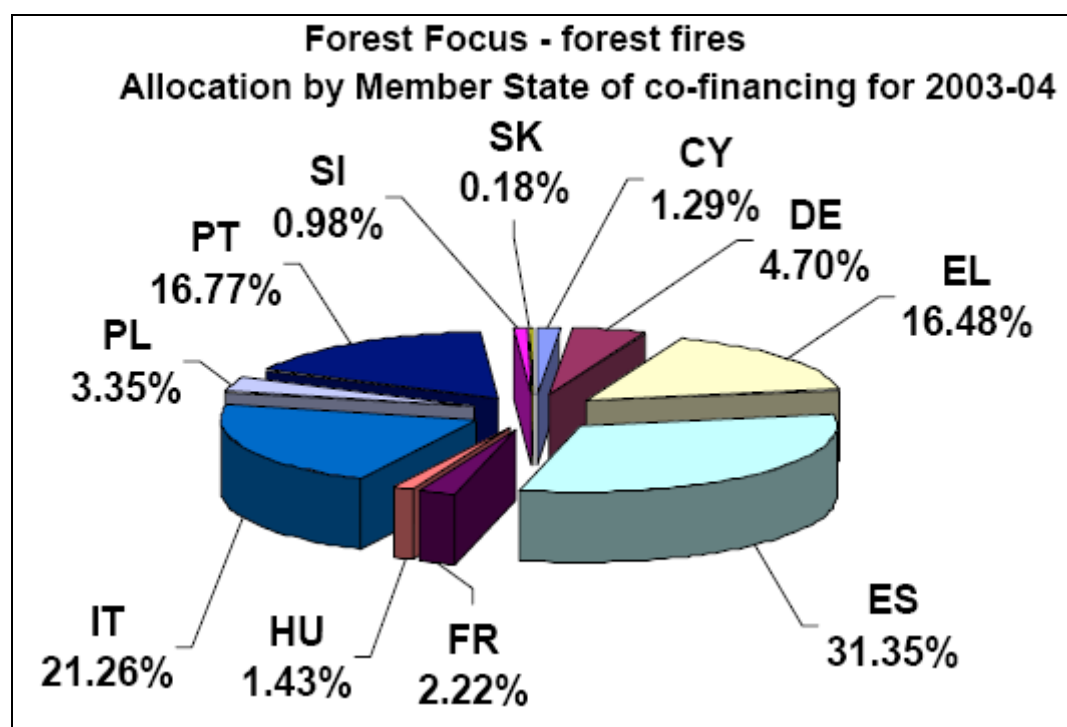


Figure 1: Allocation of EU co-financing by Member State 2003-2004

Source: EC (2005)

This co-financing has been directed to a total of 12 measures, as shown below in Figure 2. The greatest proportion of funding has been used for public awareness raising campaigns, followed by the development of European Forest Fire Information System (EFFIS¹³). A relatively large sum was also invested in special training for those involved in fire prevention.

¹² Proposals of the WGFFP to the EC on Forest Fire Prevention

¹³ EFFIS is the core database of data on forest fires collected through Forest Focus. It is managed by the Joint Research Centre.

