



What Science  
Can Tell Us

# European Forest Governance:

## Issues at Stake and the Way Forward

Helga Pülzl, Karl Hogl, Daniela Kleinschmit, Doris Wydra, Bas Arts,  
Peter Mayer, Marc Palahí, Georg Winkel and Bernhard Wolfslehner (editors)



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The editorial office can be contacted at [publications@efi.int](mailto:publications@efi.int)

Layout: Kopijyvä Oy / Jouni Halonen  
Printing: Painotalo Seiska Oy

Disclaimer: The views expressed in this publication are those of the authors and do not necessarily represent those of the European Forest Institute.

ISBN: 978-952-5980-02-8 (printed)  
ISBN: 978-952-5980-03-5 (pdf)



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Bundesministerium für  
Ernährung, Landwirtschaft  
und Verbraucherschutz



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# Preface

**T**he pros and cons of a potential collective and more legally binding (pan)European forest policy are being discussed intensively. At the same time, policies in related policy areas such as climate change, biodiversity, agriculture and energy are already affecting framework conditions for forests and forest management at national levels. However, the different goals formulated in these policy areas lead to goal conflicts. Therefore, political decisions have to be taken on what should be achieved: which goal, in what time period for which forests?

As a consequence, there is a need for a scientific assessment of the existing knowledge on forest-related policies and forest governance in the European Union and pan-Europe. The ThinkForest forum of the European Forest Institute, which aims to provide a science policy platform on forest issues at the European level, initiated such an assessment.

The result is this study: European Forest Governance. It compiles and assesses the latest scientific knowledge available on forest policies and governance issues, focusing on the EU and the pan-European region. It analyses the status quo, summarises achievements and identifies challenges. Importantly, it also discusses scenarios for future ways of dealing with forest policy issues at the EU and pan-European levels.

The assessment was conducted by a group of renowned forest policy scientists and legal experts from different European countries. As chair of the group I would like to highlight the dedication of all group members in providing the best possible assessment of the state of scientific knowledge today and completing the study in a very tight timescale.

In addition I would like to express my sincere thanks to the government of Germany. This assessment would not have been possible without its financial support.

One of the main goals of this study is to provide scientific background information for decision-makers at the EU and pan-European levels. Therefore, its key findings were presented and discussed in a very well attended high level event in the European Parliament in Brussels on 9 January 2013. Due to this obvious interest in European forest policy I am convinced that this study will bring impetus to the discussion about forest policy and governance in Europe.

I wish you an enjoyable read.

**Peter Mayer**

Chair of the ThinkForest group on forest governance in Europe  
Managing director of the Austrian Research Centre for Forests (BFW)



# Forest Governance in Europe

**Helga Pülzl and Karl Hogl**

**T**his report provides a condensed and structured description and assessment of forest-focused and forest-related policies and of actor constellations at the European level. It covers pan-Europe and the European Union (EU) as policy arenas and does not analyse and discuss national forest policymaking and the ways in which European decision-making influences national policymaking.

The report distinguishes further between “forest-focused” and “forest-related” policies: the former primarily address forests or forest management, with the motivation often, but not necessarily, stemming from the forest sector; the latter address forests and forest management but strive to achieve policy goals stemming from other policy domains, such as rural development, nature conservation, renewable energy and climate policy.

This report reviews and integrates the existing scientific literature on EU and pan-European forest governance. It also draws on a number of interviews (abbreviated through the report with “INT”) with policy experts from the field. The report sets out to provide a fresh look at potentially innovative approaches that may enable enhanced cross-sectoral and multi-level communication, coordination and cooperation.

The two main objectives of the report are:

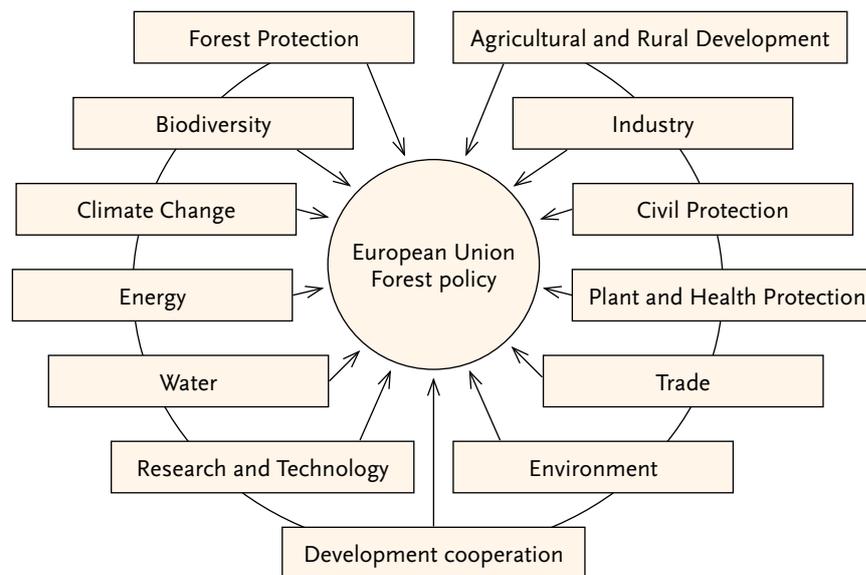
1. To assess the current framework of European forest-focused and forest-related policies, instruments and actor constellations in order to a) improve understanding of the current policy environment affecting European forests and b) determine possible strengths and deficiencies and challenges.
2. To discuss both existing and potentially new approaches and institutional innovations.

This effort is well justified and timely. In February 2012 negotiations began towards reaching a legally binding forest agreement in the pan-European region (see [www.forest-negotiations.org](http://www.forest-negotiations.org)). These negotiations were preceded by a large number of non legally binding political resolutions signed by ministers in charge of forest policy in the pan-European region since the beginning of the 1990s. A new EU forest strategy is also being prepared that paves the way for future forest activities.

## Key concerns

Over recent decades forest governance in Europe has become increasingly complex with policies that focus specifically on forests being developed in the EU alongside an increasing amount of EU forest-related policies that also touch upon and affect forest management. The result is a huge number of policies that directly or indirectly address forests and forestry (see Figure 1) and are driven by a multitude of actors who are active at various policymaking levels. Against this background, forest policy actors in Europe have progressively voiced the following concerns:

1. Specific legal competence for forestry is non-existent. No comprehensive forest treaty exists so far in the pan-European or the international context (BirdLife international 2012, INT 3). While there are a small number of European forest-related legally binding treaties which also impact on forests and forestry, they do not substantially improve the capacity for coordination and coherence at a European level (FERN 2012). In the European Union, legal competence for forestry is again non-existent as, due to the principle of subsidiarity, it remains mainly the responsibility of individual Member states (European Commission 1998; European Commission, 2005; European Commission 2003 :9; FERN 2010: 22; Mannsberger w.o. date; Standing Forestry Committee Ad Hoc Working Group VII 2012; Leinen 2011; INT 1 and INT4).
2. The forestry sector is (over)ruled by other sectors. As a consequence of the legal competence situation, forest-related legal action is primarily and increasingly taken in policy areas other than the forest area (European Commission 2003; FERN 2010; Standing Forestry Committee Ad Hoc Working Group VII 2012; INT 1 and INT 2). Actors outside the forest domain actively engage in forest-related policymaking, especially given the lack of a legally binding instrument regulating comprehensively sustainable forest management in the EU and/or in pan-Europe (Mannsberger 2011; COPA-COGECA 2011). This is presumably also because of the limited political strength of the forestry sector in many EU Member states, especially in southern Europe.
3. A lack of coordination and coherence while policy objectives expand. The range of goals and objectives relating to forestry has increased over time. Some of these relate to nature conservation, others to climate change mitigation and the provision of biomass for energy production (CEPF et al. 2012). While these policy objectives expand, coordination and coherence (FERN 2010) remains a problem. Increasingly, when striving to negotiate policy instruments that represent specific areas of interest in the forest domain, forest policy actors in the EU and pan-European arenas face challenges of cross-sectoral and multi-level coordination and coherence (Standing Forestry Committee Ad Hoc Working Group VII 2012, European Commission 2006, Ministry of Agriculture and Forestry 2006, Bromeé 2012; CEI-Bois et al. 2012; INT 2 and INT 3).
4. Inconsistency of policy goals. European policies not only relate to an increasing number of different goals but some of these goals are potentially contradictory, paving the way for inconsistencies (CEI-BOIS et al. 2012) and conflicting policy objectives (Dossche 2011; Standing Forestry Committee Ad Hoc Working Group VII 2012; INT3).



**Figure 1.** Policy areas relevant for forest policy in the EU (Modified from Pülzl 2005).

While policy actors in the forestry domain point to these concerns in general, due to different interests and perceptions actors will emphasise different specific aspects. For instance, for employees in the Commission the main policy problem is the lack of a clear EU treaty base (Pülzl and Nussbaumer 2006). However, forest owner confederations, such as CEPF (2009) and CEPF et al. (2012), perceive the lack of coordination with other sectors and other sectors' dominance in forest policymaking as the most problematic issue. Environmental NGOs, such as FERN (2012), identify the lack of coherence and, to some extent, the lack of political will for change as key concerns. Member states often claim to suffer from institutional fragmentation and a lack of visibility which results in weaker action around pure forest policy concerns at the EU level (Standing Forestry Committee Ad Hoc Working Group VII 2012: 26).

### Evolving European policy

These perceived policy problems are closely connected with how and in what context European forest policymaking and policies have evolved over the last few decades. The EC treaties of 1957 did not make specific provisions for forests and/or forestry. Back then, community measures for forests were mostly governed by the Common Agricultural Policy and oriented towards the development of plantations and the genetic improvement of stands of trees (Pettenella 1993). However, after several failed attempts (Hogl 2007), in the mid-1980s two forest-focused regulations were adopted to deal with forest health monitoring and forest fire prevention and in 1989 a Standing Forestry Committee was established. A number of other EU-level committees were then established, each with specific tasks and functions connected to forest policy (see Chapter 3.3.). By the end of

the 1990s, an EU forestry strategy backed up by a Council Resolution helped to establish an action framework. However, it was still very much based on existing activities alone (Hogl 2000). At the same time, forestry measures started to be financially supported, in particular through rural development programmes. In mid-2000 it became evident that coherence and coordination in forest policy-making was still lacking. Thus, in June 2006, a Forestry Action Plan was adopted with the aim of encouraging coherence and cross-sectoral cooperation. However, the coordination attempts taken over the years remained by and large on the level of voluntary cooperation between Member states, with some coordinating actions implemented by and within the Commission. Evaluations of the Action Plan show that a coherent approach to sustainable forest management, addressing both ecological, social and economic concerns, and better ways of integrating international forest issues, is still missing (Lazdinis et al, forthcoming).

## FOREST EUROPE

At the beginning of the 1990s Europe at large gathered those of its ministers with responsibility for forests to establish an intergovernmental pan-European process called the Ministerial Conference on the Protection of Forests in Europe (MCPFE) (for an overview see Mayer 2000; Rametsteiner and Mayer 2004), now known as “FOREST EUROPE”. The process aims to promote sustainable forest management throughout the pan-European region. As it is without founding documents, its objectives have been defined through the declarations and resolutions signed by the ministers in charge of forests within a total of six ministerial conferences during 1990–2011. It brings together 46 European Member states, the European Community and a large number of observers. It also cooperates with the Pan-European Biological and Landscape Diversity Strategy (PEBLDS) in the implementation of its forest-related agreements. In addition, negotiations for a legally binding agreement on forests in Europe were launched in 2011 (for further details see Chapter 3.2.) at the Sixth Ministerial Conference held in Oslo.

There is still no comprehensive international legally binding forest-focused agreement, even though countries have tried to reach a consensus for starting negotiations on several occasions (Pülzl 2010). However, a number of international legally binding treaties do directly and indirectly address forest-related issues (Glück et al. 2010; Pülzl 2010; Pülzl et al. 2004). These also have a potential impact on forest policy (Wildburger 2009). Only the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the World Trade Organisation (WTO) provide instruments to ensure that a decision regarding a dispute or a compliance is actually enforced through economic or political sanctions (Pülzl et al. 2004: 20). Last but not least, there are instruments led by NGOs, such as voluntary forest certification schemes. Although these instruments for promoting sustainable forest management (SFM) are not binding on countries, they also play a role in European forest governance.

## Conclusion

To sum up, this introduction argues that over the decades a significant body of forest-focused and forest-related policies has been established. At the same time, the importance and complexity of forest policy-making at the European level has steadily increased. Simultaneously, European forest governance has become embedded into an evolving international forest policy setting. Hence, today, European forest governance involves a multitude of policy-making arenas.

In this context, a coherent policy approach to European governance of forest resources requires a comprehensive description and assessment of the policies, processes and actors that are involved and affected. This report sets out to achieve this and, furthermore, aspires to provide a fresh look at the strengths, deficiencies and challenges of both existing and potentially new approaches to enhancing coordination between the many arenas.

The report is structured as follows: Chapter 2 provides a more detailed description of the context of European forest governance in three steps. First, it gives a short overview on the major trade-offs and challenges forest policy and management are facing. Second, it outlines the legal space with regard to forests and presents the legal basis for the EU for acting as an internal and external policy entrepreneur. Third, it assesses the impact of international forest policy on Europe and briefly analyses how Europe might influence international forest policy. Chapter 3 maps the forest policy areas in pan-Europe and in the European Union, describes the main public and private actors that are active in European forest-related policymaking and discusses their roles and relationships. Based on the findings from previous chapters, Chapter 4 sets out to summarise the main challenges at stake in European forest governance and discusses policy synergies and challenges. It concludes with how the concerns voiced by policymakers and stakeholders can be interpreted in the light of this report's findings. Chapter 5 discusses the main challenges in relation to scientific findings from other policy areas, and presents and discusses new and potentially innovative approaches to European forest policymaking by mapping out three possible scenarios.

Based on the brief introduction, this chapter concludes with the following key messages:

1. Four main concerns are repeatedly voiced by forest policy actors with regard to European forest policymaking:
  - a. Specific legal competence for forestry is non-existent.
  - b. The forestry sector is (over)ruled by other sectors.
  - c. There is a lack of coordination and coherence while policy objectives expand.
  - d. Policy goals that affect the forestry sector are inconsistent.
2. The history of European forest policymaking shows evidence of its increased importance and impact.

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# 2.

## European Governance in Context

### 2.1. European Forests: Setting the Context

**Bernhard Wolfslehner, Marcus Lindner and Gert-Jan Nabuurs**

#### Introduction: Forest management in Europe

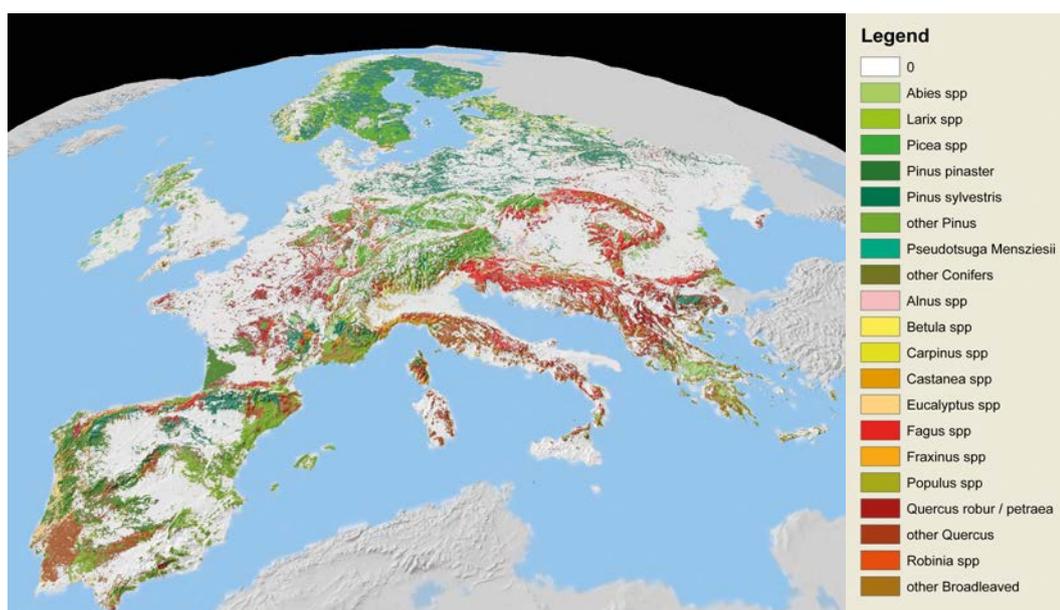
European forests have been a central land-forming and resource-delivering element of the continent since the beginning of human settlement. Though heavily exploited in earlier days, forest resources currently prosper (FOREST EUROPE 2011): forest cover in Europe (excluding Russia) amounts to around 32% of land in 2010, and forest area and growing stock has increased substantially between 1990–2010. Forest area is however also affected by afforestation, natural reforestation, and higher stocks due to increasing annual increments, which may not be fully harvested (such as the 62% of increment in 2010). This wealth of resources is subject to a range of different forest management, land use planning and policy-making regimes (as described in the following chapters). Forests are widely heterogeneous in terms of forest types, and unequally distributed across Europe (see Figure 2).

Based on this short outline, the chapter proceeds with an overview of current European forestry issues. Further, the chapter provides an introduction to the use of wood, climate change and biodiversity conservation issues, and finally identifies trends in forest resource trade-offs.

#### Sustainable forest management in Europe

As our understanding of sustainable forest management has developed, the perception of the goods forests can provide has changed and expanded over time. The range of products and services forests provide to society (see Table 1), includes:

- timber and non-timber forest products
- biodiversity conservation
- climate change mitigation
- protective functions
- clean air, microclimate and recreation



**Figure 2.** Tree species map for European forests (data source: Brus et al. 2012, Hengeveld et al. 2012, Nabuurs 2009).

**Table 1.** Key figures on European forest resources, excluding Russia (data from FOREST EUROPE 2011).

	Unit	North	Central-West	Central-East	South-West	South-East	Europe
Forest area	million ha	69.3	36.9	43.9	30.8	29.9	210.8
Forest as % of total land	%	52.1	26.4	26.8	34.8	23.1	32.2
Forest area available for wood supply	million ha	54.5	34.4	33.9	24.8	21.3	168.9
Growing stock per ha	m <sup>3</sup> /ha	117	227	237	81	140	155
Carbon in living biomass	million tonne	3,115	3,410	3,988	1,082	2,038	13,632
Forest area protected for biodiversity	%	6.6	10.4	3.5	23.3	5.5	9.6
Forest area protected for landscape	%	2.3	26.2	12.3	6.0	0.8	8.6
Forest area and OWL for protection of soil, water and other ecosystem services	%	16.3	17.7	20.8	37.6	6.7	19.2
Value of marketed roundwood	million EUR	4,979	7,941	2,596	703	1,524	17,743
Forest sector share of GDP	%	2.2	0.8	1.6	0.8	0.7	1.0
Forest sector workforce	1000 persons	346	925	879	582	406	3,138

Forest resources contribute to sustainable development, rural development, natural resource use and the European economy in general. Forests are expected to become increasingly important in an economy defined as “green” as they are a source of new materials, such as bio-based plastics, and a provider of biomass for renewable energy generation

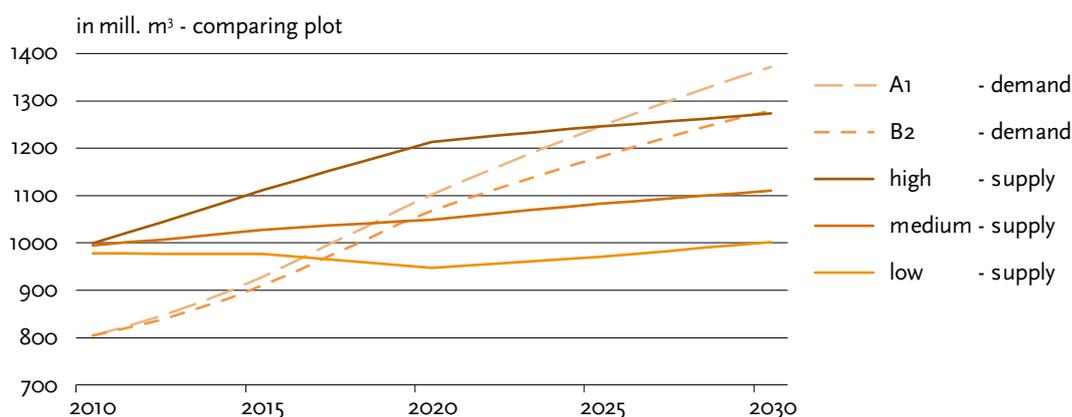


Figure 3. Development of potential demand and supply of woody biomass (data source: Mantau et al. 2010).

(European Commission 2011). However, frequent and short-term changes in European and national, inter- and intra-sectoral policy and planning instruments often stand vis-à-vis long planning horizons in forestry (of 100 years and longer), in particular in times of climatic uncertainty.

### Use of wood resources

With about 1% share of gross domestic product in Europe, the forest sector (following the FOREST EUROPE definition: forestry, wood, pulp and paper industry) plays a minor economic role compared to other sectors (see Table 1). However, a wealth of downstream effects, such as construction, packaging, bio-energy and tourism, give it an importance in the European economy beyond sectoral boundaries, which leads to a share of 8% in a broader definition of the forest value chain. Forests benefit many millions of people, whether land owners, other forest users or the wider public and are a primary source of domestic natural resources. Among these, wood is the most important economic product as it is used for sawn wood, panels, plywood, and pulp.

The use of wood resources has been put under scrutiny in recent years. There is an ongoing discussion about how to best use wood and how to satisfy increasing demand for wood for energy purposes. The latest European Forest Sector Outlook Study (EFSOS 2011) projects a rising share of woody biomass for energy use, which implies that there will be increasing competition for wood resources. The result is a very delicate balance between undercutting and overcutting the annual increment. According to the projections, by 2030 there will be an under-supply of woody biomass even under high-supply scenarios (see Figure 3). Nabuurs et al. (2006) predict a shortfall in wood supply of 185 million m<sup>3</sup> per year by 2050 when demand for bioenergy will increase, while, at the same time, set-aside policies for nature conservation will be implemented. This implies the need for (a) increased domestic wood mobilisation from some forested regions by more rational and commercially interested forest owners; (b) the extension of areas for wood production (including plantations and short-rotation coppice forests); and/or (c) Europe moving from being a net exporter to a net importer of wood and wood products; and (d) an optimised cascade use through the value chain, the recycling of wood products with conversion to energy after one or even multiple cycles of material use.

## Climate change adaptation and mitigation: a driving force for European forestry

The last Intergovernmental Panel on Climate Change (IPCC) report projected that mean annual temperatures in Europe will increase between two and five degrees by the year 2100 with less warming in western Europe and larger increases in northern Europe and in the Mediterranean (Christensen et al. 2007). However, current emission trends are already at the high end of the projected scenario range (Carbon Brief 2011). Even given high uncertainty, climate change will alter site suitability for species and provenances, influencing the whole forest ecosystem. This will also have a large, potentially negative economic impact on the forest sector (Hanewinkel et al. 2012). There are two main strategies relating to forests in response to climate change:

(a) *Climate change adaptation*

Forests in Europe are widely diverse and they are subject to different management practices. The projected impacts of climate change also vary regionally (see Table 2). Therefore, forest management needs to support the adaptation process either by increasing natural adaptive capacity (e.g. by enhancing genetic and species diversity) or through targeted planned adaptation measures (e.g. introducing an adapted management system or other species). Adaptation targets aim to reduce sensitivity to climate change impacts as well as increase the adaptive capacity of forest ecosystems (Kolström et al. 2011).

(b) *Climate change mitigation*

Carbon stocks in forests have been increasing over the past 20 years (see Figure 4). European forests are currently estimated to compensate for 10% of Europe's CO<sub>2</sub> emissions from fossil fuel (FOREST EUROPE 2011). That is almost double the emission reduction that the EU has committed to in the Kyoto Protocol.

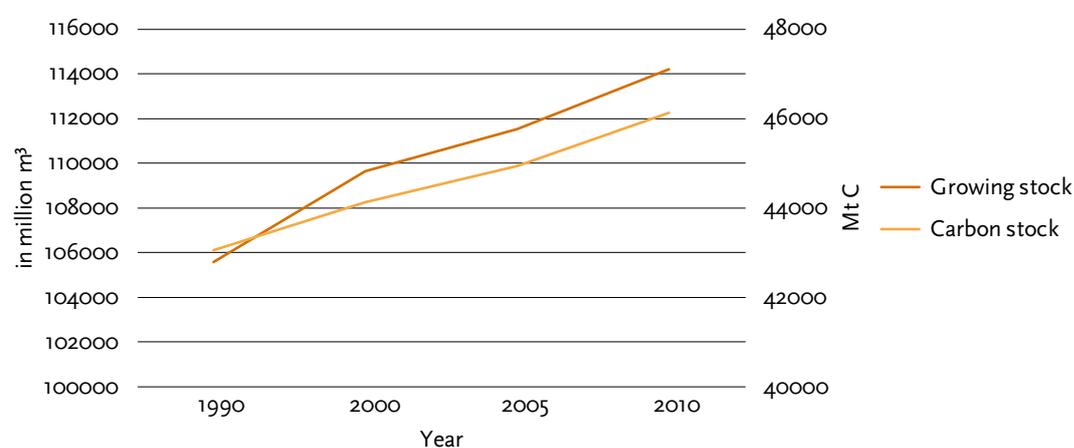
Responses to climate change that focus on increasing the standing volume, or at least keeping it on the present level, may generate a new source of finance for forestry given the high uncertainty on carbon stock markets and trading. However, the potential of forests as a constantly growing carbon stock are limited and often constrain other uses of forest biomass. In addition, by 2030 a level of carbon saturation in forests may be reached due to over-mature forests with decreased increments (EFSOS 2011).

## Biodiversity in Europe's forests: the conservation approaches

Biodiversity is perceived as the main underlying principle supporting all other ecosystem services (Millennium Ecosystem Assessment 2005). Biodiversity conservation improves the ability of forests to adapt to environmental change and to recover from natural disturbances, decreasing the vulnerability of forest ecosystems to the various pressures with which they are confronted (Thompson et al. 2009). Despite these efforts to enhance biodiversity in European forests through, for example, the establishment of a Natura 2000 network, biodiversity is still declining (EEA 2008).

**Table 2.** Selected adaptation measures in different bioclimatic regions (data source: Lindner et al. 2010).

All bioclimatic regions	Temperate oceanic	Mediterranean
Adjust thinning and harvesting to the changing growth of forests.  Select well-adapted tree species or provenances at regeneration and favour them at the tending and thinning stages.	Adapt management against increased disturbance risk.	Fuel management and the modification of stand structure to reduce fire risk.
Boreal	Temperate Continental	Mountainous regions
Better harvesting techniques on non-frozen soils.	Improve fire risk management and adjust afforestation techniques.	Promote small-scale management and maintain the forest cover to secure its protective function against natural hazards and erosion.

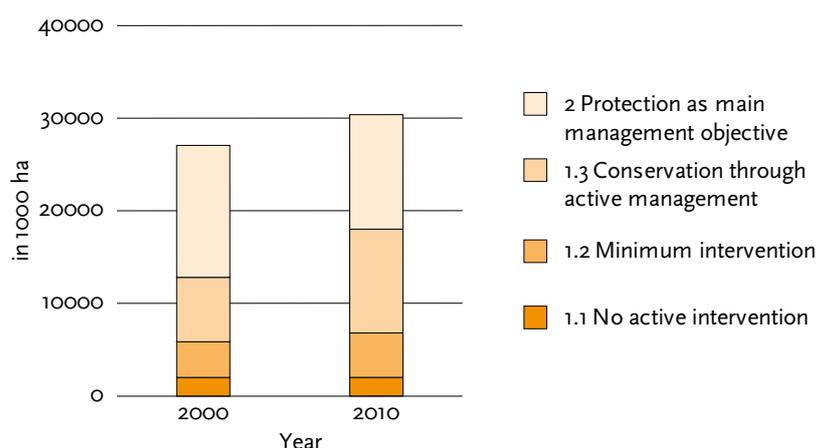
**Figure 4.** Growing stock and carbon stock in European forest 1990–2010, excluding Russia (data source: FOREST EUROPE 2011).

There are different approaches to the conservation of biodiversity in forests:

- (i) with a “*segregative*” approach “biodiversity conservation” or “protective” functions are predominantly fulfilled through formally protected areas.
- (ii) according to an “*integrative*” approach, these functions may be integrated in a multi-functional, close-to-nature silviculture. The principal understanding of sustainable forest management in Europe is to have multi-functional management of forests harmonising adverse objectives. A stronger emphasis on either conservation or biomass use may alter this understanding.

Assigning protection status to a forest area prescribes the modes of forest management, the availability of resource use, and restrictions imposed on it.

Within the FOREST EUROPE process a voluntary classification of protected forest areas has been agreed. As a result, from 2000–2010 protected forest areas increased by



**Figure 5.** Development of protected forest areas 2000–2010 (data source: FOREST EUROPE 2011).

12% to around 30 million ha in Europe. Around 20% of these protected area falls under rather strict regulation (no or minimum intervention), the rest is based on actively managing biodiversity with minor restrictions on forest management (see Figure 5). The long term effects of the two approaches (segregation or integration) are still uncertain.

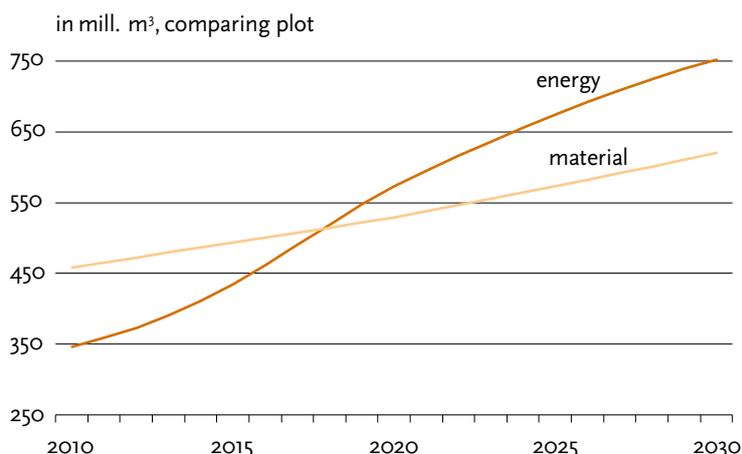
### Constraints to forest resource use and challenges ahead

With such varying and increasing demands, there will inevitably be certain resource limits and trade-offs in current forest policies, focused on the question of use or non-use of forest resources. Potential use conflicts of European forest resources will arise from scarcity in the wake of changing land use, changing societal priorities, and changing political will respectively. The resulting trade-offs will be the consequences society has to bear when shifting the use of forest resources from one stage to another. We identify three major trends in forest resource trade-offs:

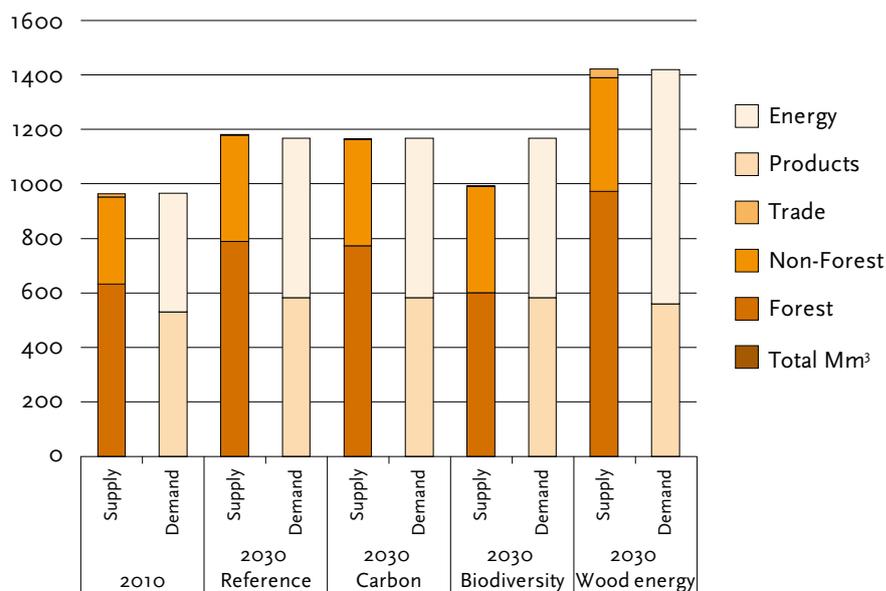
First, intersectoral trade-offs influence the future use of available wood resources. It is projected that the amount of raw material used for bioenergy will exceed the amount of wood used as solid material (see Figure 6). This will have severe structural impacts on current forest-based industries as they are competing for the same resource.

With its potentially serious effects on future wood supply, the focus on the use of wood for energy has not gone unchallenged, neither from the climate change mitigation perspective (Zanchi et al. 2011, Haberl et al. 2012) nor from the point of adding value to forest production systems. The arguments for material use of wood include using the solid wood and embracing the longer life span of wood products and their contribution to carbon storage and climate change mitigation (Gustavsson et al. 2006); exploiting the potential for value creation through innovation processes; and the opportunities for “cascade” use of wood – multi-stage use in a recycling process that combines the benefits of uses for both material and energy in an optimised and sequential manner (Sathre and Gustavsson 2006, Wolfslehner et al. 2013).

Second, a decrease of forest area available for wood supply and reduced management intensity in protected forest areas may compete with the idea of greater mobilisation of



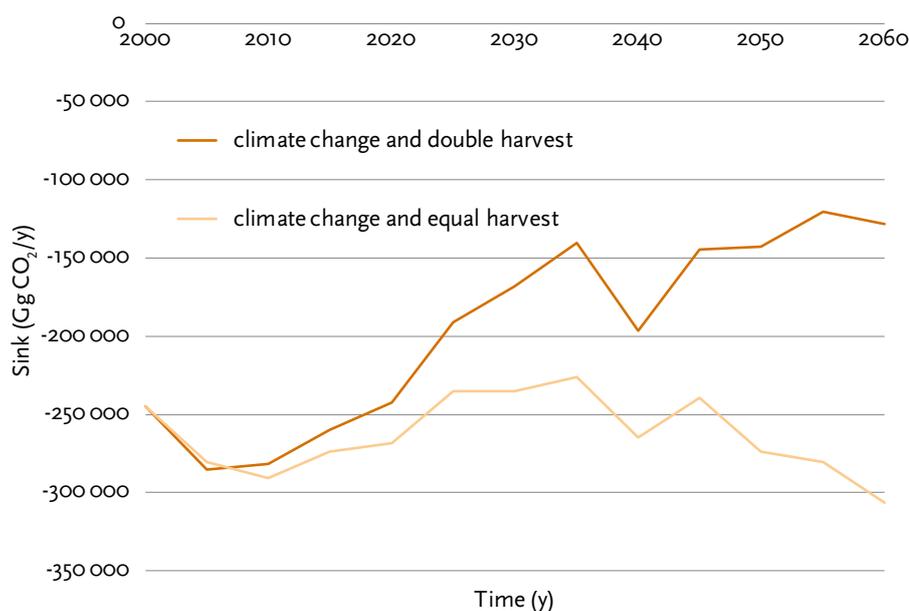
**Figure 6.** Development of material and energy uses of wood (A1) (data source: Mantau et al 2010).



**Figure 7.** Supply/demand balance in quantified scenarios, 2010–2030 (data source: EFSOS 2011). Scenarios: (a) Reference – following current trends; (b) Carbon – maximising biomass carbon in forests; (c) Biodiversity – priority to protection of biodiversity; (d) Wood energy – promoting wood energy in Europe.

wood resources for both material use (such as sustainable construction) and bioenergy use (see Figure 7), leading to a potential gap in wood supply until 2030.

Intensified forest operations such as whole-tree harvesting and the use of harvest residues are possible ways to increase production and meet the demand for forest biomass. For instance, the increasing demand for biomass energy, for instance, will put pressure on the maintenance of deadwood (Verkerk et al. 2011), abundance of old trees in the forests, and extensive forest management concepts.



**Figure 8.** Carbon sink strength of 15 European countries' forests in the future under climate change comparing harvests levels (a) equal to today and (b) double harvest rates of today (data source: Eggers et al. 2008).

Third, climate change mitigation in terms of carbon sequestration does not fully align with proposals to make greater use of wood resources. An increase in the timber harvest will reduce the carbon sink potentials of European forest (see Figure 8). Carbon which is sequestered in the forests cannot simultaneously substitute for non-renewable energies or raw materials (Mantau et al. 2010).

Besides these overall trends, trade-offs among ecosystem services on a more regional level are of interest. For instance, forest management has to be adapted to secure water supply in areas of water scarcity, protective functions in mountainous areas or stronger societal needs such as recreation in urban and peri-urban areas.

Finally, understanding the role of forest owners is imperative to properly addressing trade-offs in the use of forest resources. Around 50% of European forests are managed by private forest owners, a large proportion of which are small-scale non-industrial owners with small and often fragmented or even neglected properties. The implications of forest ownership structure for forest management and the provision of timber and ecosystem services leaves a high level of uncertainty regarding the potential use of forest goods. Forest owners play a key role in implementing forest policies, a role which risks being undermined if the messages and incentives aimed at them are ambiguous.

Providing multiple ecosystem services under a range of external drivers and pressures requires clear European goal setting. A better understanding of trade-offs between management objectives and services and a better knowledge exchange between politics and practice is essential. The role of changing management practices, the transformation of forest resources, and increasing uncertainty and risk are dynamic variables, while short-term cycle-oriented policymaking often stands in opposition to long-term forest planning processes.

**Key messages:**

1. Forests are a factor for sustainable development but, increasingly, there are competing claims on forests.
2. Forests are the focus of a range of different targets. The appropriate use of wood is under discussion: as solid material, for bio-energy or in a cascade use, ie the recycling of wood products with conversion to energy after one or even multiple cycles of material use. In addition, climate change adaptation and mitigation in forests and biodiversity conservation are current pressing topics.
3. The use and non-use of wood is connected to trade-offs that may occur at different levels: (i) inter-sectoral trade-offs impact on the future use of available wood resources; (ii) a decrease of forest area available for wood supply (due to biodiversity conservation, carbon sequestration etc) competes with the idea of stronger wood mobilisation; and (iii) where there is an emphasis on forest ecosystem services beyond biomass production, such as water provision, protection, and recreation, trade-offs at the regional level occur. As a result, fostering strategies to simultaneously intensify resource use while also wanting to reduce it inevitably leads to constraints and challenges.
4. Understanding the role of forest owners is important to properly addressing trade-offs as they are instrumental in the implementation of forest-focused and forest-related policies. Contradicting messages and incentives can reduce impacts of political steering instruments.

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## The Legal Context of European Forest Policy-Making

**Doris Wydra**

### Introduction

Forest policy in pan-Europe and the European Union (EU) is increasingly structured by a dense regulatory network (see Chapter 3 for specific details). On the one hand (despite the fact that there is still no comprehensive legally binding instrument on forests), a number of forest-related international agreements (with a global or mainly European focus) have been concluded. The EU and its Member states are signatories to many of those. On the other hand, the EU itself has developed a number of forest regulations.

This chapter aims to disentangle this piecemeal approach to forests by not only outlining the regulatory space on forests in Europe – and the EU’s legal basis for acting as a policy entrepreneur internally and in the international arena – but also by highlighting shifts in the focus of regulation and changing approaches to regulation.

### Outlining forest-focused and forest-related regulation in Europe

When analysing regulatory approaches to forests in Europe (not limited to the EU but with a strong focus on it) we are confronted with a number of instruments, of which only a few are exclusively focused on forests. Nevertheless they have a strong impact on forest-related policies in Europe. In this chapter, international, pan-European and EU-regulations are all analysed.

### Trade in agricultural products and forest-based industries

The first regulatory measures of the European Community were firmly rooted in the coal and steel industries as well as the agricultural sector and were closely connected to trade in the internal market. The directives concerning the marketing of forest reproductive material (the generic name for the seeds, cones, cuttings and planting stock used in forest establishment) (Council Directives 66/404/EEC, 69/64/EEC, 71/161/EEC, 75/445/EEC, 99/105/EC) and on the approximation of the laws (full incorporation of EU law into national legislation) of the Member states classification of wood in the rough (Council Directive 68/89/EEC) had their treaty base in Articles 43 (CAP Common Agricultural Policy) and 100 (Common Market). Since 2004, the EU has also been a member of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR). It also covers a forestry genus and several wood species and implements a multilateral system on access and benefit sharing.

The importance of forest products as commodities can be seen in international agreements on timber, timber products and plant genetic material, with the main instrument being the International Tropical Timber Agreement (ITTA). While ITTA 1983 had a clear focus on balancing the benefits between timber producing and timber consuming countries, the new agreement of 1994 also recognises the importance of sustainable forest management, a development which was again strengthened by amendments in 2006. Forest products are also covered by general WTO agreements, in particular the Agreement on Technical Barriers to Trade (TBT) and the Agreement on the Application of Sanitary and Phytosanitary Measures. Both recognise that countries have the right to establish protection, at levels they consider appropriate, for human, animal or plant life or health or the environment, and should not be prevented from taking measures necessary to ensure that those levels of protection are met. They thus widen and clarify the scope of Article XX of the GATT Agreement (General Exceptions).

Increasing competition for wood as a raw material in different contexts (wood for renewable energy, biodiversity needs, etc) along with high costs for wood and the issue of illegal logging are regarded as the most pressing challenges for forest-based industries by the European Commission (European Commission 2008). Within this context of improving transparency, enhancing sustainable forest management and raising quality standards in trade on timber and timber products, the EU has set up the FLEGT (Forest Law Enforcement, Governance and Trade) Action Plan with the aim of excluding illegally logged timber from the market. Because the EU FLEGT process is built on voluntary agreements, it does not raise any WTO complications in terms of restrictions on trade. Additionally, Regulation (EU) No 995/2010 prohibits the placement of illegally harvested timber on the EU market. Furthermore, the Commission proposed a series of actions to take in line with the Forest Action Plan to improve the long-term competitiveness of the forest-based sector.

### **Ecosystems, biodiversity and the concept of sustainability**

During the last few decades, the importance of forests as ecosystems has received growing attention and the protection of forests as habitats became paramount, closely connected to concepts of biodiversity and sustainability. The Natura 2000 network of protected sites (based on the Habitats Directive (92/43/EEC) and the Birds Directive (79/406//EEC amended by 2009/147/EC)) has its basis within this environmental framework (Article 130s).

Since the 1970s, environmental issues have become more important within the European integration process. After the introduction of Title VII in the Single European Act (SEA), the Maastricht Treaty marked a change in focus by connecting the common market and economic activities and giving more weight to environmental concerns. The Treaty of Amsterdam stressed the “high level of protection and improvement of the quality of the environment” and referred to the aim of promoting sustainable development of economic activities (Art. 2). Article 6 emphasised that environmental requirements had to be integrated into the definition and implementation of Community policies. This aspect of horizontal integration is now provided for in Art. 11 TFEU (Treaty on the Functioning of the European Union – Treaty of Lisbon).