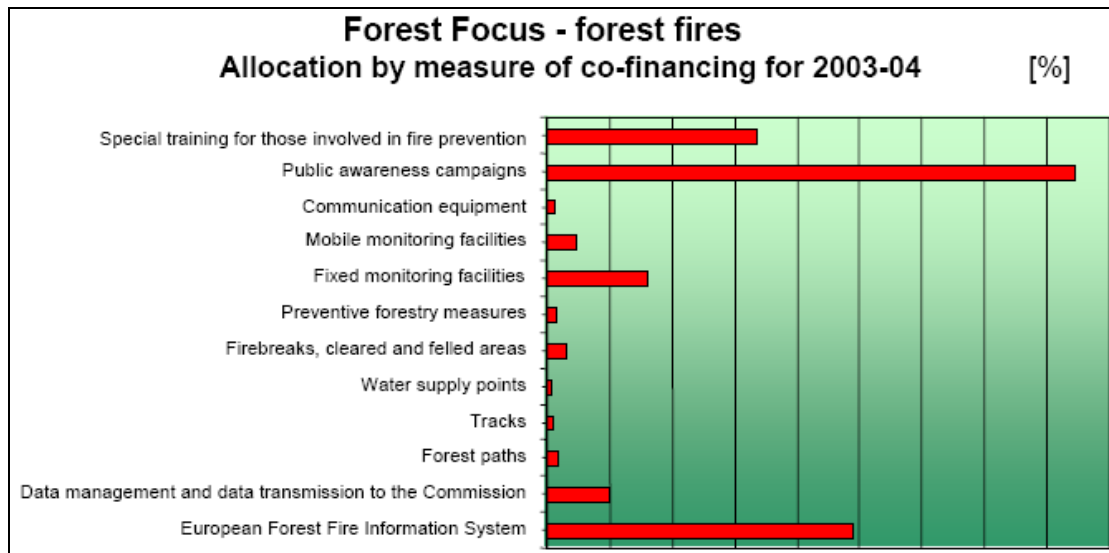


Figure 2: Allocation of EU co-financing by measure 2003-2004

Source: EC (2005)

The number of studies financed by Forest Focus has ranged from one each in Greece and Portugal, to three in France, four in Spain and eight in Italy¹⁴.

The EFFIS system has provided a range of data relating to forest fires. The database shows that the number and scale of forest fires remains approximately on a par with the situation pre-Forest Focus. In 2003, 740,000 ha were burnt. During 2004, the situation was better, with about 347,000 ha being burnt in the five Southern Member States. This is below the average for the past 25 years, although the number of fires that occurred (nearly 53,500) is above average. Over the past four years, the number of forest fires has stabilised in these 11 Member States. This has been attributed to improved public information campaigns and improvements in the prevention and fire-fighting capacity in these countries. In Portugal, for example, education campaigns were held in schools, 95000 leaflets were distributed to forest owners giving advice on forest fire prevention, and the Euro 2004 football tournament was used to present a message on forest fires using Portuguese footballers. It is not clear whether these activities were co-funded through Forest Focus.

There is limited evidence to support any argument that Forest Focus has helped to tackle forest fires. Given the manner in which budget allocations have been spent, measures under Forest Focus could be deemed to have had a positive effect, given the possible alternative situation that may have occurred had the Regulation not been adopted. The EFFIS database is perhaps a more successful outcome. However, Forest Focus has received criticism from some quarters. The NGO community¹⁵ raised a concern that Forest Focus risked being primarily an academic exercise, given its strong focus on monitoring, research, planning and testing. In addition, it was felt that Forest Focus could harm forest ecosystems. It was felt that the building of forest

¹⁴ Information from a presentation by DG ENV to the Forest Fire Prevention Experts Working Group, 14 May 2004.

¹⁵ FERN and TRN (2004) Forest Focus Briefing Note

roads, could, for example, increase the fragmentation of forest habitats. The Regulation was seen not to improve the links between forest management and biodiversity, which have a weak presence in the Regulation.

The delay in implementing the Regulation has also been criticised. This delay was created due to the comitology procedure (for more detail, refer to Appendix 1). The development and implementation of Forest Focus was slow, difficult and unsatisfactory.

The deadline of 60 days for Member States to write national programmes and to submit them with an ex-ante evaluation was probably unrealistic. In fact, the ex-ante evaluations were actually made at the mid-term stage and DG Environment has not accepted most of them. The national programmes are underdeveloped. In most cases the programmes were composed of measures already established in National Forest Plans or Strategies. Most Member States tried to avoid any extra work in implementing Forest Focus. Because of this, DG Environment asked several Member States to rewrite their programmes or progress reports.