Both regulations directly relate to the protection of forests (against atmospheric pollution – 3528/86 – and against fire – 2158/92) and highlight a shift in focus that took place with the Single European Act in 1987. Both regulations referred to Article 43 (which provides the legal basis for agricultural policy) of the Treaty of Rome, although agricultural

aspects play only a minor role. Therefore the atmospheric pollution regulation (which came into force before the SEA) also referred to Article 235 TEC (the treaty establishing the European Community), which provided for instances where an action by the Community should prove necessary, in connection to the functioning of the internal market, in areas where the treaty has not provided the necessary powers to the EU institutions. Regulation 2158/92 (after the SEA) additionally relied on the newly introduced Title VII “Environment” (Art. 130s). In joint cases C-164/97 and C-165/97 (legal basis for forest protection measures) the European Court of Justice had to rule on the treaty bases for measures to defend the forest environment. The court concluded that although positive repercussions on the functioning of agriculture are possible, the primary aim was to preserve forest ecosystems.

One goal explicitly highlighted in the treaties (since Lisbon Article 3 TEU, Article 11 TFEU) is sustainable development. It is probably clearest in the emphasis on safeguarding biodiversity. It has repeatedly been criticised on the grounds that, despite its status as a general principle of EU law, it suffers from an ambiguity of meaning. The focus is on the integration of environmental objectives into non-environmental policy sectors. Also, in relation to forests, the concept of sustainability is stressed (see the Council Decision 1999/C56/01 on a forestry strategy for the EU and its EU Forest Action Plan). Of special importance in this context is the rural development policy (the second pillar of CAP). It establishes a clear link between the sustainable development of rural areas and agricultural and forestry competitiveness.

Based on the new Article 130s TEC, the EU became a member of the Convention on Biological Diversity (CBD). Although the Convention itself does not make any direct reference to forests, forests are very much a part of the scope of the CBD as the programme of work on forest biological diversity (adopted in 2002) shows. But the EU also implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (through the EU wildlife trade regulations), and the Bonn Convention on Migratory Species (CMS), that places a strong focus on habitat protection. The Council of Europe Convention on the conservation of European wildlife (the EU concluded the convention in 1981) heads in a similar direction. Of special importance for the sustainable management of forests in Europe is the Alpine Convention (the EU has been a member since 1996, but has not ratified the Protocol on Mountain Forests). The EU is not a member of the Framework Convention on the Protection and Sustainable Development of the Carpathians.

Since the 1990s FOREST EUROPE (former MCPFE – Ministerial Conference on the Protection of Forests in Europe) and its – until now – 19 resolutions have helped to define the understanding of sustainable forest management in pan-Europe and the EU, in particular by jointly defining the concept of “sustainable forest management”. The EU and its Member states are strongly engaged in this complex negotiation process and will likely become members of an agreement once finalised (for more information see Chapter 3.2.).

### **Climate change and renewable energy**

Climate change is another focus of European forest-related regulations, especially in relation to European energy policy (biomass) and climate change (carbon sinks). The European Union ratified the United Nations Framework Convention on Climate Change (UNFCCC) in 1993 and the EU has been a member of the Kyoto Protocol of the UNFCCC since 2005. In addition, it is also a member of the Vienna Convention for the Pro-

tection of the Ozone layer and its Montreal Protocol. Directive 2003/87/EC established an EU scheme for greenhouse gas emission trading.

One of the most important instruments to tackle global climate change is to halt global forest loss. The UNFCCC and the Kyoto Protocol take into account that land-use, land-use change and forestry (LULUCF) have an impact on carbon stocks, and represent a dynamic biological system with multiple sinks (removals) and sources (emissions). In March 2012 the Commission issued a proposal for a decision on accounting rules and action plans on greenhouse gas emissions and removals. It takes into account the potential of forestry to boost mitigation, but also links it to potential mitigation benefits in related industries (such as wood processing, as carbon can be stored in products) and the renewable energy sector.

The need to reduce CO<sub>2</sub> emissions has heightened the need to put an increased emphasis on renewable energy supply. Biomass is one source of renewable energy, but the production of biomass has to be brought in line with issues of biodiversity conservation and the general role forests have to assume within climate change policies. In 2009 the Climate and Energy package entered into force, including a revised emission trading system (ETS), an effort-sharing decision covering emissions from sectors formerly not included in ETS and national targets for renewable energy (e.g. Directive 2009/28/EC). In its Biomass Action Plan of 2005, the Commission had already sought to mobilise unused forest resources through the Forest Action Plan.

### Concluding remarks

This outline of the piecemeal nature of European forest regulation shows a shifting focus from agriculture and trade to environment, and a growing recognition of the importance of forests in connection with biodiversity, climate change and, of special urgency, as a source of energy. Different sectors have different, even competing, aims.

The challenge remains to regulate agricultural competitiveness, regional policy, structural development and forest protection coherently, without elevating one goal over another. Promoting coherent regulation, creating, at best, synergies between the different sectors, therefore remains an ambitious aim.

## The legal basis for the European Union as policy entrepreneur with regard to forests

### Competences

The EU has no competence to develop a common forest policy, as forests and forestry are not addressed in the primary law. Nevertheless, the EU has contributed to developing the regulatory framework on forests by building on its competences in agriculture, trade, energy, climate change and environmental issues. Articles 3–6 TFEU provide for a delimitation of competences between the EU and the Member states. And, while the European Union has exclusive competences concerning competition rules necessary for the functioning of the internal market and commercial policy (Art. 3), it shares competences with the Member states on the internal market, agriculture, environment and energy (Art. 4 TFEU) (Kingston 2010).

In areas of shared competence, Member states exercise their competence only to the extent that the EU has not exercised its competence (Article 2 TFEU). Protocol No 25 on the exercise of shared competences holds that, with reference to Article 2 of the

TFEU, when the EU has taken action in a certain area, the scope of this competence only covers those elements governed by the EU act in question and not the whole area. Generally, the limits of Union competences are governed by the principles of conferral, subsidiarity and proportionality. The EU shall act only within the limits of competences conferred upon it by the Member states in the treaties to attain the objectives set out therein. The principles of proportionality and conditionality safeguard that decisions are taken as close as possible to the citizens and that the institutions of the European Union act only if and only insofar as the objectives cannot be sufficiently achieved by the Member states themselves (Article 5 TEU). The Protocol on the application of the principles of subsidiarity and proportionality to the Treaty of Lisbon allows national parliaments to scrutinise draft legislation (including on forest-related issues) with regard to subsidiarity concerns and issue reasoned opinion (if more than 1/3 of national parliaments issue a reasoned opinion in subsidiarity violation, the draft legislation has to be reviewed by the Commission – “yellow card”) (De Sadeleer 2012).

So, although the EU has no exclusive competence across a number of issues relating to forests, and important aspects of forest policies remain in the hands of the Member states, as a result of the piecemeal approach outlined above a dense regulatory network has developed over time covering different forest-focused and forest-related policies. Therefore, in practice and viewed from a juridical angle, we see an existing European Forest Policy.

### **The European Union as an external actor in forest policy**

The EU has concluded a number of international agreements. Most of them are mixed agreements (as both the EU and the Member states are signatories to these treaties). Mixed agreements have to be concluded when the competences of the EU do not cover the entire agreement (as is the case in areas of shared competences (see the definition above) and forest-related issues belong mainly in the area of shared competences) and the external competences of the EU mirror the internal competences of the European Union and are subject to the same limits. In the case of shared competences, in principle the Member states retain the competence to conclude agreements, as long as the EU has not made use of its own competence.

The Member states and the European Union are obliged to cooperate in a loyal manner when concluding mixed agreements. Still, as Eeckhout (2011) stresses, mixed agreements are caused by political rather than by legal considerations and could be avoided in many cases. Mixed agreements can be a means of achieving acceptance of Union participation in an agreement, even when the Union competence is small. It also avoids a clear delimitation of competences. Further, mixed agreements to which all Member states are a party require unanimity (providing single states with a veto power), while the Council could decide exclusive EU agreements with qualified majority. Furthermore, the European Court of Justice (ECJ) deems the participation of Member states in agreements necessary if they have to take over financial commitments (ECJ Decision 1/94).

Although they are the rule rather than the exception, mixed agreements pose a number of problems in practice. Some relate to the procedure of concluding such agreements, others, for third parties, concern the delimitation of competences. Mixed agreements come at times, therefore, with a declaration of competence. Without any declaration of competences, the Member states and the Union, are comprehensively bound to the treaty, according to the principle of trust in international law. In relation to community law, a disconnection clause may be inserted, stipulating that the provisions of the agreement

are not regulating the relations between EU Member states, if European legislation exists, providing for the same issues.

The procedure for the conclusion of international treaties by the Union is regulated in Article 218 TFEU. The procedure consists of two parts, an inner-community act and a part related to international law. The competences are divided between the Council and the Commission. Furthermore, the Parliament has to give its consent to agreements with important budgetary implications for the Union and to agreements covering fields to which either the ordinary legislative procedure applies (co-decision of Parliament and Council) or a special legislative procedure where consent by the European Parliament is required (Art. 218 para. 6) (Calliess and Ruffert 2011).

When concluding mixed agreements, the Union follows the procedure of Article 218. The Member states conclude agreements according to their constitutional provisions. Therefore the final Council decision can only be taken when the Member states have ratified the agreement (which in practice may considerably lengthen the process) (Leal-Arcas 2001).

The EU is increasingly aiming to be an international agenda setter when it comes to forest-related issues, such as climate change, biodiversity and renewable energy. However, agreements concluded concerning these issues are mainly mixed agreements. This is a challenge in itself, as the interests, and accordingly the positions, of the Member states may not concur with each other or with the Union, which may complicate and lengthen negotiation processes.

### A critical review of regulatory instruments

Legally binding instruments on environmental issues in particular have introduced a development in international law by setting up agreements consisting mainly of provisions formulating the aims rather than the obligations of the parties and putting the impetus on framework conventions in connection with additional protocols, clarifying the scope and mechanisms of the agreements. We are therefore confronted with questions about the possible levels of obligation on the international as well as on the European level (Schmitt and Schulze 2011).

On the international level this can be summarised in the hard law/soft law dichotomy (Boyle 1999). Legally binding instruments on environmental issues have brought a development in international law, somehow blurring the differentiation between soft law and hard law (with regard to their content, not their formal status). Although non-legally binding instruments are easier to revise and amend, a lot of issues have now undergone a process of legally binding regulation, as treaties determine future behaviour of the contracting parties in a stronger way. Nevertheless, some of the core articles of environmental agreements are very vague and almost impossible to breach, being devised with the aim of widening the number of states willing to enter at least some commitment. This framework approach is also visible within the EU. On the one hand, even though they are legally binding, directives leave considerable discretion to the Member states when it comes to implementation. Particularly in the area of environmental policy, directives have always been the preferred governance mode (Rittberger and Richardson 2003). As a matter of shared competence, EU environmental policy is also characterised by the Member states' residual competence to introduce more stringent provisions, but also by having rather broad discretion to give concrete expression to EU obligations.

There is a general trend towards new kinds of policy instruments and a move away from a traditional regulatory style based on classic legal regulation to more market-based and co-operative decision-making procedures. These new instruments include voluntary information instruments (such as eco-labelling), self-commitments or voluntary agreements between different interest groups. Financial support mechanisms, assistance programmes, and monitoring also have regulatory effects, as do planning instruments such as strategies and communications, by addressing likely courses of action, appropriate levels of regulation and adding coherence to a highly fragmented policy field.

As coherence is perceived to be a challenge, there is a tendency to allow for coherence by creating broad and flexible legal instruments. The result is a lack of legally enforceable commitments and, increasingly, a blurring of the difference between hard and soft law. In all this, the challenge is not only to address regulation on the appropriate level, but also to find appropriate levels of obligation: if regulation is too strict, it may lead parties to avoid entering any obligation at all; if obligation is too loose, parties may well agree to be bound but the effects may be as feeble as the obligations.

As a result, the five key messages for this chapter are:

- 1 Increasingly, the role of the EU is to find common standards and an appropriate framework for cross-cutting issues.
- 2 There has been a shift in forest policy from focusing on agriculture and trade only towards, for example, also addressing biodiversity, climate change and energy.
- 3 Although there is no single competence for forests within EU primary law, a dense regulatory network has developed over time covering different forest-focused and forest-related policies. Therefore, in practice, we see an existing European Forest Policy.
- 4 In most issues relating to forests, the European Union has to share competences with the Member states. International agreements concluded in this area are therefore mixed agreements. Member states follow their own rules for negotiations and ratification, which is challenging in practice when it comes to agreeing on common positions and hampers the EU in taking an effective and active agenda-setting role at the international level.
- 5 Framework concepts are being used more and more for regulation, making use of specific instruments for implementation and control. This allows for the regulation of more issues related to forests but at the same time lowers the level of obligation.

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## International Forest Policy and Europe: Four pathways of mutual influence

**Bas Arts, Lukas Giessen and Ingrid Visseren-Hamakers**

### Introduction

Policymaking has become “multi-level” in nature (Hooghe and Marks 2001) and the old distinctions between domestic, European and international policymaking have become blurred. This also applies to forest policy (Giessen 2013, Humphreys 2006, Pülzl 2010, Rayner et al. 2010). Ideas, norms and rules on forest use, management and conservation “travel” through the multi-tiered forest governance system and become relevant at different scales and in different sites (Arts and Babili 2012). Therefore, it is often difficult to say where a policy originates and who is influencing whom. Yet, in this chapter, we aim to assess the impact of international forest policy on Europe, and the other way around – how Europe might influence international forest policy.

By “international” we refer to the global scale, to international organisations and regimes, with the United Nations (UN) being the most prominent example. In analysing mutual influence, we use a framework developed by Bernstein and Cashore (2012). They distinguish four pathways of how international organisations and regimes might influence (groups of) countries: 1. international rules; 2. international norms and discourses; 3. market transactions; and 4. direct access. The first pathway works through international law, the second through globally shared ideas and language, the third through market regulations and product certificates, and the fourth through “ambassadors” of international organisations. But such influence is never a one-way ticket in the current global system. Europe as a global player (although still in the making) can in turn also have an influence on international organisations, rules, discourses and markets.

Below, we elaborate on each separate pathway from the perspective of both international and European forest policy. Then, in the last section, we analyse the interaction of the four pathways and finish with some conclusions and key messages.

### International rules

International rules affect European forest policy in many ways, as shown in the previous chapter on legal aspects (see Chapter 2.2). Following up on this chapter, we would like to re-iterate four points.

Firstly, until today, the international community has developed only one legally binding instrument specifically for forests: the International Tropical Timber Agreement (ITTA) (Humphreys 2006). In fact, this is a series of agreements adopted in the period 1983–2006 promoting the expansion and diversification of the international trade in legal and sustainable tropical timber. In addition, it has established the International Tropical Timber Organisation (ITTO) in 1986. However, these agreements only apply to part of the forest domain (tropical timber and trade) and to a limited number of countries (those that import and export tropical timber). A comprehensive legally binding international forest treaty is therefore lacking (for an overview see Rayner et al. 2010).

Secondly, two international treaties agreed in Rio in 1992, namely the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC), have had an increasing and legally binding impact on forests in Europe. Both have influenced the political resolutions of the FOREST EUROPE process. However, while the CBD has clearly influenced the development of an EU strategy on biological diversity, aimed at halting the loss of biological diversity (including forest biodiversity) by 2020, so far the CBD has followed a rather “soft-law approach” and failed to provide concrete instruments for national implementation (Harrop and Pritchard 2011). The UNFCCC, by contrast, has had an impact on the establishment of a European climate change programme and several related legal instruments that also address forests. For instance, not only the EU Emission Trading System (ETS) and the Green Paper on forest protection and information but also the Climate and Energy Package refer to the UNFCCC. Forest-related instruments developed in the follow-up of the UNFCCC have also found their way into European decision-making. On the one side, a particular UNFCCC greenhouse gas inventory instrument known as land use, land use change, and forestry (LULUCF), has been taken up in a new proposal by the European Commission towards incorporating removals and emissions from forests into the EU’s climate policy, proposing mandatory LULUCF Action Plans from Member states. On the other side, reducing emissions from deforestation and forest degradation (REDD+) gained momentum as a potential transfer mechanism of carbon credits between developed and developing countries in a post-Kyoto agreement (Visseren-Hamakers and Verkooijen 2013, Visseren-Hamakers et al. 2011). The EU, for instance, has already established a REDD+ facility that aims to support related activities in developing countries.

Thirdly, although further international treaties relating to forests exist and are endorsed by the European Union, one is particularly important as it is equipped with special compliance mechanisms and relates to the exclusive competence of the Union (“internal market”). This is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), restricting the international trade in endangered species, among them quite a few relevant for timber production. CITES has been translated into several EU Wildlife Trade Regulations. These are due to be implemented uniformly by the EU Member states, as border controls within the Schengen area are absent.

Finally, it should be kept in mind that the European Union is lacking a common foreign forest policy and thus forest policy positions are negotiated among the Member states prior to international meetings and presented either by the president country of the Council or the European external action service (= diplomatic corps of the EU). As for trade-related forest topics and matters falling within the Union’s competence, the European Commission represents the EU and its Member states. While for a very long time the EU Member states have particularly emphasised their wish to conclude a global forest agreement, and even started to negotiate a pan-European one recently, the EU has

not been very successful in influencing forest policy on an international level. As Zielonka (2008: 481) observes: “In fact, it looks as if numerous global actors are increasingly able to shape Europe’s normative agenda, rather than the influence working in the other direction.” Recently, forest topics have become less central on the EU’s international policy agenda. At the same time, the diverse ideas and interests of the various Member states on international forest issues and policy have come to the fore more prominently, decreasing the likelihood of a common international position.

### Discourses and norms

A discourse is a commonly accepted set of ideas, concepts and understandings that give meaning to a particular part of reality (Dryzek 1997, Hajer 1995). Examples from international forest policy are discourses on tropical deforestation, sustainable forest management (SFM), forest biodiversity, illegal logging, and the role of forests in climate change mitigation (ie REDD+) (Arts et al. 2010, Pülzl 2010). These global discourses co-shape forest discussions at lower scales, including the European level.

It is generally recognised that SFM, forest biodiversity and REDD+ in particular are the global discourses that have most effectively diffused throughout the world in the last decades and have had the biggest impact on public media, political discussions and policy initiatives recently (Arts et al 2010). In addition, some actors have actively campaigned for these ideas and concepts, such as UNFF, the World Conservation Union (IUCN), WWF and some European countries for SFM and forest biodiversity, and Norway, UNDP and the World Bank for REDD+. This has strengthened the impact of these global discourses at the European level. Hence, global forest discourses are not just “words”, but actively shape our thoughts and actions even while we are generally not aware of that invisible impact. In turn, those who are able to frame or even dominate a particular discourse are highly influential on others. At global level, SFM has been mainly framed by the Commission on Sustainable Development and UNFF, forest biodiversity mainly by scientists and NGOs (WWF and IUCN) and REDD+ mainly by developing countries, Norway, scientists and UN organisations (Arts and Buizer 2009, Humphreys 2006, Pülzl 2010). One might therefore question whether the EU has been very influential in global forest discourses during the last decades. A more commonly shared international forest policy perspective of the EU seems therefore desirable.

Norms are different in the sense that these are more “institutionalised” than discourses, e.g. in soft law, more concrete in terms of guidelines for action, and more deliberately designed by actors. Good examples of “global forest norms” are to be found in the Authoritative Statement on All Types of Forests from the UNCED Conference (1992), ie the Forest Principles, and the Non-legally Binding Instrument on All Types of Forests adopted by the UN general Assembly (2007) (Hoogeveen and Verkooijen 2010). Both are non-binding instruments yet endorsed by the EU and many countries in the world. Hence these are generally shared moral devices that give guidance for “appropriate” behaviour in the forest domain. This guidance also applies to the EU, although the voluntary nature of norms makes them rather easy to circumvent or misuse. Examples of forest norms from the Authoritative Statement and the Non-legally Binding Instrument are, among others, the obligation to protect forest biodiversity, the need for international cooperation on forest issues, the sovereign right of countries to use forest resources for their socio-economic development, good forest governance (includ-

ing the participation of stakeholders in forest policy), the obligation to provide financial and technical assistance to poor countries in executing forest policy, respecting the forest rights of local communities and indigenous people, and the need for free trade and open markets for forest products.

### Market transactions

Markets for forest products (such as pulp and paper, high quality tropical timber and low quality round and sawn wood) have become strongly globalised during the last couple of decades (Lehtinen 2002). Such globalisation processes need harmonisation and normalisation at the global level in order to prevent unfair competition, distortion of markets and loss of product quality. As a consequence, trade regulations and standards have developed globally, affecting regional and national policymaking for forest markets. Boycott campaigns can also force markets to develop rules and standards. International NGOs in particular can force global markets to become more responsible in terms of people and the environment, potentially also influencing regional and national markets (Bernstein and Cashore 2012).

Arguably, the most important development in terms of the market transactions pathway has been forest certification. The main global schemes are the NGO-driven Forest Stewardship Council (FSC) and the industry-driven Programme for the Endorsement of Forest Certification (PEFC) (Visseren-Hamakers and Glasbergen 2007). The latter is also supported by various state forest services and private forest owners. These international standards have had a large influence on the procurement policies of the EU, particularly on the purchase of sustainable timber by state agencies. More indirectly, these standards are viewed by many as legitimate ways to operationalise the concept of sustainable forest management. Therefore, the influence of forest certification on EU policy takes place in combination with the pathway of international rules, when the certification standards are recognised in international agreements, such as the CBD, or through the pathway of norms and discourses, as certification has become “the right thing to do” for many actors involved in European forest policy.