Forest Research and the Finnish Forest Research Institute are currently undertaking an independent review of Forest Focus for the European Commission. This research aims to critically appraise monitoring initiatives, to provide suggestions for biodiversity monitoring instruments and to evaluate the capacity of Forest Focus to address threats to forest ecosystems. This research will conclude in 2006 and should be consulted on publication.

2.3 The contribution of rural development policy to combating forest fires

Forestry has generally been subsumed into agricultural policy in the EU. As described below, there is a strong overlap and possible duplication of measures between Forest Focus and the forestry measures in the rural development Regulation (Reg 1257/99). This chapter analyses the role of the rural development policy in tackling forest fires, considering the possible impact of forestry measures in the rural development Regulation and the European Agricultural Fund for Rural Development (Regulation 1698/2005). Regulation 1257/99 applies to the period 1999 to 2006, whilst Regulation 1698/2005 applies to the period 2007 to 2013.

Pillar I of the CAP plays a small role in determining the incidence of forest fires, their prevention, remedial measures and broader sustainable forest management. Section 2.4 explains the influence of the CAP (in terms of the way Pillar I payments are made to farmers) on forest fire management.

2.3.1 The impact of the rural development Regulation (Reg 1257/99)

The Forest Focus Regulation created some controversy in the Council and Parliament during the adoption process. There was some debate over the extent to which forest fire prevention measures should be taken up in the Forest Focus Regulation without duplicating relevant measures in the rural development programmes¹⁶. The rural

¹⁶ DG ENV (2004) Background document for the meeting of forest fire prevention experts 14 may 2004

development Regulation includes a range of measures relevant to forests. The clearest overlap is in Article 30, which includes a measure for restoring forestry production potential damaged by fires and introducing appropriate prevention instruments. Article 30 also includes a measure for investment in forests to improve their economic, ecological or social value. Other relevant measures included the training of forest holders (Article 9) and afforestation (Article 31).

Seven Member States have used Article 30, which aims to enhance the multifunctional role of forests and their sustainable management¹⁷. France, Germany, Greece, Italy and Spain have utilised this measure to finance fire breaks, water points, observatories and safety equipment. Only France and Portugal have developed measures for the training of forest holders, although it is not clear whether this specifically in relation to forest fires. Article 31, on the afforestation of agricultural land, allows Member States to implement measures to improve forest resources. Greece, for example, used this measure to increase tolerance and resistance to forest fires. Only France has justified the use of native species in special afforestation programmes.

Forestry measures within national rural development programmes represent approximately 10% of the total budget allocated to rural development on average, with an irregular distribution (France 4.7%, Greece 5.7%, Italy 12.0%, Spain 17%, Portugal 19.3%). About 50% of the total was devoted to reforestation and the other 50% for all other measures, in which forest fires are one issue.

The implementation of Regulation 1257/99 in relation to forest fires did not change the scheme of activities initiated by Regulation 2158/92. Under this Regulation, about 50% of these funds were used for creating or improving prevention infrastructures (water points, forest roads, firebreaks and silvicultural measures), 30% for surveillance equipment, 16% for awareness and information campaigns as well as specialised training and about 4% for analytical studies and geographical information systems.

Agri-environment and less-favoured area payments may have had an indirect effect on the occurrence of fires. Agri-environment schemes reward farmers for undertaking certain activities that are beneficial to the environment. Less-favoured areas focus on the maintenance of agricultural activity in more marginal farming areas. Encouraging grazing activity on scrub, for example, may decrease the prevalence or extent of fires. However, the WGFFP has argued that the agricultural emphasis of the rural development Regulation has limited the results for forest protection¹⁸.

2.3.2 The possibilities offered by EAFRD (Reg 1698/2005)

¹⁷ According to the Draft Commission Staff Working Document in support for the Communication to the Council and the European Parliament on the implementation of the EU Forestry Strategy

¹⁸ Proposals of the WGFFP to the EC on Forest Fire Prevention

The European Agricultural Fund for Rural Development (EAFRD)¹⁹ succeeds Regulation 1257/1999 and presents a refreshed framework for tackling forest issues over the period 2007-2013. The emphasis within the Regulation, and the accompanying strategic guidelines²⁰, is on integrated rural development. The Regulation offers Member States a range of measures for improving the competitiveness of the forestry sector, enhancing the sustainable use of forestry land and improving the quality of life in rural areas. A bottom-up approach, called Leader, can be used to link these three objectives. Member States need to develop a national strategy plan and a rural development programme for approval by the Commission in time for their implementation in January 2007. There is likely to be some competition for funding between measures given the total budget for rural development in the Financial Perspectives for 2007-2013 is €69.75bn. This will influence the design of national programmes and the priority given to forestry measures above and beyond those targeting other rural issues.

The EAFRD provides Member States with a measure that explicitly targets forest fires. As with the rural development Regulation, Member States can choose to provide support for restoring forestry potential following fires and for introducing appropriate prevention measures. Preventive actions against fires apply to forests classified as of high or medium fire risk in national forest protection plans. Other measures such as agri-environment schemes, Natura 2000 payments, forest-environment payments and natural handicap payments in mountain areas can be used in conjunction with the more specific forest fire measure to form an integrated approach to tackling forest fires.

2.4 The CAP Pillar I and its possible impact on forest fires

The CAP reform of 2003²¹ may influence the occurrence of forest fires. The decoupling of direct payments from production removes the incentive for a farmer to grow a particular crop or rear livestock. It has been predicted that decoupling direct payments from production may result in decreased agricultural activity, particularly in more marginal areas. This could result in scrubbing up, increasing the potential for forest fires, especially in southern Member States. The framework for land maintenance set out by Good Agricultural and Environment Condition (GAEC)²² may counteract this to a certain extent. Farmers must meet national GAEC standards so as not to face a deduction from their direct payment. GAEC requires Member States to put in place standards that ensure a minimum level of maintenance of all agricultural land, and especially land which is no longer used for production purposes. These standards relate to appropriate livestock regimes, the protection of permanent pasture and avoiding the spread of undesirable vegetation.

¹⁹ Council Regulation No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) OJ L 277 21.10.2005

²⁰ Council Decision on Community Strategic Guidelines for Rural Development OJ L 55/20 25.2.2006

²¹ Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers OJ L 270 21.10.2003

²² As set out in Annex IV of the above Regulation.

The impact of GAEC and decoupling depends on Member State implementation. In effect, those Member States more prone to the occurrence of fires have implemented partial decoupling for the arable and livestock sectors, with the exception of Italy. These Member States have also applied national GAEC rules to maintain pasture land and land no longer in production with standards that require a minimum grazing density or the manual cutting of vegetation²³. This reduces the potential of scrubbing up, and hence the potential of forest fires. However, implementation of the CAP reform is at a relatively early stage, and the impacts of decoupling and GAEC on land management are not currently fully understood.

3 CONCLUSIONS

A critical phase in EU forestry policy is now being entered into. Member States are currently designing national rural development plans and strategies under the EAFRD, the EU Forest Action Plan has recently been published and the current Forest Focus Regulation expires at the end of 2006. Given this critical juncture, Members of the European Parliament could focus their efforts on a number of areas:

- to ensure that the respective roles of forest fire prevention policy, rural development policy and agricultural policy in contributing to the management of the occurrence of forest fires are clarified;
- to ensure that the actions outlined in the EU Forest Action Plan for tackling forest fires are adequate;
- to ensure that the potential budgetary limitations of the EAFRD and LIFE+ for continuing the activities provided for under Forest Focus are considered.

These points are considered in more detail below.