The competition between the two global standards – FSC and PEFC – over whose interpretation of SFM is more valid and appropriate also influences European policy processes, as different actors have different views on this issue. Interestingly, despite the relatively large support for forest certification, less is known about its impact on the ground (Visseren-Hamakers and Pattberg 2013). On top of forest certification, there are many other international certification schemes, such as those from the Roundtable on Sustainable Palmoil (RSPO) and the Roundtable on Responsible Soy (RTRS). Those will certainly influence European forest-related policy in the near future, especially through energy and biofuels standards, in similar ways to the forest certification standards today.

Boycott campaigns by international environmental and social NGOs have mainly influenced EU and pan-European forest-related policy by placing issues on the European agenda. For example, Greenpeace and WWF mobilised people to boycott so-called “wrong” timber (timber from illegal or unsustainable sources) to put pressure on the industry, as well as on policymakers, to implement (more) sustainable forest practices. In the field of illegal logging, market campaigns have been used rather effectively by NGOs, leading to the development of the EU FLEGT and European procurement policies, among others.

The pathway of market transactions has had a significant influence on the EU. In its procurement policy, both the FSC and PEFC are accepted as proof of sustainability, and the FLEGT licence as proof of legality. Through its market role as a buyer, the EU is thus legitimising these standards.

### Direct access of “international forest ambassadors” to the EU

International organisations obtain influence in EU policymaking processes via direct access, ie through funding, education, training, assistance, capacity-building and partnerships, as shown in the following examples.

Firstly, several international organisations exert influence through direct access to policymaking (although this influence is generally considered rather limited). While not offering direct funding, the UNECE/FAO Forestry and Timber Section regularly assists countries and other organisations within Europe through the provision of expertise, knowledge and training workshops on forestry and timber. In a similar vein, the FAO Regional Office for Europe and Central Asia (REU) also has direct access in selected European countries, while the FAO National Forest Programme Facility (from 2013 Forest & Farm Facility) is supporting the drafting and implementation of national forest programmes inside certain key countries. The World Bank may harness financial resources and has direct access to European forest policy through direct funding, for instance in Eastern European countries (such as project funding for forest owners and privatisation initiatives). The IUCN also has direct access through project funding and the provision of expertise via its own workshops and training (e.g. forest owner projects and water projects at [www.iucn.org](http://www.iucn.org)) and it offers useful links to issues of biodiversity (CBD) and climate change (UNFCCC). The UN, and in particular the UNFF Secretariat and sessions, is also trying to positively influence the European forest policy dialogue and its implementation, although through a light, voluntary system (see [www.un.org/esa/forests/index.html](http://www.un.org/esa/forests/index.html)).

Secondly, transnational actors, such as social and environmental NGOs, business associations and individual firms, have direct access to EU forest policymaking in various cases. Strong global industrial branches, such as forestry, pulp and paper or the wood processing industries provide funding and expertise, e.g. for forest research or forest policy (see [www.forestplatform.org](http://www.forestplatform.org), [www.familyforestry.net](http://www.familyforestry.net)). This is obtained either through the activities of European associations, such as the Confederation of European Paper Industries (CEPI), the Confederation of European Forest Owners (CEPF) and the European Confederation of woodworking industries (CEI-Bois), or by their international/global umbrella organisations (e.g. the International Family Forestry Alliance, IFFA). Individual firms may also provide direct funding as seen recently with BP’s role as founding member of the Forest Carbon Partnership Facility (see [www.forestcarbonpartnership.org/fcp](http://www.forestcarbonpartnership.org/fcp)).

So far, the impact of these “international forest ambassadors”, as we like to call them, on European forest policies – mainly through capacity-building and the provision of funding – has been very limited compared to other pathways of influence. However, the growing role of forest information and statistics in politics as well as the growing need of forest-related organisations to secure funds, particularly in and after times of crisis, offer growing avenues for international forest ambassadors to influence European forest-related policies.

## Conclusions

Forest-focused and forest-related policies, at pan-European and EU levels, are affected by international policy initiatives, although one should not exaggerate the magnitude of these effects. However, these influences are not solely felt through the “classical” pathway of international law but through other mechanisms as well: 1. global norms and discourses; 2. harmonisation and certification of markets; and 3. “forest ambassadors” from international organisations. Of course, these “alternative” pathways are strongly related. Forest ambassadors not only bring money with them but certain ideas and norms too. And certification is strongly embedded in the global discourse on sustainable forest management. Hence, the various pathways may strengthen and support each other.

If we take the opposite perspective – how Europe, and particularly the EU, has influenced international forest policy – then we have to conclude that these effects have been even more limited. The lack of a formal internal competency on forests mirrors a lack of effective international positioning on forests by the EU; most of the influence is achieved by individual Member states. Global rules, ideas, norms and standards seem to be shaped more by others than by the EU, while their impact on Europe is substantial.

Given these two conclusions, the key messages of this chapter are:

1. Although European forest policy is influenced by international ideas, rules and norms, there is no international comprehensive European forest strategy. This prevents the EU from playing an effective international role.
2. A coherent EU foreign forest policy could be an effective option to increase its international influence, while leaving national forestry competencies largely untouched.

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# 3.

## Pan-Europe and the European Union

### 3.1. Pan-European forest-focused and forest-related policies

**Daniela Kleinschmit and Peter Edwards**

#### Introduction

In a nation state, public authorities pursue forest policies – decisions to reach goals and objectives related to forest problems or concerns and intended to produce certain results. At the pan-European level, which includes European Union Member states and European countries at large, it is not one public authority but a diverse set of governmental, private and societal actors from different countries. Nevertheless, the aim remains the same: to address common problems and concerns, challenges and opportunities in the management and sustainable development of European forests, balancing conservation, timber production and non-timber resources. However, pan-European policies are closely linked to other forest debates, taking up policies and issues from the global level that are relevant for Europe. Equally, pan-European forest policies are assumed to affect global policies by feeding into or revitalising discussions (c.f. Chapters 2.2. and 2.3.).

In this chapter we discuss pan-European activities in relation to a set of forest-focused policies and highlight the governance modes that have been adhered to in this particular context. We have excluded those policies that, while prominently dealt with within the EU, have not received greater political attention at the pan-European level (such as agricultural and energy policies).

#### Pan-European policies

##### Forest-focused policy

The pan-European level has contributed substantially to forest-focused policies by developing and sharing the concept of sustainable forest management (SFM) and evaluation criteria and indicators (C&I) to report on its achievements. The concept of SFM appeared in conjunction with the broader global discourse of sustainable development and gained widespread attention with the Brundtland report (1987) and the UNCED

conference in Rio de Janeiro (1992). At the pan-European level, SFM has been taken up and promoted by the Ministerial Conference on the Protection of Forests (MCPFE), a process now known as FOREST EUROPE. Its signatories have agreed on a common definition of SFM:

*“Sustainable management means the stewardship and use of forests and forest land in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil now and in the future, relevant ecological, economic and social functions, at local, national, and global levels, and that does not cause damage to other ecosystems”. (MCPFE, Helsinki Resolution H1 1993)*

At the pan-European level, the concept of SFM also embodies forest protection, reforestation and afforestation activities. The provisions of the pan-European SFM approach have been incorporated into national and local policies in European countries. Consequently, SFM requires an evaluation and reporting system in order to determine the baseline state of and progress towards SFM in each signatory (Linser 2004; Wolfslehner and Vacik 2011). C&I have been developed and reviewed by the FOREST EUROPE signatories, with an improved set of indicators adopted in 2003. The indicators are most relevant in two areas: a) the collection of information and b) the use of information for policy development (Rametsteiner 2001). Furthermore, the C&I, although put in place mainly for reporting purposes, also serve as a basis for formulating policies relating to forest management standards (Rametsteiner and Mayer 2004).

Based on the C&I, FOREST EUROPE developed pan-European Operational Level Guidelines for Sustainable Forest Management (PEOLG). The PEOLGs are used to promote SFM by providing practical recommendations for forest management planning and forest management practices. They are used in forest certification systems, such as the Programme for the Endorsement of Forest Certification schemes (PEFC) that started as the former Pan European Forest Certification scheme. The PEFC certification system links to C&I through the requirement that national SFM standards comply with those at an international level, if they are relevant for a specific region. The purpose of using C&I in forest certification schemes is to establish proof of SFM in forest products markets.

National Forest Programmes (NFP) are recognised as a means for continual work towards further improvement on SFM at the national and/or sub-national level. The concept of NFPs has been endorsed as a common concept by FOREST EUROPE (MCPFE, Vienna Resolution 1) though the development and implementation of NFPs remains the task of nation states. The pan-European approach to NFPs highlights a range of principles, including participation of relevant stakeholders and inter-sectoral approaches (Ministerial Conference on the Protection of Forests in Europe 2005).

There are also several sub-regional framework conventions promoting SFM, in particular the Carpathian Convention emphasising the important role of forests through the Protocol on Sustainable Forest Management adopted in 2011 (see Chapter 2.2.).

### **Environmental policies**

The environment first appeared as a serious policy issue on national and international agendas in the early 1970s. Environmental policy is any course of action aiming to prevent, reduce or mitigate harmful effects on nature and natural resources, and ensuring that man-made changes to the environment do not have harmful effects on humans. Environmental policies address a broad range of issues, including climate, water, pollution, waste management, biodiversity and wildlife.

At the pan-European level, several regional conventions are in place, aimed at improving and conserving the environment, primarily through the Council of Europe. These include the Convention on the Conservation of European Wildlife and Natural Habitats and the European Landscape Convention but also sub-regional treaties such as the Alpine Convention and the Carpathian Convention. The extent to which they reference forests differs according to their main focus: The Alpine and Carpathian Conventions explicitly refer to forests. The Alpine Convention dictates that signatories are to preserve, reinforce and restore the role of forests, especially the protective role (Alpine Convention 1995). The Carpathian Convention (2003) integrates the objectives of conservation and sustainable use of biological and landscape diversity into sectoral policies, such as mountain forestry, in order to promote SFM, taking into account the multiple functions of forests, and to designate protected areas in natural, especially virgin, forests. The Protocol on Sustainable Forest Management to the Carpathian Convention is an additional agreement that puts a main emphasis on forest-focused policies.

In the Convention on the Conservation of European Wildlife and Natural Habitats signatories are obliged to take all appropriate measures to ensure the conservation of wild flora and fauna, and their habitats, including through education and the dissemination of general information concerning the need for conservation. Specific forest species and habitats to be protected are included in the Annexes to the Convention (Wildburger 2009).

The European Landscape Convention promotes the protection, management and planning of European landscapes and organises European co-operation on landscape issues. The Convention includes a specific reference to forests, noting that developments in forestry help accelerate the transformation of landscapes (European Landscape Convention 2000).

Furthermore, the Environment for Europe (EfE) process and its ministerial conferences address environmental issues in 56 countries across the pan-European area and beyond. The process aims to contribute to sustainable development and enhance the implementation of strengthened national environmental policies. Integrating environmental concerns into the activities of other sectors is seen as one of the key challenges to effective implementation of environmental principles. Consequently, forest-focused policies are affected by the aims of EfE, in particular biodiversity issues and climate change (see sub-section below). The Environmental Action Programme (EAP), developed as a response to the call from the first ministerial conference in 1991, reflects the special focus of EfE on Eastern European countries. The EAP provides a framework and aims to help to identify high priority problems and their solutions. Forests are regarded as a high priority problem because of the threat of irreversible damage (Environmental Action Programme for Central + Eastern Europe 1993).

In response to the Convention on Biological Diversity (CBD), in 1995 EfE endorsed the pan-European Biological and Landscape Diversity Strategy (PEBLDS). PEBLDS aims to halt and reverse the degradation of biological and landscape diversity in Europe. It also provides a framework to promote a consistent approach and common objectives for national and regional action to implement the CBD. The strategy reinforces the implementation of existing measures and identifies additional actions that need to be taken over the next two decades. FOREST EUROPE C&I also address biodiversity issues through assessment and reporting on forest biodiversity. Both FOREST EUROPE and EfE ministerial processes cooperated to endorse the joint pan-European Work-Programme on the Conservation and Enhancement of Biological and Landscape diversity in Forest Ecosystems 1997–2000 (Mayer 2000), which has been renewed continuously over time. Other instruments, such as NFPs, may also contribute to biodiversity conservation, linking SFM with an ecosystem approach.

The 1999 Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes does not explicitly mention forests. However, the Protocol states that parties to the Convention will take appropriate measures to ensure that the quality of drinking water is protected, including resources that are used as a source of drinking water and their associated ecosystems. Since forests have been identified as an important component in aquatic ecosystems, their protection and/or sustainable management is implied in the protocol (Protocol on Water and Health 1999).

### **Climate change policy**

In the FOREST EUROPE debate on climate change and forests, the concept of SFM is permeated by recognition of the multiple benefits of forests in the long run, promoting the use of wood as an environmentally sound and renewable resource and as an alternative to non-renewable materials (e.g. Vienna Resolution V5 2003). This has also led to intensive co-operation between the EfE and FOREST EUROPE ministerial processes to address the issue of climate change. In 2008, both adopted joint pan-European guidelines for afforestation and reforestation, with a special focus on the provisions of the UNFCCC. These guidelines aim for carbon sequestration and a reduction in CO<sub>2</sub> emissions, including biomass production from forest products (Buszko-Briggs 2010).

### **Industry and trade**

At the pan-European level, a course of action relating to wood and non-wood forest industries and trade has not been established. However, the Oslo Ministerial Decision: European Forests 2020 includes a commitment towards good governance and forest law enforcement in order to ensure that timber traded within or into FOREST EUROPE signatories derives from legally harvested forests (FOREST EUROPE 2011), however, it is mainly global and EU policies setting the scene through intergovernmental legally binding agreements (see Chapter 2.2). Furthermore, forest policies in relation to SFM do recognise the role of trade and markets in the forest area. In particular “non-State market driven” (NSMD) forest certification schemes, such as the pan-European level initiated PEFC, aim to provide mechanisms to assure purchasers that wood and paper products come from sustainably managed forests. Certification is also recognised as an instrument to eradicate illegal logging and related trade, which causes economic loss and plays a role in deforestation, forest degradation and biodiversity loss. Other pan-European instruments focus directly on measures to tackle the problem of illegal logging. For example, in the Declaration on Forest Law Enforcement and Governance in Europe and North Asia (ENA-FLEG), acknowledged by FOREST EUROPE, signatories made a commitment to promote good governance and law enforcement to combat illegal harvesting of forest products and related trade. The commitment resulted from a World Bank-led initiative of regional ministerial conferences.

## **Governance – success and challenges**

In recent decades, the concept of “good governance” has increasingly influenced forest policy at the pan-European level. Good governance draws attention to stakeholder involvement, coordination of sectoral policies and multi-level governance.

On the one hand, the promotion of broader participation, including private and societal actors in steering processes, has received considerable attention at the pan-Euro-

pean level, in particular in processes working towards SFM, e.g. in NFPs and certification schemes. Examples of participation in pan-European forest policy processes are the multi-stakeholder dialogues at ministerial conferences, which include forest owners, forest industry, social and environmental NGOs and the scientific community. The science-policy interactions have been strengthened well beyond these dialogues, with the goal of structured dialogue and interaction between policymaking processes and the scientific community.

On the other hand, participation of private, societal actors and the general public represents a challenge for policymaking at the pan-European level. For example, policies, such as those dealing with NFP or certification, demand broad and balanced participation in order to achieve credibility and legitimacy for the normative concepts underlying the aim of SFM (Rametsteiner et al. 2011). However, PEFC's governance structures have been criticised for tending to downplay the role of non-forestry sector stakeholders, reflecting the fact that PEFC is initiated by forest-owner and/or forest-industry associations (Bernstein and Cashore 2010). Finally, participatory policy processes also entail questions of representation and bias and a large number of participants decreases the possibility of effective cooperation, not least because of increased transaction costs and difficulties in identifying and reaching consensus.

At the pan-European level, there are many links and references between different policies addressing forests. Hence, pan-European forest policy can be described as cross-sectoral. Many of these are based on forest-focused policy and the associated C&I, which have been taken up by other instruments, such as certification or policy processes like EfE.

Furthermore, forest-focused and forest-related policies at the pan-European level promote multi-level governance by taking up concepts and discourses from the international level and the EU, developing pan-European policies and feeding them into international and EU policies as well as being strongly connected with national and sub-national policies. While a minor number of legally binding agreements are confined to Europe at large or to a smaller number of countries located in a specific region (Alps or Carpathians), to date, most of the collectively determined pan-European commitments are voluntary framework type agreements, implemented primarily at the national level. However, in some cases (Mayer 2000) they also serve as a basis for forest-focused and forest-related regulations and strategies within the European Union (e.g. former rural development regulation, the Forestry Strategy, Forest Action Plan or the Biodiversity strategy, see also Chapter 3.2.).

In voluntary framework type agreements, implementation modes deviate considerably from what is being taken up in legislation. With this general model of implementation, actions taken by each nation state vary with regard to the modes of governance, resulting in nations inconsistently meeting the broad policy principles. The uncertainty of the degree of implementation of pan-European commitments in forest-focused policies has been highlighted in implementation reports (e.g. Ministerial Conference on the Protection of Forests in Europe Liaison Unit Vienna 2003).

In 2012 FOREST EUROPE started negotiating a Legally Binding Agreement (LBA) on forests in Europe. The LBA is seen as an opportunity to strengthen SFM, in particular for those signatory states with weak forest governance. The LBA is preferred over EU legal initiatives as it is seen as a way to retain national sovereignty over forests (Edwards and Kleinschmit 2012). In particular, EEA countries assume that, in contrast to EU-led processes, they will be able to retain greater control over the process and content of an LBA, which will have further implications for future EU processes (Dürr 2011). Major

aspects that need to be addressed in the LBA are monitoring, assessment and reporting on SFM as well as consequences for those not fulfilling the obligations. A challenging situation in terms of participation is the process of a legally binding instrument. In this case, participation beyond governments can be and is attained during the negotiation process but only governments will be signatories, which can present unique difficulties.

### Key messages:

- 1 Forest policies at the pan-European level may be a response to international instruments and sometimes serve as a basis for EU instruments.
- 2 The pan-European level has contributed substantially to forest policy, in particular by defining sustainable forest management (SFM) and developing criteria and indicators. Furthermore, cross-sectoral coordinating actions have taken place at this level.
- 3 Forest-focused policies at the pan-European level have developed their own identity, mainly through the FOREST EUROPE process.
- 4 Pan-European forest policy can be described as cross-sectoral.
- 5 Implementation of voluntary pan-European forest-focused instruments is weak.
- 6 The participation of private and societal actors is essential for good governance but represents particular challenges for policymaking and democracy.

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## Forest Policy in the European Union

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### Introduction

In the European Union (EU), forest and forest-related issues are dealt with by a significant set of policies. This chapter introduces and distinguishes between so-called forest-focused and forest-related EU policies. The former encompasses strategies and instruments that only target forests and forest management issues, while the latter are broader policies (such as agriculture and rural development policies, environmental policy, climate policy, energy policy, industry and trade policy and other policy areas) that target other ecosystems and sectors as well. In the following, a brief introduction to relevant policies is provided, followed by a short assessment of the overall interplay of these policies.

### Forest-focused policy in the European Union

Forest-focused policy in the EU is driven by the concept that forests deliver multiple services to society and that these benefits are safeguarded through sustainable (and multifunctional) forest management (SFM). Both sustainability and multifunctionality are fundamental to the EU's two central SFM policy instruments, the EU Forestry Strategy and the EU Forest Action Plan (FAP). Both underline the principle of subsidiarity and the concept of shared responsibility between the EU institutions and the Member states.

The Forestry Strategy (Council of the European Union 1998) states that the EU can contribute to the implementation of SFM through common policies. It also emphasises the implementation of international commitments, principles and recommendations through national or sub-national forest programmes or equivalent instruments, and active participation in all forest-related international processes. It further stresses the need to improve coordination, communication and cooperation in all policy areas of relevance to the forest sector. Currently, a new EU Forest Strategy is under discussion, with its focus and contents still under negotiation (Standing Forestry Committee Ad Hoc Working Group VII 2012). The Forest Action Plan (FAP, expired in 2011) formulates a core rationale for European forest policy: "Forests for society: long-term multifunctional forestry fulfilling present and future societal needs and supporting forest-related livelihoods" (European Commission 2006: 3). It lays out four general objectives (ibid: 3): 1. Improving long-term competitiveness (of the forest sector); 2. Improving and protecting the environment; 3. Contributing to the quality of life; and 4. Fostering coordination and communication.

The FAP worked as a framework that used existing elements and actions in the forest policy domain and builds on other EU policies that are related to forest issues. It in-

cludes the exchange of information and experience, communication and research. This is in line with the overall governance approach, which highlights the subsidiarity principle and “soft” coordination via communication, thus aiming for a higher degree of flexibility regarding national and subnational forest policymaking.

The recent ex-post evaluation of the FAP (Pelli et al. 2012) concludes that, while the FAP activities were largely put into practice, the institutional set-up, as a voluntary coordination instrument of the forest sector, has limited its effectiveness. It must be noted that there were no specific resources earmarked for FAP’s implementation and it drew on pre-existing funds. As a result, it remains an open question whether several of the activities reported as being implemented through the FAP can actually be attributed to the Action Plan or whether they would have been implemented regardless. Moreover, the impact of the FAP with regard to balancing different dimensions of sustainable forest management has been limited. Activities were often handled separately instead of building capacities for a more integrated approach. Even though it has contributed to improved communication by providing a structure for information sharing, as well as providing a frame of reference for Community and Member state activities related to forestry, the FAP did not lead to a greater coherence in EU forest-related policies. This is predominantly because it seemingly did not have an impact on policy making in other sectors affecting forests and forestry, but also as its impact on forest-focused policy and the forest sector itself remains unclear.

In this sense, the non-binding set-up of both the Forestry Strategy and the FAP limited the impact of these instruments with regard to supporting information exchange and coordination, except in cases where compatible interests between sectors and/or Member states allowed an easy adjustment of activities.

## Forest-related policies in the European Union

### Agriculture and rural development policy

The Common Agricultural Policy (CAP) formulates rules and priorities for agriculture and rural areas in Europe. This includes forestry, as the main form of land use aside from agriculture. The Agenda 2000 CAP reform split up funding for agriculture into two pillars: Pillar 1 covers market and income support measures, while Pillar 2 supports the development of rural areas through national or regional rural development programmes. This reform made forestry an integral part of the CAP.

Direct EU forest funding principally occurs via the co-financing of rural development forestry measures and forest management through the second pillar of the CAP. Rural Development Policy (RD Policy) has a significant impact on forest-related sectors. The RD Policy for the 2007–2013 programming period offers a wide range of measures to support rural development spread across three axes. For the forest sector, many of the measures are linked to forest protection and rehabilitation measures, climate change mitigation, payment for ecosystem services and non-wood forest goods and services. The policy also covers Natura 2000 payments to forest holders to help implement the Birds and Habitats Directives. RD Policy has become the most important financial instrument for forestry in the EU, although its emphasis lies clearly on agricultural measures.

Afforestation is the oldest forest-related measure of the CAP and still the most important one in terms of its percentage share of the European Agricultural Fund for Rural Development (established by Regulation 1698/2005, hereafter referred to as the EAFRD

Regulation) contribution to forest measures. Afforestation measures were introduced as a means to mitigate overproduction in the agriculture sector and to promote alternative use of agricultural land. Since 2000 these measures further sought to promote woodland expansion and the integration of environmental considerations. However, until the 2007–2013 programming period, most of the rural development funding for forest management was allocated towards the promotion of timber production and support to forest owners, rather than forest protection issues. Some restoration measures for damaged forest (e.g. as a result of forest fires) were also introduced and had some success.

EAFRD Regulation is the principal instrument for the implementation of the EU Forestry Strategy and the EU Forest Action Plan (2007–2011), which Member states must take into account when defining national rural development strategies. Compared to earlier regulations, EAFRD offers a coherent and structured set of measures that support forestry, with a strong emphasis on sustainable forest management. Member states can choose between 40 measures in EAFRD, of which eight are forestry-specific measures. All of these contribute to the EU-level priority objectives of biodiversity, water and climate change. Member states are, to a large extent, free to choose measures and allocate budgets according to their specific needs in the national and regional Rural Development Programmes (RDP) approved by the Commission. The financial resources allocated by the Member states to the eight forestry-specific measures were initially €12 billion but, after revisions of the RDPs following the CAP Health Check, this was reduced to €9 billion (corresponding to less than 5% of the total financial resources devoted to the 2007–2013 RDPs). In 2011, there was even significant under-spending, particularly in terms of the allocation to the forest-environment and Natura 2000 measures, where less than 15% of the reduced budget was spent. In addition, the LEADER instrument (as an EAFRD measure) supports in a bottom-up approach projects designed and executed by local partnerships to address specific local problems and development opportunities. It was established as an initiative financed by the EU's structural funds and was included into EAFRD in the current programming period. It has a great potential for innovative initiatives, but has not been much used by the forest sector (Weiss et al. 2011).

Rural development is also interlinked with the EU Regional Policy, which supports an integrated approach that considers the three dimensions of sustainable development and takes advantage of natural assets, such as forests. The European Regional Development Fund (ERDF) 2007–2013 provided financial support for the implementation of specific actions of the EU Forest Action Plan in the Member states, under the condition that the actions are consistent with regional priorities of development and with the Community Strategic Guidelines. The cross-border, transnational and interregional projects on forests and forestry represent an added value of cohesion policy in this area. In addition, natural risk prevention, such as avoiding forest fires, is recognised as a priority in the Community Strategic Guidelines. This has led to several projects at regional and local level, often as cross-border or interregional cooperation projects. One example of this is the INTERREG programme (financed under the ERDF), which provides funding for interregional cooperation across Europe. The forest sector takes part in some INTERREG projects concerned with the promotion of sustainable forest management, efficiency in private forestry and the use of wood and wood-based products as renewable resources.

Proposals for the next financing period for the CAP, EAFRD and ERDF (2014–2020), are currently under discussion. For example, the legislative proposal for the cohesion policy was published in October 2011 and the Common Strategic Framework (CSF) was presented by the Commission in March 2012. Cohesion policy continues to promote eco-

conomic growth, job creation and competitiveness, with the aim of supporting the strategy to meet Europe's growth and jobs targets for 2020. It is likely that there will be fewer priorities in the programmes, and although forest topics may be financed in the future, their relevance seems to have been reduced.

There is, on the whole, an imbalance between the establishment of EU goals and their implementation in Member states, as the latter are able to choose the measures and budgets for their RDPs. This can be seen as an advantage, in terms of how it can be adapted by a particular Member state, or as a challenge, in terms of how the funding becomes dependent on Member state priorities. As a result, EU funding to forest owners emphasises the promotion of timber production. It is a challenge to find a balance between timber production and other ecosystem services in order to ensure that future EU funding for sustainable forestry is coherent with environmental and biodiversity policies.

### **Environmental policies**

The Sixth Environment Action Programme, adopted in 2002, established a ten-year framework for Community action on the environment, focusing on four thematic areas – climate change, nature and biodiversity, environment and health, and natural resources and waste. Though forestry is not specifically addressed in the overall aims, priority actions were set out for forestry as an important sub-area for achieving objectives relating to nature and biodiversity as well as climate change. With the programme ending in 2012, the European Commission has presented its final assessment (European Commission 2011a). It concludes that, generally, the programme has been helpful in providing a framework for EU environmental policy over the past ten years. However, a number of shortcomings and gaps remain, in particular in relation to inadequate implementation and enforcement of some EU environmental policies and provisions. Linked to the discussion of the added value of a Seventh Environment Action Programme is the development of a range of strategic environmental policy initiatives recently adopted or currently underway. These include the flagship initiative on a resource-efficient Europe envisaged by the Europe 2020 Strategy under the heading of sustainable growth, and the resulting roadmap presented at the end of 2011 (European Commission 2011b). Following the failure to meet the EU 2010 target of halting biodiversity loss, a new vision for 2050 and a new target to 2020 were endorsed by the European Council in 2010.

To deliver the 2020 target, a new EU Biodiversity Strategy (European Commission 2011c) was adopted in 2011, setting out six mutually supportive and inter-dependent targets aimed at:

1. Conserving and restoring nature (species and habitats);
2. Maintaining and enhancing ecosystems and their services;
3. Ensuring the sustainability of agriculture, forestry and fisheries;
4. Combating invasive alien species;
5. Addressing the global biodiversity crisis, and
6. Contributions from and full implementation of existing EU environment legislation and planned policy initiatives, including action at national, regional and local level.

The specific 2020 target for sustainable forestry is to have Forest Management Plans compliant with SFM in place for all publicly owned forests and for forest holdings (above a certain size) receiving funding under the EU Rural Development Policy. The purpose

is to deliver measurable improvement in the conservation status of species and habitats that depend on or are affected by forestry and in the provision of related ecosystem services as compared to the EU 2010 baseline.

The LIFE programme, ongoing since 1992, is the only specific financial instrument dedicated to the environment. The most recent LIFE+ Programme 2007–2013 is the fourth of its kind and has a budget of €2.143 billion. It is designed to contribute to the implementation, updating and development of EU environmental policy and legislation, including the protection of forests in Natura 2000 areas, forest monitoring and forest fire prevention awareness and training campaigns. Following a mid-term evaluation and an impact assessment on the future financing programme for the environment in 2010, the European Commission (2011d) called for its continuation into the next funding period 2014–2020. The Regulation published in late 2011 proposed the establishment of a programme specifically dedicated to funding environment and climate action policy, turning LIFE into a programme that would be more aligned with Europe's 2020 objectives, serving as a financial instrument for the environment as well as for climate action.

Besides these instruments, EU environmental policy is mostly driven by directives targeting important environmental goods and services. The Habitats Directive and the Birds Directive are the two key EU policies and pieces of legislation targeted at protecting, conserving and restoring nature with the aim of combating biodiversity loss. The Birds Directive seeks to ensure far-reaching protection for all of Europe's wild birds and identifies 194 species and sub-species as particularly threatened and in need of special conservation measures. The Habitats Directive is built around two pillars: the protected sites and the strict system of species protection (within and outside Natura 2000 sites).

To date, the Natura 2000 network is nearing completion, comprising more than 25,000 sites and covering around 17% of the total EU land area, including lakes and rivers. Almost 30% of the current designated terrestrial Sites of Community Importance comprise forest habitats and another 30% partly contain woodland elements and related species. Natura 2000 seeks an integrated conservation approach that combines conservation goals with traditional land uses. The Habitats Directive does not provide concrete standards or requirements for forest management on Natura 2000 sites. Only non-legally binding guidelines with principles and examples of best practice, which highly recommend the development of management plans, are available. In 2012, the Commission did launch a process to develop more specific guidelines on managing Natura 2000 sites in forests.

Monitoring reports (European Commission 2009) have indicated that for 63% of the forest habitats (EU-25), the conservation status is unfavourable or bad, while it is unknown for 16% of the forest habitats, and 21% are evaluated as having a good conservation status. Natura 2000 has been successful in setting up a European-wide system of conservation areas to protect priority habitats and species, which can, in principal, be seen as an essential contribution for achieving the 2020 biodiversity target. However, implementation remains questionable. Landowners are still sceptical, the definition of favourable conservation status is subject to very different interpretations, and financial means are scarce or not used by the Member states. Hence, there are doubts about whether Natura 2000 is an efficient tool for biodiversity conservation as it is implemented now (Sotirov et al. 2012).

The Water Framework Directive (WFD), which mainly seeks to combat water pollution issues, plays a role for forestry as well. At its core, it aims to reduce and even end the harmful pressures of human activities on all EU waters, surface waters and ground-

waters and to resolve the policy fragmentation and ineffective implementation of water protection. Although its main focus is on agricultural and urban waters, forests (forestry) are mentioned in Annex II (1.4 “Identification of pressures”), framed as possible “threats”. Member states are obliged to collect and maintain information on the type and scope of human pressures (e.g. different land uses) on surface waters in each river basin district. The likely provision of water-related ecosystem services by forests is not clearly recognised in the WFD, and the complex interplay between water protection management and forestry is neglected. While timber production-oriented forestry is considered a risk in reaching a good ecological water status, especially of local water bodies, the potential benefits of forests and forest management in achieving a good ecological status for waters and their catchments are not recognised.

### **Climate change policy**

The Commission has published several policy documents and a number of communications on climate change that have an impact on the forest policy domain. One important development has been the first and second phase of the European Climate Change Programme (ECCP I and II) in 2000 and 2005. A core instrument of the programme includes the Directive 2003/87/EC establishing the EU Emission Trading Scheme (EU ETS) adopted in 2003. It allows participants to use credits gained from projects that enhance forest sinks in third countries under the Joint Implementation / Clean Development Mechanisms (established under the Kyoto Protocol) towards fulfilling their obligations under the EU ETS. The new EU ETS Directive was complemented by the Effort Sharing Decision and contains binding reduction targets for the post-2012 period for those sectors not covered by the trading scheme. Other policy developments include a Communication addressing the challenges of deforestation and forest degradation in relation to climate change and biodiversity loss (European Commission 2008a). It formed the basis of the EU position at the 15th climate change Conference of the Parties meeting (COP-15). A key aspect on the role of forests refers to their potential functions for adapting to climate change and the risks they face. In 2007, the Commission adopted a Green Paper on Adapting to Climate Change in Europe – options for EU action followed by a White Paper Adapting to Climate Change: Towards a European framework for action in 2009. As part of the follow-up process to the White Paper, the Commission released a Green Paper on Forest Protection and Information – preparing forests for climate change in March 2010, to engage stakeholders in a debate on EU’s approach to forest protection and information with regard to the impact from climate change (European Commission 2010).

As part of the Europe 2020 Strategy, another aspect of the climate change debate has been the recent Roadmap for Moving to a Competitive Low Carbon Economy (European Commission 2011e). It emphasises that forestry practices will have an important impact on the capacity of the sector to preserve and sequester carbon in soils and forests. It also highlights the importance of a holistic approach, for example emissions and removals related to land use, land use change and forestry (LULUCF) in EU climate policy. This is connected to the EU’s commitment to reduce greenhouse gas emissions by 20% or, if conditions are right, by 25% from their 1990 levels by 2020. The roadmap has been followed by the recent proposal for a decision on accounting rules and action plans on emissions and removals from LULUCF in 2012, accompanied by a communication and impact assessment. LULUCF may enable the regulation, measuring and monitoring of greenhouse gas emissions from land use and land use changes. As such,

the LULUCF accounting rules address a gap in the EU's greenhouse gas inventory and opens up for the prospect of preserving forests as carbon sinks in the future. However, forests are currently considered as carbon sinks only (not as emitters) in EU climate change policy. Efforts towards using forests for carbon sequestration rest with Member states. Under current regulations and schemes, the prospect of integrating and valorising forests and forestry carbon sequestration is therefore limited.

### **Energy policy**

Tied in with the climate change debate is the issue of energy. In the last few years, the EU has adopted a series of policy documents and legislative instruments aimed at expanding renewable energy use. Bio-energy, in particular, has been promoted in numerous ways. Examples are the Directive on the Promotion of Biofuels, that sets a biofuel target at 5.75% of all gasoline and diesel for transport, or the Directive on the Promotion of the Use of Energy from Renewable Sources (RES-D), that establishes an overall binding target for the European Union to achieve a 20% renewable energy share by 2020. These directives provide a regulatory framework that is subject to environmental and social concerns about biomass production, having been intensively discussed in recent years. The EU Forest Action Plan also promoted the use of forest biomass for energy generation.

A key development to cut emissions and mitigate climate change is the Biomass Action Plan adopted in 2005. It sets out to increase the development of biomass energy from wood, wastes and agricultural crops by creating market-based incentives for its use and removing barriers to the development of the market. The Renewable Energy Road Map adopted in 2006 sets out a strategy to increase security of energy supply and reduce greenhouse gas emissions. It improves the legal framework for promoting renewable electricity, calls for national action plans for the development of renewable energy sources and creates cooperation mechanisms to help achieve the targets cost effectively as well as establishes the sustainability criteria for biofuels.

The Climate and Energy Package, adopted by the European Parliament and the Council in 2009, also sets out to ensure that Member states meet targets relating to reducing emissions of greenhouse gases by 20% before 2020, known as the "20-20-20" targets. As a part of this package the Directive on the Promotion of the Use of Energy from Renewable Sources was approved in June 2009. However, the growing demand for renewable energy, driven inter alia by direct and indirect incentives for energy substitution by the EU ETS, increases competition for wood and biomass. The forest sector and forest policy will face increasing pressure to balance new expectations such as societal demand for conservation and carbon neutral energy.

### **Industry and trade policy**

Industrial policy and forest-based industries (FBI) including forestry, woodworking, pulp, paper and board production, converting, packaging and printing industries are closely linked to forest policy. The Communication on the State of the Competitiveness of the EU Forest-Based and Related Industries in 1999 was followed up in 2008 by the Communication on Innovative and Sustainable Forest-based Industries in the EU (European Commission 2008b). This underscores the importance of FBIs for the EU's Growth and Jobs Strategy and it addresses the challenges faced, including innovation, competitiveness, climate change, as well as high energy and transport costs.

The EU has promoted the integration of sustainable development into international trade. Trade negotiations with countries outside the EU seek to reinforce sustainability

goals to achieve compliance with EU commitments, including multilateral environmental agreements. The EU Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT) sets out to prevent the import of illegal timber into the EU, to improve the supply of legal timber and to increase the demand for wood coming from responsibly managed forests. The EU Timber Regulation (in force from 1 March 2013) obliges wood importers and traders to know the source of any wood or forest product that they are buying and to ensure that it is legally compliant (see also chapter 2.2.). This also covers wood supply from Europe. On the whole, the EU FLEGT and the Timber Regulation are aimed at preventing the introduction of illegal timber into the European market; as practices are currently being established it is unclear whether and how this can be successfully achieved.

### **Research and technological development, civil protection, plant health, and development cooperation**

Several other policy areas have an impact on forest-related activities in Europe. It is beyond the scope of this report to provide an in-depth look into these frameworks but below is a brief overview of some areas considered to be the most relevant:

**Research and technological development policy:** The Seventh Framework Programme (FP7) is the principal instrument for research funding at the EU level (2007–2013). It contains four specific programmes that correspond to four major objectives of EU research policy: cooperation, ideas, people, and capacities. Topics related to the multifunctional management of forests and to FBIs can be found under its thematic priorities. Horizon 2020 will replace FP7 as the next EU Framework Programme for Research and Innovation. It will be the financial instrument implementing the Innovation Union, a Europe 2020 flagship initiative aimed at securing Europe's competitiveness. It also aims to facilitate 'sustainability transition', i.e. the transformation towards a more sustainable society and economy, and will have implications for forest policy. The Forest-based Sector Technology Platform (FTP), which was supported in its creation by the European Commission, but is led by the forest industry, has turned out to be an efficient mechanism that has helped to strengthen the forest industry and forestry topics within EU research and innovation policies. The FTPs (at EU and Member states level) have been pivotal in influencing the allocation of research priorities, for example, in the framework programmes. A shortcoming of the FTP is its composition, smaller companies and forestry enterprises are less able to actively participate.

**Civil protection policy:** The EU Civil Protection Mechanism is made up of 32 states that cooperate in the field of civil protection to better protect people, the environment, property and cultural heritage in the event of major natural or man-made disasters occurring inside and outside the EU. The key instrument for European civil protection is the Civil Protection Mechanism and its Civil Protection Financial Instrument. As far as forests are concerned, the Commission has funded coordination actions to minimise fire risk and to coordinate fire-fighting training. For many years the Commission has also run a forest fires expert group in order to collect information and deal with the problem in a coordinated way.

**Plant health and protection policy:** EU plant health, plant protection and propagating material policy indirectly affects the forest sector. The EU plant health legislation aims to protect the safety of food derived from plants, prevent the introduction and spread of organisms harmful to plants or plant products within the EU, and regulate the trade of plants and plant products in accordance with international standards and obligations. The Commission has identified the need to harmonise a wide range of existing legisla-

tion. For instance, a package concerned with animal and plant health and regulation for seed and plant propagating material has been adopted as a draft regulation by the Commission in 2013. This includes legislation on forest reproductive material.

**Development cooperation policy:** One example of development cooperation is the Financing Instrument for Development Cooperation 2007–2013, which does not affect EU Member states per se. It indirectly refers to the protection of biodiversity and forests as well as activities for the conservation and sustainable management of forests with the active participation of local communities and forest-dependent individuals in eligible developing countries.

### Main achievements and challenges

This chapter has shown that EU forest policy stretches across many distinct policy areas, such as environment, trade, and energy. Table 3 provides an overview of EU forest-focused and forest-related policies. These policies are assessed according to how forests are “framed”, with regard to their main policy objectives, problem solution pathways, their main governance mode, and (mainly national) implementation. In essence, it demonstrates that different EU forest-focused and forest-related policies are not only characterised by different problem perceptions and solutions but that conflicting interests and objectives drive them. For instance, the 20-20-20 targets of the Climate and Energy Package are in potential conflict with the targets of the new EU Biodiversity Strategy. This generates tensions between the policies, as well as incoherence.

Finding a balance for these competing and contradictory objectives is difficult. The existing forest-focused policy framework does not provide effective coordination and there is no institution at the EU level that can coordinate or facilitate a discussion on this key challenge for the forest sector (Vogelpohl and Aggestam, 2012). Instead, as this chapter has illustrated, each policy area – ranging from agriculture to energy and conservation – focuses on a specific dimension of forest management. The result is policy fragmentation.

Policy fragmentation does not have to be a problem in itself, if these contradictions were dealt with during policy implementation. However, due to the variation in governance arrangements and the lack of coordination, coherence problems tend to increase during implementation. For example, the Habitats and Birds Directives require Member states to designate protected areas (Natura 2000). Yet, at the same time, at the EU level, there is no durable financial instrument available to support the management of these protected areas (Life+ is only project-based). In this case, rural development policies could have provided a budget for conservation but, when it came to implementation, several Member states chose instead to enhance forestry competitiveness (such as financing forest roads). This sort of decision-making eventually leads to a contradiction between regulatory measures and financial incentives during the implementation, which is not prevented by the regulatory framework at the EU level.

To summarise, the different policy areas reviewed clearly have an impact on forests in Europe. Hence, there is a forest policy at the EU level (see also chapter 2.2., legal context). Yet, this policy is fragmented. There are contradictory policy objectives with similar importance for forests and no set priorities but with different impacts. These are the result of inconsistent enforcement, as an effect of the partly legally binding, partly financially incited, and mostly voluntary measures that define the EU-level forest policy. In addition, inconsistent and fragmentary monitoring of policy implementation makes it

Table 3. EU Forest-focused and forest-related policies – an assessment.