The European Parliament should be aware that the respective roles of forest fire prevention policy, rural development policy, and agricultural policy in contributing to the management of the occurrence of forest fires require clarification. For example, whilst the WGFPP, in its proposals to the Commission, recommended the establishment of a specific Regulation on Forest Fire Prevention to work alongside the relevant articles of the EAFRD, it has also been suggested that LIFE+ should be used to sustain the monitoring elements of Forest Focus. Members of the European Parliament could also ensure that the linkage between agriculture and forestry policy is examined. There is a need to better integrate these two policy areas given that they are complementary land uses, often operating side-by-side. This links in with the concept of a landscape scale approach to sustainable land management. A strategic combination of measures could be applied to help sustain rural areas, thus encouraging active forest management, simultaneously decreasing the possibility of large-scale fires and increasing forest fire vigilance. It is pertinent that clarification is sought given the suite of forest fire measures presented in the EAFRD, and the current lack of clarity over the future of Forest Focus.

In addition, the European Parliament should ensure that there is sufficient co-ordination between DG Agriculture and DG Environment in managing forestry policy. DG Environment is responsible for Forest Focus and developed a dedicated

²³ Information gathered for the 'CC Network' project, co-ordinated by IEEP, for DG Research.

new unit under Directorate 3 (Protecting Nature and Environment). However, this small unit is being disbanded and integrated into other units, which could impinge on the treatment of forestry policy in the EU. DG Agriculture is responsible for the EAFRD.

The EU Forest Action Plan indicates that Forest Focus will not be replaced and that the monitoring and prevention activities funded by it should instead be financed by LIFE+ and the EAFRD over the 2007-2013 period. However, the budgets for both these financing instruments (€100m and €69.75bn respectively) have been criticised as insufficient given the wide range of activities they are required to finance. In comparison, Forest Focus had a total budget of approximately €70m for a four year period. As a result, measures within EAFRD and LIFE+ are competing for funds and Member States may choose to prioritise certain measures. This rests in a debate as to which measures offer the greatest benefit to the environment, and at what cost. For example, measures targeting sustainable forest management might be better value, and better for the environment, than those targeting forest infrastructure (new roads, for example). Given the budgetary context, the European Parliament should recognise the potential of voluntary modulation²⁴ to increase the total rural development budget available to Member States.

Given the uncertainty over the future of Forest Focus, the European Parliament should ensure that the Commission pays adequate attention to the way in which forest fire prevention measures are considered by each Member State's rural development programme. The presence, or otherwise, of any forest fire prevention measures needs to be seen in the context of the budget available to the Member State and the priority environmental issues that each programme is seeking to address. Member States should be finalising their national programmes over the summer 2006 period before awaiting Commission approval. Without presupposing the content of Member State rural development programmes, Member States are provided with the option to think about forest fires as part of an integrated approach to rural development. For example, Member States could aim to enhance the productive value of forests, ensure their management for wildlife, increase forest amenity value, improve rural skills and encourage community interaction in achieving these objectives. Other policy tools, such as agri-environment schemes, Natura 2000 payments, forest-environment payments and natural handicap payments in mountain areas can be used in conjunction, for example by rewarding farmers to undertake hard grazing so as to decrease scrub development on agricultural land adjacent to forests. In Mediterranean countries, the tackling of forest fires could be related to the maintenance of traditional forestry practices which allow for the conservation and natural regeneration of forests. The forestry landscapes in these regions are coming under increasing pressure from the expansion of urban areas. These examples encourage the active management of rural areas and are therefore pro-active in managing forest fire risk.

Members of the European Parliament should be aware that a clearer relationship between the data collection and fire prevention aspects of forest fire policy is required. Perhaps the primary success of Forest Focus was to improve the Community's knowledge of fires through the EFFIS database. This database,

²⁴ This is the transfer of CAP Pillar I direct payments to the Pillar II rural development budget.

according to the EU Forest Action Plan could be used to establish a new European Forest Monitoring System. The new system could play a role in guiding policy intervention by developing a link, for example, between information on the occurrence of forest fires and the fire prevention aspects of Forest Focus (and any successor) and rural development measures.