Policies	Main problem / concept of forest	Main objectives / problem solution path	Governance approach	Implementation
Forest-focused	<ul style="list-style-type: none"> <li>Forests for society</li> <li>Need to be managed sustainably and provide multiple services</li> </ul>	Sustainable Forest Management framed as multi-functional forest management but only vaguely defined	<ul style="list-style-type: none"> <li>“Soft” approach (strategies and action plan), focusing on communication and coordination</li> <li>Subsidiarity central</li> </ul>	<ul style="list-style-type: none"> <li>Flexible and fragmented implementation</li> <li>Often implemented through forest-related policy instruments</li> </ul>
Agriculture and rural development	<ul style="list-style-type: none"> <li>Forests are not prioritised</li> <li>Focus across Europe is on rural development and agriculture</li> </ul>	<ul style="list-style-type: none"> <li>Economic competitiveness and rural development as main concerns</li> <li>Social and environmental objectives are included to a certain degree</li> </ul>	<ul style="list-style-type: none"> <li>Policy is based on provision of financial means (subsidies and payments) for sustainable land use and rural development</li> <li>Payments linked to social and ecological standards</li> </ul>	<ul style="list-style-type: none"> <li>Member states choose activities they wish to finance within the common framework</li> <li>Implementation is regulated and monitored</li> <li>Evaluations show that Member states’ spending is biased towards production measures</li> </ul>
Environment (including biodiversity)	<ul style="list-style-type: none"> <li>Forest as place of biodiversity and source of ecosystem services</li> <li>Needs to be conserved through appropriate (sustainable) management practices</li> </ul>	Provision of a conservation status of forest ecosystems and the provision of ecosystem services, through protection and sustainable management, are central	<ul style="list-style-type: none"> <li>Regulatory framework approach with environmental directives</li> <li>Financial means and provision of information less central</li> </ul>	<ul style="list-style-type: none"> <li>A certain conservation status or ecosystem services have to be provided by applying conservation and management concepts, such as protected areas</li> <li>Flexible implementation, but often delayed due to conflicts.</li> </ul>
Energy and climate change	Forests primarily defined as the provider of a renewable energy source and/or carbon sink	<ul style="list-style-type: none"> <li>Increase of the share of renewable energy production and increase biomass production</li> <li>Use of forests for carbon sequestration</li> </ul>	“Soft” approach (strategy) combined with framework regulatory policy (including binding targets)	EU binding targets for renewable energy and emission reduction have to be met via Member states’ policies
Industry and trade	<ul style="list-style-type: none"> <li>Forests defined as a resource</li> <li>Focus is on the competitiveness of the European forest sector</li> </ul>	Creation of an innovative and competitive forest sector, supported by research and industrial development	“Soft” approach (communications and research plan) combined with regulatory policy	Implementation interlinked with other forest-related policies, such as CAP and energy policy, Forestry Strategy and EU Forest Action Plan

hard to assess the effects of these policies on the ground. This situation represents the most significant challenges for any policy initiative concerning forests.

Taking a different perspective, however, the mosaic of policies that make up EU forest policy could be evaluated more favourably. More specifically, EU forest-related policies could be viewed as a common toolbox that Member states can utilise to develop their own, nationally adapted, forest policy. If one takes this perspective, a lack of coordination and contradictory objectives are not a problem, but instead provide room for manoeuvring during policy implementation, as well as allowing for adjustments based on specificities at the national level.

Yet, regardless of the perspective, the major challenge of managing contradicting policy goals driven by different interests towards forests remains. The core question for forest policymaking in Europe is then to define the best policy level (European, national or subnational/local) where coordination and priority setting must be achieved (for the arguments pro and contra EU level policy coordination, including a coherent forest policy framework, see also Pülzl and Nussbaumer 2006, Winkel et al. 2009).

### Key messages

1. European forest policy is cross-sectoral. Different EU forest-related policies pursue distinct and, in parts, contradictory ideas of what forests actually are and how they need to be managed, and have established partially competing objectives and targets. The result is the need to deal with trade-offs.
2. There is a lack of effective coordination mechanisms. EU forest-focused policies (Forestry Strategy and Forest Action Plan) aim to achieve inter-sectoral coordination. Being largely voluntary, the effectiveness of this coordination is very limited.
3. Policy coherence problems tend to increase during national policy implementation as different governance approaches create new inconsistencies and compromise policy outcomes.
4. Taken together, effective coordination and priority setting, including the question of the appropriate policy level for both tasks, is a major challenge for European forest policy.

### Please note:

This chapter has been written primarily based on Pelli, P., Aggestam, F., Weiss, G., Inhaizer, H., Keenleyside, C., Gantioler, S., Boglio, D. and Poláková, J. 2012. Ex-post Evaluation of the EU Forest Action Plan. [http://ec.europa.eu/agriculture/evaluation/market-and-income-reports/forest-action-plan-2012\\_en.htm](http://ec.europa.eu/agriculture/evaluation/market-and-income-reports/forest-action-plan-2012_en.htm), and Winkel, G., Kaphengst, T., Herbert, S., Robaey, Z., Rosenkranz, L. and Sotirov, M. 2009. EU Policy Options for the Protection of European Forests Against Harmful Impacts. <http://ec.europa.eu/environment/forests/fprotection.htm>

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## Interrelations of Actors and Organisations in the European Union and pan-Europe with regards to Forest Policy-Making

**Helga Pülzl and Gloria Dominguez**

### Introduction

The actors, associations and organisations that are active in forest policymaking in the European Union (EU) and pan-Europe can be grouped into five broad categories (see Table 4).

- (1) Public actors group: national policymakers, national (e.g. members of the ministries in charge of forests) and European civil servants (e.g. the European Commission and its General Directorates and agencies), Members of European Parliament (MEPs) and administrative practitioners.
- (2) Environmental interest groups: FERN, Greenpeace international, IUCN, WWF, FoE.
- (3) Forest sector groups: forest owners (CEPF, USSE), state forest owners (EUSTAFOR), industry associations (CEPI, CEI-BOIS, FEIC, FEP, EPF), associations representing the wood workers (BWI) and entrepreneurs (ENFE). In addition, the farmer and their cooperative associations (COPA-COCEGA) and federations for European community forests (FECOF) are included.
- (4) Forest research institutes, networks and technology platforms: EFI, IUFRO, SILVA and FTP. Their activities sometimes go well beyond pure scientific advisory services to the extent that they also act like interest groups.
- (5) Other organisations active in Europe: United Nations organisations (FAO, UNECE), forestry student association (IFSA), professional organisation (UEF) and a European exchange platform (EBCD).

While the previous two chapters (3.1. and 3.2) were largely concerned with describing and assessing European forest policies, this chapter concentrates, firstly, on mapping the most important actors and their interrelations in the EU and pan-Europe and, secondly, on depicting interaction and coordination mechanisms. Thirdly, it analyses actors' negotiation practices and discusses their role in the EU and in pan-Europe. The chapter concludes with a discussion of success and challenges in both pan-Europe and the EU.

Table 4. Main groups active in forest policy in the European Union and pan-Europe.

	Policy-makers	Civil servants & administrative practitioners	Environmental interest groups	Forest owner associations / confederations	Forest industry	Research	Others
<b>European Union</b>	<p>Black – European Parliamentarians</p> <p>Red – European Commission</p>	<p>CEPI Confederation of European Paper Industries</p>	<p>FERN Greenpeace international</p>	<p>CEPF Confederation of European Forest Owners</p>	<p>EFI European Forest Institute</p>	<p>UEF Union of European Foresters</p>	
<b>Pan-Europe</b>			<p>IUCN The World Conservation Union</p> <p>WWF World Wide Fund for Nature International</p> <p>FoE Friends of the Earth International</p>	<p>EUSTAFOR European State Forest Association</p> <p>USSE Union des Sylviculteurs du Sud de l'Europe</p> <p>FECOF Fédération Européenne des Communes Forestières</p> <p>COPA-COCEGA Committee of Professional Agricultural Organisations and General Committee for Agricultural Cooperation in the European Union</p> <p>ELO European Landowners organization</p>	<p>CEI-Bois European Confederation of Wood-working Industries</p> <p>FEIC European Federation of Plywood Industry</p> <p>FEP European Federation of Parquet Industry</p> <p>BMI Building and Wood Workers' International</p> <p>ENFE European Network of Forest Entrepreneurs</p> <p>EPF European Panel Federation</p>	<p>IUFRO International Union of Forest Research Organisations</p> <p>SILVA Network for Forest Education</p> <p>FTP Forest –Based Sector Technology Platform</p>	<p>IFSA International Forestry Students' Association</p> <p>EBCD European Bureau for Conservation and Development</p> <p>FAO Food and Agriculture Organisation of the United Nations</p> <p>UNECE United Nations Economic Commission for Europe</p>

\*Please note that policymakers and civil servants are active in forest-focused but also forest-related areas such as climate, energy, environment, industry, agriculture, health, consumer protection, education, social affairs

### Actors and forest policymaking in the European Union

A systematic scientific assessment of how specific actors engage in forest policymaking in the EU is still lacking. However, it can generally be said that most of the actors previously mentioned are active in EU forest decision-making processes: Council (national policy-makers and civil servants of all 28 Member states); Commission services (among others DG Agriculture and Rural Development – DG AGRI, DG Environment – DG ENV, DG TRADE, DG Enterprise and Industry – DG ENTR, DG Climate action – DG CLIMA, DG ENERGY, DG EuropeAid Development and Cooperation – DG DEVCO, DG Research and Innovation – DG RTD, DG Health and Consumers – DG SANCO, Joint Research Centre – JRC, Eurostat – ESTAT etc); European Parliament (with its MEPs active in Parliament committees); main stakeholder groups (forest sector actors, environmental interest groups and, to a lesser extent, research institutes and platforms. United Nations organisations do not have access to EU decision-making procedures. However, they provide platforms where EU policymakers meet as well as contributing to data generation (e.g. FAO and its State of World Forests).

### Committees and coordination practices

A set of formal forest-focused and forest-related (expert) committees exist in the EU. Table 5 gives an overview of the most important committees.

Formal and further ad hoc consultation and coordination measures for forest-related decision-making have been established in the Council and the European Parliament, but most of them belong to the European Commission (see Lazdinis et al. forthcoming, Lazdinis et al. 2009, Pülzl and Lazdinis 2011). Groups under nature, trade, agriculture, energy, development, climate change, which all also relate to forest policy, have not been included here as they deal with forest-related issues only when the Commission prepares a (non-)legislative proposal that may also touch upon forests. No cross-institutional coordination committee for all three institutions exists.

Within these committees there are different practices for coordination:

- (i) In the Council of Ministers, coordination involves the negotiation of 28 country positions in order to find a consensus among Member states and, depending on the field of competence, with the Commission;
- (ii) Coordination in the Commission between Member states, Commission services, and stakeholders involves information sharing on what is currently happening and what the Commission plans to develop: the latter enables it to get a sense of what Member states and stakeholders think about the issues at stake. Coordination among Commission services is again mainly for information sharing purposes, where the General Directorates inform others involved in forest-related decision-making about ongoing processes but do not aim at consensus. Only in the College of the Commission are final decisions taken (mostly in written form).
- (iii) Coordination also takes place in the form of selected and invited actors who represent different interests drafting documents on specific issues related to forests for further elaboration by the Commission (e.g. current EU Forest Strategy). The drafting and issuing of joint Member state opinions has also contributed to strengthening coordination in the SFC (Pelli et al. 2012:42).

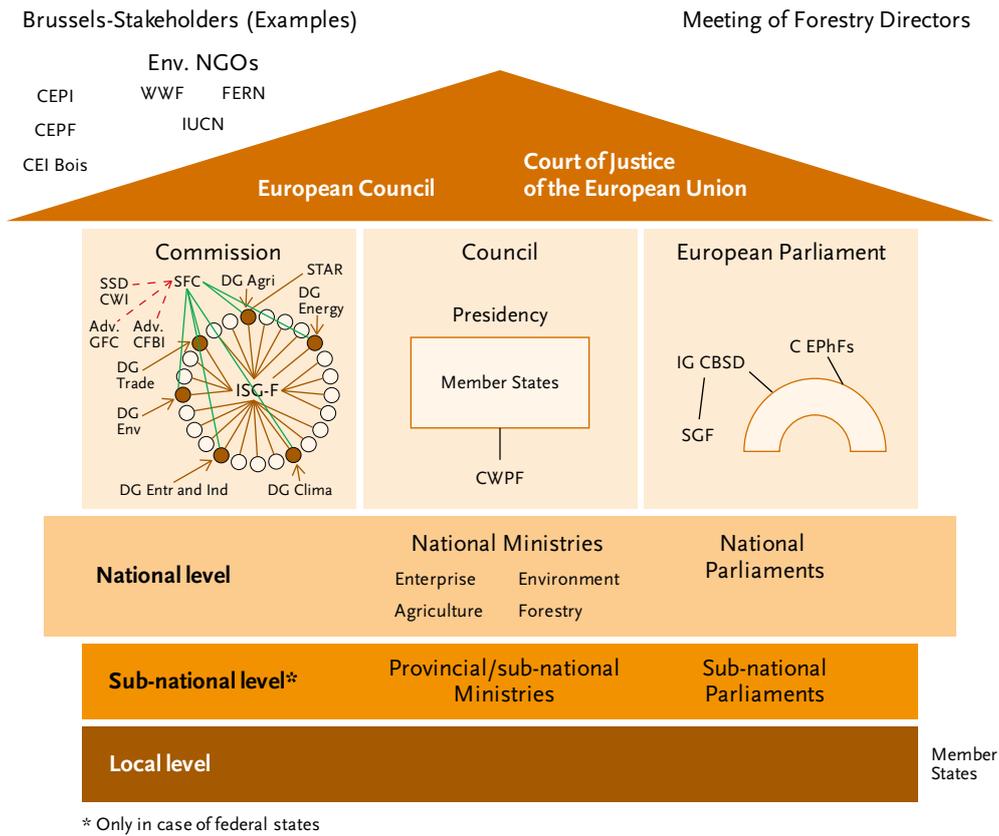
- (iv) Coordination between the Commission, European Parliament and the Council is guided by a formal decision-making procedure according to the EU treaties (now mostly by the co-decision procedure, see INT 1).

Figure 9 presents an overview of meeting places in the Commission, the Council and the Parliament. It also shows national actors (from the 28 ministries in charge of forests) participating in the expert committees. The more formal participation of stakeholders in the advisory groups is not extended to the Council and the Parliament as only informal stakeholder interaction and lobbying is permitted.

The committees have clear-cut boundaries which makes it difficult to open them up to other sectors. The exception is the Standing Forestry Committee (SFC) – when different Commission services in charge of forest-related policies (e.g. energy, climate change,

**Table 5.** Most important expert committees in the European Union.

- The Council Working Party on Forestry (CWPF) has mainly been used for the coordination of shared positions between the 27 Member states and the Commission (depending on competence). This working party deals with the EU's internal debates, the FOREST EUROPE process and the incipient process of negotiation on a legally binding agreement on forests in Europe (LBA). It also handles the coordination of shared positions for international forest processes such as the UN Forum on Forests (UNFF) and the FAO Committee on Forestry (COFO). The working party typically meets around once a month.
- The Standing Forestry Committee (SFC), chaired by the Commission, has increasingly been used for sharing information between the Commission and Member states. However, it also serves as an advisory committee for forestry measures and as an ad hoc consultation forum that provides expertise in the development of forest-related measures in the framework of various Community policies (agriculture, environment, trade, development etc). The SFC also facilitates exchanges of information and experience between the Member states and invited stakeholders.
- For direct communication and coordination between the Commission and stakeholders, three committees have been set up in the Commission. The Advisory Group on Forestry and Cork (Adv.GFC) was re-established in 2004, currently includes 49 members (forest owners, industry, environmental NGOs and trade unions) and mainly seeks to exchange views on the socioeconomic sector and consumers in areas covered by the CAP and rural development policy. The Advisory Committee on Community Policy Regarding Forestry and Forest-Based Industries (Adv.CFBI) was established 1983, has 23 members and acts as an advisory committee on industry-related matters. It includes representatives from the forestry sector and the woodworking, pulp and paper, printing and publishing industries. The Sectoral Social Dialogue Committee for the woodworking industry (SSDCWI) was established in 1998 and provides a twice-yearly exchange forum for employers and workers in the woodworking industries.
- The establishment of an Inter-Service Group on Forests (ISG-F) within the Commission has facilitated a more formal information exchange between Commission staff. However, coordination in the European Commission still follows a complex set of thematic interests and goals.
- The European Parliament and its Committee on the Environment, Public Health and Food Safety (CEPhFs) have also played a pivotal role in EU forest policymaking; to a lesser extent the Intergroup on climate change, biodiversity and sustainable development (IG CBSD) with its sub-group on forestry (SGF) has provided some meeting space too. The European Parliament and its members have, over the years, gained more influence in the formal EU decision-making process through the use of different decision-making procedures. For example, the EU Timber Regulation was approved in a co-decision procedure between the European Parliament and the Council (2009-2010.; over the past three decades the EP has encouraged the Commission and EU member countries to define a coordinated forest policy.
- Outside the EU, the informal meeting of EU Forestry Directors-General is organised by the EU president, meets once every six months and mainly serves an information exchange purpose. Stakeholders and experts are sometimes invited to discuss forest topics relevant to the EU too.



Legend: NGO – Non Governmental Organisation, CEPI – Confederation of European Paper Industries, CEPF – Confederation of European Forest Owners, CEI Bois – European Confederation of Woodworking Industries, SFC – Standing Forestry Committee, Adv.GFC – Advisory Group on Forestry and Cork, Adv.CFBI – Advisory Committee on Community Policy Regarding Forestry and Forest Based Industries, STAR – Agriculture Structures and Rural Development Committee, ISG-F – Inter Service Group on Forests, CWPF – Council Working Party on Forestry, IG CBSD – Inter-group on Climate Change, Biodiversity and Sustainable Development, SGF – Sub Group of Forestry, SSDCW1 – Sectoral Social Dialogue Committee for the woodworking industry, CEPhFs – Committee on the Environment, Public Health and Food Safety

**Figure 9.** Meeting spaces for forest actors within the European Union (adapted from Pülzl and Nussbaumer 2006).

trade) chair meetings, the agenda will take on different emphases and actors or additional experts from other sectors may be invited to participate. This is also the case for the EP Environment Committee where other committees' opinions may be collected.

**Negotiation practices**

Generally speaking, inter-institutional rules apply to interactions between the Commission, Parliament and the Council during the legislative procedure. A draft regulation/directive adopted by the European Commission and published as a communication starts a legislative process. Those kinds of communications are prepared after consultation with member states and experts (for example during SFC meetings). Member state representatives may also be involved in the actual working groups, establishing the basic content and aim of the communication. Communications are also used when a situation needs to be clarified or the current state of play assessed, so it does not always start a legisla-

tive process. For the European Parliament, parliamentarians may turn (both formally and informally) to the Commission for more information on the legislation being proposed (INT 1). Stakeholders from the forest sector and environmental NGOs (INT 1–3) seeking to influence policymaking do this by actively engaging the Commission services, members of the Parliament and the Council. They make their standpoints publicly available through position papers. Examples can be found on the websites of CEPF ([cepf-eu.org](http://cepf-eu.org)), EUSTAFOR ([eustafor.eu](http://eustafor.eu)), CEPI ([cepi.org](http://cepi.org)) and FERN ([fern.org](http://fern.org)). They also distribute position papers at relevant occasions, such as the Advisory Group on Forestry and Cork (AGFC) meetings. Some interest groups aim not only to influence the EU decision-making process directly, but also to engage national actors within the EU28, with the aim of pushing their agendas more indirectly (INT 1–4). On the whole, negotiation practices are therefore similar to those in other policy areas.

### Pan-European forest policy and actors

In forest decision-making processes, such as the FOREST EUROPE Process (MCPFE – the Ministerial Conference for the Protection of Forests in Europe) (see Figure 10), national civil servants play a central role. Participants include also officers of DG Agri and DG Env of the European Commission; the forest sector groups (including forest owners and industry); environmental interest groups; research networks and institutes, such as IUFRO and EFI; and international organisations, such as FAO, UNECE and UNEP. Beyond the FOREST EUROPE process, other forest-related treaties have established secretariats (e.g. European Landscape convention, Carpathian Convention, Alpine convention etc) that participate to some extent in the FOREST EUROPE process, but also have their own meetings. The FAO has also established a Regional Office for Europe and Central Asia (REU) in Budapest that initiates activities, nowadays mostly in Eastern Europe.

#### Meeting spaces for pan-European forest actors

Within the FOREST EUROPE process (Mayer 2000), there are four established negotiation spaces for all five actor groups: ministerial conferences; expert level meetings; workshops; and round table meetings). In addition, ministers in charge of forests gather roughly every four years to agree to and sign political resolutions. At the last ministerial conference in Oslo (June 2011), it was decided to establish an Intergovernmental Negotiating Committee (INC) with the mandate to develop a legally binding agreement for forests in Europe not later than 30 June 2013.

In addition, the European Forestry Commission (EFC), one of six FAO Regional Forestry Commissions, and the European Timber Committee, both served by a joint secretariat and located in Geneva, provide a meeting space for policymakers and experts with a particular interest in forest communication, timber markets, and other areas.

#### Negotiation practices

Expert level meetings are the main decision-making body of the FOREST EUROPE process. They were and are governed by a set of informal rules developed over time. Member states of the European Union speak in their own capacity although common positions are negotiated prior and during meetings. Stakeholders may distribute their position papers and are also given leeway to voice their positions upon the matters discussed. Their concerns are taken seriously and sometimes lead to important text changes.

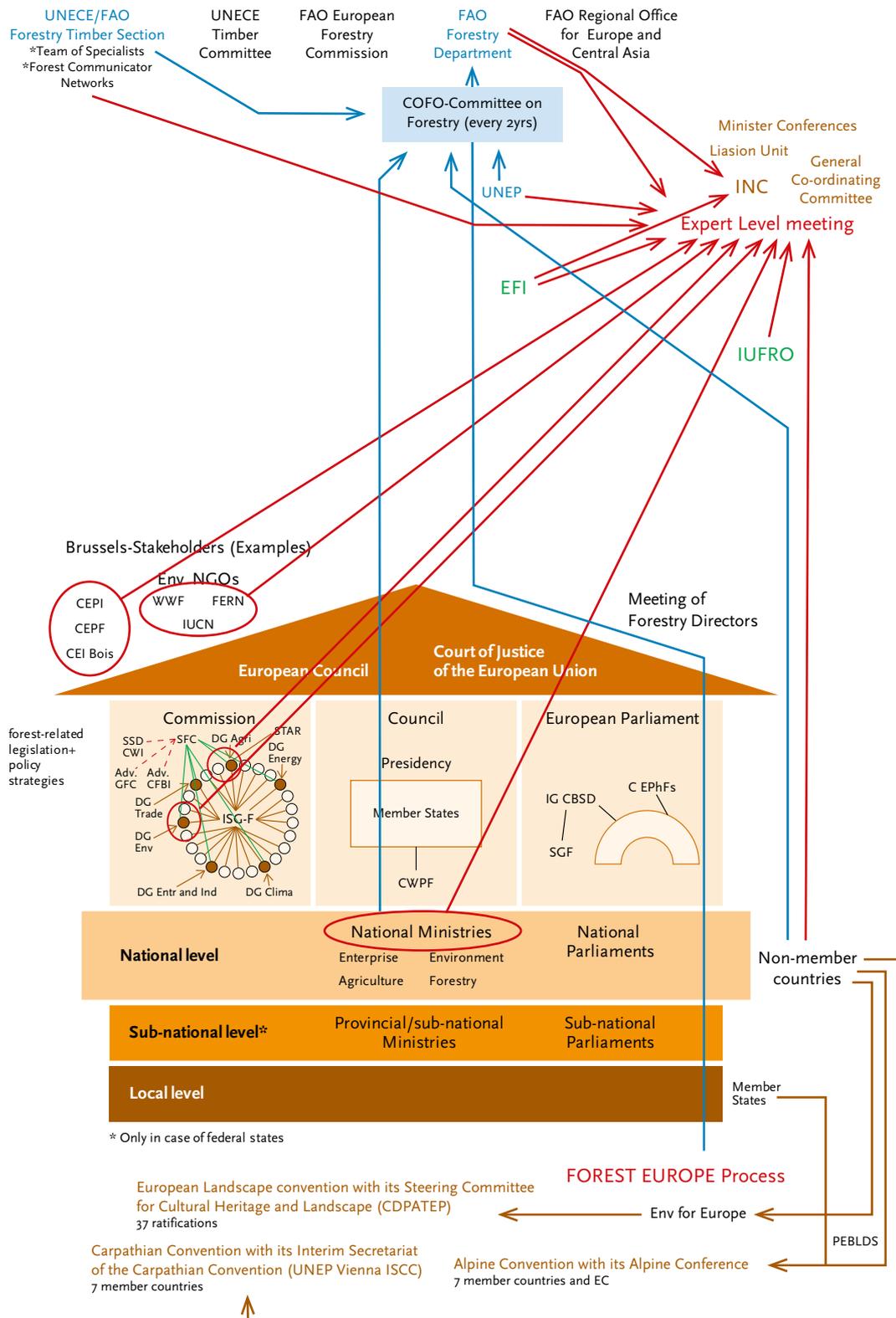


Figure 10. Meeting spaces for forest actors within pan-Europe.

The main body for negotiating a legally binding agreement for forests in Europe is the International Negotiation Committee (INC). The INC meetings are guided by a specific set of rules that mainly follow classical international negotiation procedures. Those who would be the signatories of a proposed agreement hold the main negotiating power and stakeholders – when supported by a member country – can also take the floor. However, during the few INC meetings held so far, this has not been applied strictly. In the INC, EU Member states speak with one voice (although they could, where no shared or exclusive competences of the EU are touched upon, also make individual statements). This implies that the partly conflicting interests of the Member states within the EU need to be coordinated to achieve a consensus which then feeds into the negotiation process. The exact division of competences between the Member states and the European external action service (= diplomatic corps of the EU) has been agreed before the start of the negotiations. In contrast to other FOREST EUROPE-led initiatives, within the INC individual member country positions are not made as evident and the presidency and the European external action service are speaking on behalf of the EU. The latter has taken on a stronger negotiation position. Finally, nowadays participants give priority to INC meetings over ELM meetings as the future of the FOREST EUROPE process is intertwined with agreeing a European legally binding agreement for forests.

For treaty-based conferences of the parties (e.g. Alpine convention, European Landscape convention, Carpathian convention) more formal rules of procedure apply where member countries negotiate decisions and stakeholders seek more informally to influence those.

### Actors participation: success and challenges

Although a rather weak committee in the EU, the establishment and upholding of the SFC represents a small success in the EU forest policymaking context as it has established a formal meeting space for Council members and Commission services. In the absence of actual forestry legislation, the usual practice of the Commission of “one committee for every piece of legislation” has been circumvented, giving the Council, the Commission and, to some extent, relevant stakeholder groups the opportunity to keep informed and exchange information on ongoing activities. Decisions on most policy instruments, however, are taken elsewhere. There are also provisions for Council members and stakeholders to advise the Commission services more formally on how to proceed (e.g. in the EU Forest Strategy development). In addition, several advisory committees have been established. The establishment of a regular internal service meeting that brings together the Commission civil servants in charge of issues relating to forest policy, can be regarded as another small success. This development acknowledges that although no single DG is in charge of forest policy per se, information sharing is important and early exchange on planned activities may improve future output. On the other side, forest policy although not being explicitly referred to in the treaties has gained some attention in that sense too. According to the Commission (2005) the experience in the internal service meeting was rather positive. This has been reiterated again later (see Pelli et al. 2012: 78) as it served as information sharing forum during the assessment of options for pan-Europe.

In pan-Europe it can be said that actors’ coordination in terms of balance of interests works well. In the FOREST EUROPE process, not only Member state representatives but also the European Commission services, the Presidency of the European Union, the

European External Action Service and the interested stakeholders/observers take part in decision-making, while implementation is left to the members. A so-called friendly atmosphere between member countries and stakeholder groups allows for a range of different viewpoints to be expressed and rationalised. This clearly differs from international negotiations e.g. within the United Nations where the rules of procedure restrict formal NGOs contributions not only in length but also in content.

Despite these positive developments, exchange does also come with a few drawbacks and challenges:

In the EU most of the coordination mechanisms within the Commission serve mainly as information sharing purposes and are less frequently used for actively supporting the co-ordination of EU forest-related policies. This means that although presentations are made and information about ongoing activities is shared (see Lazdinis et al 2009), members of the European Parliament are usually excluded. Cooperation within the SFC seems to only be successful when positive effects are expected (Pülzl and Nussbaumer 2006). Thus Member states inform others about their good practices without actively encouraging policy coordination between those presenting successful projects and others who may want to implement similar systems. Therefore, this form of exchange tends to remain somewhat superficial and rarely reaches the general public.

DGs preparing forest-related legislative acts will inform other Commission services that have an interest in the matter, but do not generally coordinate policy objectives. Forest(ry) expertise only finds its way to these forest-related negotiations on a sporadic basis as the number of staff in charge of forest-focused policies within the Commission remains low. This may put strains on developing more integrated forest-related policy acts. Member states and stakeholders have, for instance, complained about a lack of coordination during the preparation of the sustainability criteria for biomass (Pelli 2012:78). There is also a lack of coordination in the Council where, for example, northern countries express no interest in further extending EU forest-focused legislation (Edwards and Kleinschmit 2012) and, in some countries, the loss of national importance of the forestry sector hinders further coordination activities (Pülzl and Nussbaumer 2006).

Dialogue about forest-focused policy within the EU fora remains mainly confined to the (traditional) forest sector players and so leverage to other sectors or input from wider perspectives is often weak. The co-decision procedure gives the Council and the EP the same weight in defining EU legislation, but a lack of transparency and the mainly informal participation of stakeholders (INT 1-4) in actual decision-procedures increases the democratic deficit and widens the gap between democratic procedures in the EU. Participation from outside the traditional forest sector has also been rather limited and difficult to achieve in pan-Europe; apart from some international observer organisations and invited experts (e.g. to round table meetings or the expert level meetings) no real interest from participants of other sectors could be generated.

In pan-Europe, negotiation practices also differ between ELM and INC meetings. The negotiating power of observer organisations and stakeholders has technically changed, establishing different forms of participation practices during the LBA process. So far, observers still participate and are allowed to voice positions. This, however, may change in future meetings. For instance, during the INC meeting in Bonn in 2012, forest owner associations have complained about their loss of negotiating power. This is also to be found in treaty-based conferences (e.g. the Alpine convention, etc.) where international negotiation practices are applied, restricting the decision-making influence of stakeholders to the more informal sphere.

The role of international organisations in pan-European forest decision-making is presently rather limited. They provide mainly expertise, for example by providing forest data (e.g. UNECE), or a forum for exchange (e.g. FAO). Unlike other international organisations involved in European forest policymaking, such as the United Nations Environmental Programme (UNEP), the FAO is also active in the INC secretariat through the preparation of the meeting documents and provision of guidance to the negotiation process of the LBI.

### Key messages:

- 1 In the EU the establishment of the Standing Forestry Committee and the Inter-Service Group for forests can be counted as small successes for the forest policymaking process. In addition, a number of formal and informal fora on forest policy are currently available to the European Commission, the Member states and stakeholders.
- 2 The coordination mechanisms established within the Commission serve mainly for information sharing purposes and less for actual policy coordination.
- 3 In the EU, the development of a more integrated forest policy is constrained by the fact that a very large number of DGs can (in theory) propose related legislations. This is mirrored in the Council where a lack of political leadership puts additional constraints on further developing forest-focused instruments.
- 4 Cross-sectoral participation remains mainly at a level of information sharing and consultation. In the EU in particular, leverage to other sectors or input from wider perspectives is often weak or non-existent.
- 5 Although in pan-Europe actors' coordination in terms of balance of interests works rather well, different forms of participation practices (ELM, INC) have recently tended to restrict the actual decision-making influence of stakeholders to the more informal sphere.

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# 4.

## Status, Achievements and Challenges of European Forest Governance: A Summary

**Helga Pülzl, Gerard Buttoud, Päivi Pelli and Karl Hogl**

### Introduction

The main objective of this report is to consider the current framework of, and actors in, European (here taken to mean European Union and pan-European) forest-focused and forest-related policies in order to assess the status, the achievements and the current challenges of European forest governance. The report began by summarising the four main concerns repeatedly expressed by European policy actors:

1. that a legal competence for European forest policy is non-existent;
2. that the forestry sector is over-ruled by other sectors;
3. that there is a lack of coordination and coherence while the range of policy objectives is expanding; and finally
4. that policy goals relating to forests are inconsistent.

This chapter aims to reflect on these concerns by summarising the main findings of Chapters 2 and 3, thereby preparing the ground for the subsequent analyses and discussion of possible ways to address the challenges in European Forest Governance (Chapter 5). It starts with a short summary of the framework conditions for European forest governance, proceeds with a concise overview of the status, achievements and resulting challenges, and finally concludes by reflecting upon what our analysis has revealed with regard to the four concerns of European forest policy actors.

### Framework conditions for European Forest Governance

#### Forest resources and compatibility of goals

The forests of Europe are characterised by diversity – in their quantity, type and vulnerability, in the climatic conditions under which they are grown, in the species hosted and in the resources they provide (which in themselves serve different purposes, from recre-

ation and conservation to soil protection and sustainable yield). The economic, legal and political contexts and ownership structures also vary enormously. Starting out from this background, Chapter 2.1 argued that European forest resources offer great potential, not only in terms of the overall amount of resources available but also in providing a variety of land use opportunities and the possibility to take advantage of various value chains. It was emphasised that, while forests are an increasingly important source for sustainable development, competing claims on forests are increasing as well.

With this broad range of goals, questions about goal compatibility, about the risks of “multi-budgeting” of the same forest resources and about whether there are sufficient resources available for achieving all European targets come to the fore. However, what has not yet been done is to recognise potential trade-offs and define shared European goals across forest-related sectors.

### **Regulatory and legal setting**

The broad range of interests in and claims on forests is mirrored in the existing regulatory setting. Chapter 2.2 showed, firstly, that a shift in EU forest policy themes has taken place, from focusing mainly on goals of agricultural and trade policy to also putting an emphasis on environment (e.g. biodiversity protection), climate change and energy, among others. Sector policies are geared to different objectives, such as competitiveness of the agricultural sectors, regional development, forest protection, climate change, biodiversity conservation or wood mobilisation for timber industries and renewable energy, without having explicitly dealt with the question of likely resource limits and trade-offs. Establishing a coherent set of regulation(s) – or an appropriate coherent legal framework – which takes account of resource limits and potential trade-offs between different resource uses is still an unresolved issue in the EU.

Secondly, Chapter 2.2 argued that the dense regulatory network developed over time has created a *de facto* EU Forest Policy. However, although such an internal EU forest policy has evolved over time, an international EU forest-focused policy is lacking. The EU is constrained in these activities by the same competence limits as internally. It is not allowed to transgress these limits, for example by taking over international obligations. The internal piecemeal approach preferred so far does not automatically lead to an EU external legal competence for forests.

Thirdly, competences with regard to forest-related negotiations (e.g. in the fields of climate change, biodiversity etc) are mostly shared among the EU and its Member states. As a result, mostly mixed agreements have been concluded where both are signatories. These forms of agreements put strains on the relationship between the EU and Member states as ratification procedures differ. The mixed agreement and shared competence setting also has an impact on the EU’s role as a global player. It puts structural constraints on the EU’s ability to act with one voice and to safeguard its negotiating power in the international arena. This setting also affects ongoing negotiations on a legally binding instrument in the pan-European context. Both the EU and the Member states have to coordinate their positions more closely to avoid possible setbacks during ratification. The mixed agreement and shared competence setting may thus have a negative impact and constrain a possible ratification process on the event of an agreement being reached.

Finally, as Chapter 2.2 indicated, there is a tendency to create an artificial form of coherence at the international level by devising instruments with broad objectives. Those instruments are often nearly impossible to breach and provide for much flexibility in implementation. A lack of hard commitments with concrete and enforceable objectives

blurs the difference between so-called legally binding and non-binding commitments (soft and hard law). Therefore, the right level of obligation (enforceable or not) and the appropriate form of regulation (legally binding or not) is not easy to determine. “Loose” commitments may be agreed upon easily but lead to low impact on the ground. On the other hand, many countries may prefer to abstain from signing up to strict agreements – leading again to reduced effectiveness. It can thus be said that whether agreements are binding or not, effectiveness is not necessarily high in either case.

### **International forest policy impact**

Chapter 3.3 identified many international legally binding agreements that directly or indirectly have an impact on European forest governance. However, the scattered legal international landscape and the flexibility in implementation (see above) further increase inconsistency and incoherence within Europe.

In particular, the lack of a strategy of the EU for international forest policy seems to have hampered it in playing its international role more effectively. It was, in general, not very effective in promoting a shared forest policy perspective. In terms of content regulation, international rules are sometimes used as a point of departure for forest initiatives (e.g. to combat illegal logging and climate change, biodiversity protection, etc.) within Europe. However, the transfer of international commitments into European contexts, and their subsequent implementation, is difficult, as experience has shown. Global norms and discourses find uptake in European forest policymaking (e.g. upholding sustainability, fighting climate change, etc) while the influence of the EU on global forest discourses appears more limited.

## **Status, achievements and challenges of European forest governance**

### **Regulatory landscape**

The regulatory landscape in the EU and pan-Europe differs widely. This can be explained by the fact that different organisational bases (EU treaties v ministries in charge of forests), institutional settings (supranational law v intergovernmental rules) as well as diverse administrative arrangements (legal bonding of Member states and policies in the EU v political consensus-orientation of members in pan-Europe) drive governance modes and instrument forms.

With governance mode we looked at loose regulation and flexible implementation v direct regulation and strict implementation of forest-focused and forest-related policies. With instrument form we considered policy instruments that are legally binding and those that are non-legally binding. In the EU context, the governance modes applied in different policy areas are based on the competences defined in the treaties. Rural development and trade rely predominantly on legally binding and direct regulations that include rather strict implementation procedures. This is not surprising as rural development and trade are the most integrated EU policy areas. Environment, energy and climate change policy are newer areas and rely mostly on legally binding framework directives that offer more leeway for implementation. However, forestry policy is based only on non-legally binding strategies and action plans. Therefore, implementation procedures are not evident. In the pan-European context, governance by (signed) non-legally binding policy recommendations and reporting on implementation is the dominant mode since action has been driven by the need for a coherent approach to

sustainable forest management. In addition, pan-European voluntary agreements are driven by “good governance” principles (broad actor participation, inter-sectorality and multi-level coordination).

### **Pan-Europe**

The FOREST EUROPE process has made a substantial contribution to developing European forest-focused policy by establishing a set of relevant instruments (Chapter 3.1). Other regional agreements and processes, such as the Alpine Convention, the Carpathian Convention etc, have also contributed to policy development. FOREST EUROPE regularly serves as a bridge between international and EU forest-related policies and, as a consequence, has developed a well-recognised identity. Scientific network organisations, such as IUFRO and EFI, also play an important role in FOREST EUROPE by orientating their scientific programmes towards questions of social interest, and bringing in the science-policy dialogue at a level that does not exist in many national contexts.

Compared to other international settings, actors’ coordination in FOREST EUROPE in terms of negotiations has worked rather well. However there are also downsides that pose challenges. Firstly, the analysis showed that actors’ participation in the FOREST EUROPE process, although broad and inclusive, is mostly consensus-driven. Thus there is a tendency towards decisions being taken at the lowest common denominator. Effective policy coordination is often hampered by large numbers of participants. Questions of representation and bias may be raised. Secondly, forms of implementation remain scattered and uneven among participant countries. Current activities in the FOREST EUROPE process impact on these two challenges: on the one side, in pan-Europe, ongoing negotiation of a legally binding agreement for forests aims to further improve implementation and compliance. On the other side, these ongoing negotiations tend to constrain stakeholders’ decision-making power (through rules of procedures).

### **European Union**

Forest-focused policymaking has increased in importance over the years at the EU level. However, a large number of forest-related commitments and regulations have also been concluded in a variety of policy areas, as Chapter 3.2 showed. These relate to forests but are often focused on a single service (e.g. Natura 2000 on nature protection, timber regulation on trade in forest products etc.). Funding for forest measures has generally been granted via rural development policy and, to a lesser extent, via regional, enlargement and external policies. Coordination devices have been established in the Council and the European Commission aimed at improving information sharing between Member states, stakeholders and the Commission. The European Parliament also plays a pivotal role in EU forest policymaking. Over the past three decades, the European Parliament has encouraged the Commission and the EU Member states to coordinate forest policy. The revision process of the EU Forest Strategy (2012–2013) offers a forum for openings in this respect, too. Despite these achievements, there are a number of downsides that have been identified throughout the report.

Some Member states support the development of a single formal competence for forestry in the EU treaties (either a shared or supportive competence), while others oppose it. The handling of forest-related issues in different administrative compositions tends to result in a fragmented approach to forests as an object of regulation. It is also difficult to gain an overall view of where and when forest-related issues are tackled in the EU, as these discussions take place in working groups under nature, energy, trade,

industry, climate, water, etc. Forestry expertise finds its way to these discussions only on a sporadic basis. In addition, policy goals and objectives stemming from different EU forest-related policy instruments are partly competing. While some policy goals may be easier to align (such as the goals of adapting forests to climate change and of preventing biodiversity loss); others more clearly relate to objectives that may turn out to be conflicting in practice (such as the mobilisation of wood for energy and biomass v halting the loss of biodiversity by 2020; see Chapter 2.1). Intersectoral coordination, which is one of the main goals of EU forest policy, has hardly been achieved. Rather, sectoral segmentation is reinforced. The dialogue about forest(ry) policy remains mainly among the (traditional) forestry sector actors, thus leverage to and input from other sectors is often weak. Finally, competing policy targets may lead to conflicts in the course of policy implementation. However, as Chapter 3.2 has argued, it is not per se negative that a large variety of policy instruments is available and that implementation is left to the countries. Forest resources are unevenly distributed in the European Union and different countries have different political situations. Thus, the variety of forest-related policy instruments and objectives could also be seen as a kind of “toolbox” from which countries can choose when setting their priorities. However, competing targets may become very evident when, for example, conflicts around the protection and use of a specific forest site arise. The EU Forestry Strategy and the related Action Plan have so far not shown themselves to be efficient tools for mediating problems arising from competing policy objectives.

### Summing up: policy actors' concerns put in perspective

Returning to the four concerns voiced by policymakers in Chapter 1, we can conclude that some are more justified than others.

Based on our broader definition of “forest policy”, which comprises forest-focused as well as forest-related policies, this report shows that, contrary to what policy actors argue, a de facto EU forest policy exists. It is made up of non-legally binding policy instruments and a multitude of legally binding financial and regulatory instruments from other fields of EU competences. Yet, the non-legally binding EU forestry policy instruments are rather weak compared to a number of legally binding forest-related ones. This is simply the result of the existing distribution of competences between the EU and the Member states. Forestry is not necessarily more “over-ruled” by other sectors but much more weakly institutionalised at the EU level than in many Member states. However, at national levels too, other sectors' policies do, of course, address forests and hence impact on forestry, such as policies for recreation, the promotion of renewable energy, climate change mitigation and adaptation and nature protection.