Appendix 1: Legislative development of the Forest Focus Regulation

The Forest Focus Regulation established a Community scheme to monitor and protect of European forests. The Regulation has two purposes: 1) to substitute, enlarge and harmonise schemes operating under the preceding Regulation²⁵; and 2) to support the implementation of the EU Forestry Strategy by advancing the concept of the multifunctional role of forests (see section 2.1).

Legislative Development

The proposal of 2002²⁶ was developed because of the need to substitute the former schemes under which the Member States were being funded, and in particular those systems that had operated since 1992²⁷. The proposal tried to reflect the multifunctional role of forests, according to the criteria set out by the EU Forestry Strategy. The proposal was formulated at a time when the occurrence of forest fires was low in comparison with the increased frequency of more recent years.

Following the first reading, the European Parliament made a number of amendments: a greater emphasis was placed on subsidiarity and the role of the Standing Forestry Committee; more funding (€67m instead of the original €52m proposed for the period 2003-2006); and, the need to include a scheme for forest fire prevention as well as monitoring. In particular, the European Parliament stated that because the Forest Focus Regulation was proposed two years after the approval of rural development programmes²⁸, the schemes established by the 1992 Regulation on forest fires needed to be continued as Member States may not have provided for forest fire prevention in their rural development plans.

It took several months for the Council and the Parliament to reach a Common Position on the Proposal. In March 2003, the Spanish, Portuguese and Italian delegations expressed their intention to abstain. The last outstanding question was the inclusion of two specific forest fire prevention measures: awareness raising campaigns and special training for fire prevention interventions. A special budget line of €0.5m per year was included for these measures. In June 2003 these measures were included and the Common Position was unanimously adopted. The Common Position also allowed Member States to include these measures in their Rural Development Programmes until December 2005.

The Commission disagreed with the Common Position for two main reasons. Firstly, the measures for awareness raising campaigns and special training for fire prevention

²⁵ Regulation 2158/92 on protection of the Community's forests against fire OJ L 217 31.7.1992

²⁶ Proposal for a European Parliament and Council Regulation concerning monitoring of forest and environmental interactions in the Community (Forest Focus) COM(2002) 404 final, OJ C 20, 28.01.2003.

²⁷ Regulation 2158/92 on protection of the Community's forests against fire OJ L 217 31.7.1992

²⁸ Established under Regulation 1257/1999 on support for rural development OJ L 160 26.6.1999

interventions needed to be already incorporated through the measures of the 1992 and 1999 Regulations, and because the Commission requested, in accordance with community Case Law, a clear and precise explanation about the application of the 'comitology' procedure.

The second reading of the European Parliament – in line with the agreement reached in October on the COREPER - resulted in a greater insistence in its original positions, which means: more relevance and funding for the preventive measures, to allow retrospective funding to guarantee monitoring activities; a shorter implementation period (from 2003 to 2006 instead 2003 to 2008) and a major budget increase (from €54m to €61m, including €9m for forest fires).

The Commission, then, changed its proposal and accepted the amendments. The Commission also announced its intention to go to the Court claiming for the right application of the 'comitology' procedure under EU law. In March 2004 the Commission presented a complaint against the Council and the European Parliament, asking the annulment of Article 17(2). The Commission based its position on the basis that the implementation measures of the Regulation were not related to the health of forests, but to the way to handle the implementation of eligible activities for funding. The Advocate General was in favour of the Commission's opinion, saying the character of the Regulation measures were of management and not of implementation. The Court refused this opinion and considered the measures were related to implementation and not management, and consequently, the legislature did not depart from the criteria on 'comitology' and so, was not required to give reasons for its choice of committee procedure in Article 17 (2).