The other two actors' concerns are the most substantiated by this assessment report:

1. Lack of coordination and coherence while policy objectives expand and
2. Some inconsistency of policy goals

As has been argued in Chapter 3.3, the fragmented policy approach to forests in the EU indicates deficits in policy coordination. In addition, this report also shows that the policy goals and objectives of various EU forest-related policy instruments are partially conflicting which tends to create difficulties at the implementation stage in the Member states.

Beyond these two actor concerns which have been substantiated, our assessment has identified three further challenges of European forest governance, namely:

3. A missing internal and hence missing external competence for developing a more comprehensive international EU forest-focused strategy.
4. A lack of mechanisms for representation and participation in policymaking.
5. Deficits in national implementation.

These five challenges are taken up in the final chapter. It lists potential innovations for European forest governance and discusses these approaches in terms of how and to what extent they may help to better cope with these challenges in the future.

# Innovations for European Forest Governance

Helga Pülzl, Doris Wydra, Bas Arts and Daniela Kleinschmit

## Introduction

This chapter will discuss possible innovations for forest governance in Europe in response to the five challenges identified in the previous chapters. As several of the approaches present possible solutions to more than one problem, this chapter will briefly explain each suggested instrument and/or approach and discuss its strengths and weaknesses based on a literature review. Then the chapter will systematically identify possible, sometimes multiple, solution paths to the five problems as well as clarify preconditions and assumptions on their application. Finally, it discusses the compatibility (whether singly or in combination) of approaches for European forest governance and its way forward.

## A list of possible innovations for European forest governance

There are three main approaches to innovations for European forest governance. The first is a legislative approach that follows a traditional top-down model. The second, a mixed approach based mainly on the cooperation of national legislators (as national parliaments in general have been strengthened by the Treaty of Lisbon) giving priority to information sharing but also likely to influence national forest legislation. The third approach is based on so-called soft modes of governance that are neither top-down nor bottom-up. These modes are more inclusive in the sense that they either aim to solve different problems at the same time and are participatory or they address different level(s) of governance (see Table 6).

### Governance by legislative approaches

For the legislative governance modes, following the typical top-down hierarchical approach of traditional policymaking, the following approaches have been identified for the European Union:

**a. Inclusion of a forest chapter in the Treaty of the European Union (TEU):** For a forest competence to be introduced into the EU Treaty the current treaty text would have to be revised. Two procedures for treaty revisions are included in the Treaty of Lisbon: the ordinary revision procedure and the simplified revision procedure (Art. 48 TEU). In the ordinary treaty revision procedure, the president of the European Council (fol-

**Table 6.** Innovative approaches to European forest governance.

Governance by legislative approaches	Governance by cooperation	Governance by soft modes	
		Deliberative governance	Others
a. Inclusion of forest chapter in the Treaty of the EU b. Community method (framework directive EU) c. Enhanced cooperation (EU) d. Legally binding agreement for forests (pan-Europe)	e. Interparliamentarian cooperation (EU)	f. Open method of coordination g. Civil fora/mini publics h. Collaborative policy dialogue i. Devolution to the sub-national	j. Landscape approach k. Non-legally binding international forest strategy

lowing a proposal by the European Parliament, the Commission or any Member state and a majority decision of the European Council) convenes a convention. The convention examines the proposals for amendment and adopts a recommendation to the conference of representatives of the governments (by consensus). Final decisions concerning the amendment of the treaties are taken by this conference, which then have to be ratified by all Member states according to the constitutional requirements. The Treaty established a simplified revision procedure for revising all or parts of the provisions of part three of the Treaty on the Functioning of the European Union (TFEU) relating to the internal policies and action of the Union. In this case, the decision to amend is taken by the European Council (by unanimity) after consulting the European Parliament and the Commission (and the European Central Bank when financial aspects are concerned). The amendments enter into force after ratification by all Member states. This procedure has been used for amending Article 136 to allow for the establishment of the European Stability Mechanism (ESM). It is not applicable for treaty changes that increase the competences of the European Union (which would be the case if introducing an explicit forest competence in the treaties) (Kokko et al. 2006). Changes in the treaty text occur rarely and, as experience of recent treaty changes (since Maastricht) have shown, processes can be quite lengthy. In the coming years, the need to change EU primary law might arise out of the need to strengthen the economic governance of the Union. Whether this might also be a window of opportunity to introduce more specific provisions on forests is yet to be seen. Even if such a competence were to be established, it remains unclear how forestry policy goals and competences in relation to other policy areas (agriculture, trade, environment, climate change, energy etc) would or could be accommodated without further increasing incoherence.

**b. Community Method (for framework directive):** Coordination on forest-related aspects can be strengthened by EU regulation, such as by establishing a framework directive on EU forests, without the need to introduce a specific provision on forests in a revised treaty. Examples include the EU Water Framework Directive or the Waste Framework Directive, based on the competences concerning the environment of the Union (Art. 175). Both framework directives rely on the establishment of national plans (River Basin Management Plans; Waste Management Plans and Waste Prevention Programmes) on the one hand and on coordination of national objectives at the European level on the other. These framework directives on environmental issues are adopted under ordinary legis-

lative procedure (Art. 294 TFEU). Framework directives allow for a better and more focused coordination of specific policy issues without changing the competence structure within the Union. Still, much of the effectiveness of framework directives depends on their implementation by Member states (an issue heavily criticised by environmental organisations in case of the water framework directive; see e.g. European Environmental Bureau report 2010). Several cases have been referred to the European Court of Justice by the European Commission for infringements of the Water Directive and incorrect transposition of EU water legislation into Member states' domestic laws.

**c. Enhanced Cooperation:** Title IV (article 20) TEU and Title III TFEU lay down the general arrangements for enhanced cooperation. At least nine states have to agree to cooperate more closely (in areas where the Union does not have exclusive competence) while at the same time respecting the Union's legal framework. The cooperation also has to further the objectives, protect the interests and reinforce the integration process of the Union. The Commission assesses these aspects before sending a proposal to the Council. The procedure for establishing enhanced cooperation is laid down in Article 329-331 TFEU. Member states wishing to establish such cooperation submit a request to the Commission specifying its objectives. The authorisation to proceed with the cooperation is granted by the Council, after obtaining consent from the European Parliament. Examples of enhanced cooperation are divorce law (Rome III regulation), unitary patent protection (25 participating states, Ullrich 2013) and the financial transaction tax (11 Member states). To avoid fragmentation as much as possible, enhanced cooperation is only an instrument of last resort, if the envisaged objectives of the cooperation cannot be realised by the Union as a whole within a reasonable period. Such cooperation must not undermine the internal market, it must not constitute a barrier to or discrimination in trade and must not distort competition between Member states and, most importantly, the aim is to enlarge the group of participating states until all Member states again reach the same level of integration. As this form of cooperation is rather new, little experience has been gained so far, but the aim of enhanced cooperation is mainly to provide a starting point for deeper integration and to give a group of Member states the opportunity to go ahead, while others may join in at a later time. This enhanced cooperation mechanism has been criticised for introducing a "Union of different speeds".

**d. Legally binding agreement for forests in pan-Europe:** Currently, negotiations on setting up a legally binding agreement for forests are ongoing in pan-Europe and the outcomes are uncertain to date. However, the implementation of pan-European forest commitments could be particularly strengthened by the introduction of a strict compliance regime. International agreements provide ample examples: (i) monitoring bodies (including the possibility of on-site inspections), which keep track of the implementation of obligations by the parties; (ii) expert bodies giving advice on technical issues and strengthening the implementation capacities of state parties; (iii) "naming and shaming" procedures (e.g. the dissemination of information through webpages about complying and non-complying parties), enhancing implementation by peer review or reporting systems and asking for a regular report on the status of implementation from the participating states. A further possibility is to (iv) establish positive incentives, such as special funds for financial and technical assistance, but also (v) training programmes for those in charge with implementing the obligations. Coercive measures such as penalties, sanctions or withdrawal of Member state privileges are usually measures of last resort as the focus is on cooperation rather than on coercion.

### Governance by cooperation

e. **Inter-parliamentarian cooperation** has been identified as a mixed governance mode in two ways. National parliaments have been given greater attention by subsequent treaty revisions, thus parliaments can take a more active role in forest regulation. On the one hand, the control function of national parliaments has been strengthened. With the Lisbon treaty in place national parliaments have been granted the opportunity to intervene in areas where the subsidiarity principle is disregarded by the legislative proposals of the Commission. This gives national parliaments and their party representatives more opportunities to intervene in EU decision-making processes. Parliaments have to coordinate their initiatives within eight weeks from the date of transmission of a draft legislative act and, depending on decision procedure, 1/3 or a majority of parliaments has to object to proposed legislation. National parliaments are therefore able to become new actors in European forest-related policymaking as they can impose a coordinated veto on proposed legislation if it interferes with the subsidiarity principle. This could have the indirect effect of limiting forest policy coherence even further.

National political parties, being members of European party organisations, may exchange information on (forest-related) policy instruments before national parliaments are contacted. However, political awareness of European forest governance has been so far mostly linked to topics such as trade, biodiversity loss and climate change. Inter-parliamentary cooperation and deliberation mechanisms such as the COSAC (<http://www.cosac.eu/en/conference-of-parliamentary-committees-for-union-affairs-of.html>) and also joint parliamentary meetings, joint committee meetings and inter-parliamentary committee meetings enhance the possibility of parliaments and parliamentary groups gaining access to information, sharing ideas and best practices and assessing legislative programmes. This is important as COSAC may submit ideas to the European Parliament, the Council and the Commission. Further, it can organise inter-parliamentary conferences, especially concerning foreign policy.

### Governance by soft modes

Four approaches (Open Method of Coordination, civil fora/mini-publics, collaborative policy dialogue and devolution to the sub-national initiatives) belong to the soft governance group and are all guided by deliberative governance principles:

Deliberative governance has been discussed in particular in the EU as providing an alternative to traditional supranational decision-making relying on interest representation, bargaining or voting procedures. It is based on the assumption that political decisions can be legitimated if they are based on sound reasoning (Eriksen 2000). Scholars found empirical evidence that independent bodies, such as committees consisting of experts, national civil servants, representatives of affected interest groups and NGOs, seem to be more efficient in producing solutions, in particular in complex problem situations (Majone 1996). Five conditions are central to making this kind of participation work, according to Newig and Kvarda (2012):

1. it must increase the possibility of joint problem solving;
2. it must be relevant for matters of public importance;
3. it must involve participants who do not routinely participate;
4. it must implicitly involve a form of power-sharing; and
5. participants with legitimate interests must be represented (in contrast to only including a restricted number of lobbyists).

Certain procedural norms and institutional settings ensure that these participatory bodies take on a communicative and not a strategic attitude (Eriksen 2000). A communicative attitude encompasses justification of actors' positions through the exchange of reasoned arguments, openness towards others and the actors mutually and reciprocally recognising each other's arguments (Kleinschmit 2012). This system of reason-based self-regulation in functional, differentiated bodies should consequently lead to the willingness to comply as a result of the quality of deliberation. Scholars are aware that, despite this "force of the better argument", there will still be situations in which a qualified consensus can't be achieved. However, these deliberative processes are assumed to result in communicatively achieved working agreements (Eriksen 2000). The comitology procedure (implementation of legal acts by the Commission assisted by "comitology committees" consisting of Member state representatives) of the EU is regarded as a promising starting point for realising deliberative governance (Kohler-Koch et al. 2004).

**f. The Open Method of Coordination (OMC)**, a soft governance approach, was originally defined by the Lisbon Strategy in 2000. It provides a cyclical framework for voluntary coordination of policy objectives via the national action plans of EU Member states and is intended to enforce mutual policy learning in areas where no or a limited EU competence exists. It is particularly suitable for policy areas (such as forest policy) where Member states are reluctant to further harmonise through legally binding instruments. The OMC involves five steps: 1. definition and decision on a policy goal to be achieved by the European Council; 2. development of shared guidelines including targets and benchmarks; 3. development of national action plans; 4. comparison and evaluation of plans by the European Commission; and based on the implementation, 5. reformulation of targets and aims. The OMC has been applied in various policy areas such as innovation policy (Kaiser and Prange 2004), employment policy (de la Porte and Pochet 2004, Heidenreich and Bischoff 2008), pension policy (Caviedes 2004, Asees and Pasermann 2009), social policy (Armstrong 2010, 2012), health policy (Hervey and Vanhercke 2010), and higher education policy (Capano and Piattoni 2011, Warleigh-Lack and Drachenberg 2011). Scholars have debated the effectiveness and measurable outcomes of the OMC process (see Tamtik 2012). Some have emphasised that democratic transparency increased (Borrás and Conzelmann 2007); that policy coordination was embedded into a deliberative process (Benz 2007); that a regulatory competence was gained in areas where legislative approaches were traditionally not very successful (Szyszczak 2006); and a wider range of policy actors was involved (Room 2005). Others were critical that policy change was not evident (Kröger 2009), and policy learning could not easily be identified and measured in quantitative terms (Radaelli 2008). However, Zeitlin (2011) is more positive regarding the impact of an OMC in employment and social inclusion policy as it has contributed to a change of policy ideas, an improvement in policy coordination and mutual learning. As the OMC is continuously applied in a large set of policy areas embedded in different contexts and analysed by a large group of social scientists, no final conclusions can be drawn at this point. What can be said, however, is that an OMC is able to trigger political awareness and possibly also policy change on the basis of policymakers' willingness to identify common objectives across national borders and to voluntarily coordinate policy, despite the absence of or limited legal EU competence.

**g. Civil fora/mini-publics:** Recent decades have seen the use of different forms of participation in decision-making and planning that can be considered democratic innovations (Smith 2012) and can be subsumed under the heading of so-called mini-publics (Goodin and Dryzek 2006). Various forms exist (Smith 2012). Citizen juries were intro-

duced in the US in 1970s and are also used in the UK, e.g. for health issues. They generally involve 12 to 24 citizens and are used to develop recommendations in response to one or more questions. Planning cells were developed in the 1970s in Germany and have also been used in Israel and Spain. They support solution-finding for contentious policy problems. Typically they involve about 25 citizens but they can also be larger and facilitators seek a contractual agreement with public authorities in order to follow up on the implementation of policy recommendations. Consensus conferences have been established by the Danish Board of Technology since the 1980s in order to be able to integrate lay people in the assessment of scientific and technological developments. They also exist in the Netherlands and the United Kingdom. Participants are selected from a pool of interested citizens and are asked to attend two preparatory weekend meetings upfront. They also participate in the process of selecting questions and witnesses. Recommendations are distributed widely. Deliberative polls are the “invention” of theorist Fishkin and run in many settings and continents (e.g. Tomorrow’s Europe in 2007). Participants are not asked to develop policy recommendations but to complete questionnaires that allow consultants to find out whether citizens have changed their opinions.

Since 2000 interest in different forms of citizen participation as a way to improve democratic legitimacy and reduce the democracy deficit has increased both in academic (e.g. Kohler-Koch and Quittkat 2009, Newig 2011) and practical terms (see for example the White Paper on Governance issued by the European Commission in 2001) in Europe. The newest policy instrument (*Citizens’ Initiative*), introduced by the Lisbon Treaty, has been in operation since April 2012. It allows citizens (at least one million citizens from one quarter of the EU Member states) to actually ask the Commission to initiate legislation. As Heidbreder (2012) notes, stakeholder participation in terms of the inclusion of organised civil society groups as well as new forms of policy deliberation (e.g. in the comitology; see Joerges and Neyer 1997) have been practised and incorporated into EU decision-making. However, it has not necessarily improved the democratic quality of EU decisions. Empirical research shows mixed results: It is difficult to assess the effectiveness of participation. Participation as such is not necessarily directly related to better policy implementation in general but the opposite can also not be confirmed (Fischer 2010) as for instance the positive effect of participation on a community level on the efficacy of policy implementation has been observed in a number of policy fields, such as education, health care, environmental protection, forestry, irrigation in both the developing and the developed world etc. In particular, citizens’ juries, citizen assemblies and consensus conferences (e.g. public budgeting in Porto Alegre in Brazil) have been successful.

**h. Collaborative policy dialogue:** Collaborative policy dialogue, which has come out of environmental conflict resolution studies, has been developed and studied by Innes and, especially, by Booher. While they focus on collaborative dialogues in the context of water policy in California, parallel processes are ongoing in other areas such as fiscal reform, school reform, habitat conservation, transport planning etc. However, Innes and Booher (2003) contend that it is not suitable for all policy conditions. It seems particularly successful in situations where policy implementation is hampered and local actors, as well as lay people that possess particular local knowledge, get involved in the dialogue. Innes and Booher (2003) see two requirements for successful dialogues: the dialogue must be authentic and all the stakeholders who are included must be different from each other but also interdependent. Only this creates the collaborative setting that is needed for such a dialogue. Innes and Booher (2003) found that stakeholders build

reciprocal (but also new) relationships and learn jointly. To some extent, according to their findings, the development of new and creative solutions through brainstorming and scenario building is more constructive where the public agency does not set boundaries. However, in the Californian case study, substantial financial backing, the support of public agencies and a high incentive to resolve conflicts were also underlying factors of success. According to Innes and Booher (2003), four factors contributed to success: dialogue supported the articulation of each stakeholder's identity; shared meaning making (about problem setting and definition) took place; a shared heuristic was developed; and ideas got turned into new rules and practices. Collaborative policy dialoguing is typically developed ad hoc for a specific issue and is not part of traditional policymaking and implementation activities. Even if all the requirements are met for a successful collaborative policy dialogue, agreements may not be put into action. This does not mean that it has failed as the implications of the new ideas, actions and practices that emerge from such a process may only be felt in the long term (see Innes and Booher 2003: 55).

**i. Devolution to the sub-national:** Lazdinis et al. (forthcoming) argue that within the EU Member states forestry policy is to a very large extent in the hands of about 90 legislatures and executives while, as a rule, representation in European discussions (EU and pan-Europe) remains on Member state level. To advance policy coordination and enhance participatory democracy they therefore propose to follow the principles of “empowered deliberative democracy” (Fung and Wright 2001) in order to steer the web of multiple actors towards attaining sustainable forest management. They propose the following procedure: address a specific area (which may cross national borders) where public problems exist; invite citizens and officials to participate in deliberations and search for solutions through a process of reasoned deliberation. This involves transferring more implementation power to local units while maintaining a centralised coordination function with regards to the allocation of resources. Regulation remains state-centred rather than voluntaristic.

**j. Landscape approach:** This is a voluntary multi-actor and multi-sector governance approach that tries to integrate various sectoral ideas, interests and institutions at the landscape level, particularly through the involvement of stakeholders in landscape policy and planning. Axelsson (2009) defines the landscape approach by five core features: 1. a geographical area; 2. collaboration among stakeholders; 3. a commitment to sustainable development; 4. knowledge production; and 5. sharing of knowledge and experiences. It was originally proposed by the World Conservation Union (IUCN) in its World Conservation Strategy (1980) to mainstream nature conservation in development objectives and livelihoods in tropical landscapes (Sayer 2009). In turn, it was also meant to make nature conservation objectives (more) compatible with other interests in the landscape, for example with agriculture and water management. The landscape approach has also gained ground in the field of forest management. For example, some now prefer to speak of “forested landscapes” instead of forests, recognising that forests need to be integrated in a broader landscape vision (Wiersum 2003). However, there is no one model of the landscape approach with predefined steps. It is applied in various ways and forms, with more or less voluntary status in the policy process. Examples are water management plans in the Netherlands, in the context of spatial planning, where landscape areas are re-designed in participatory workshops, for example to integrate water safety and nature conservation objectives (Winnubst 2011). An example at the EU level is the Water Framework Directive (WFD). The WFD prescribes that Member states take seriously the participatory design of water management plans at the river basin level,

where various interests need to be taken into account (Behagel 2012). However, there is not much research available that tests the effectiveness of the approach (Garnett et al. 2007). Intuitively, the landscape approach seems a good way to overcome a division or neglect of sectors and interests. On the other hand, it may be assumed that the method is expensive, time consuming and easily ignored, since it is hardly ever more than a “soft” approach, being unable to legally bind parties to its outcomes.

**k. Non-legally binding international forest strategy:** the development of an international forest strategy could follow the same procedures established in the European Commission for the development of the current forest strategy. However, it needs to be decided if a separate Commission communication on an *international* forest strategy should be developed or if, instead, a chapter outlining an international forest strategy should be integrated in the forest strategy that is currently being developed.

### Innovations and their application to European forest governance

This chapter will discuss the possible application of the instruments and approaches suggested above to mediate the five challenges identified throughout this report (for an overview see chapter 4):

- I. Lack of coordination and coherence in the EU while policy objectives expand.
- II. Inconsistency of EU policy goals.
- III. Missing competence for developing a more comprehensive international EU forest-focused strategy.
- IV. A lack of mechanisms for representation and participation in policymaking.
- V. Deficits in national implementation.

For an overview of the five challenges and the approaches and instruments proposed to improve European forest governance, see Table 7.

#### Challenge I. Lack of coordination and coherence in the EU while policy objectives expand

In order to enhance policy coordination between actors and instruments within the EU the following approaches/instruments are suggested:

**a. Inclusion of a forest chapter into the treaty of the EU:** Forests are not mentioned in the Treaty of Lisbon and competences for forests derive from other policy areas such as trade, agriculture, environment or energy. The advantage of including a forest chapter in the treaty would be the establishment of a “proper” forest competence in its own right. To have a provision for shared or supportive competences included in the treaty could improve the coordination of forestry issues at the EU-level and between Member states. It could also (if established as a shared competence) allow for the harmonisation of certain (albeit not all) aspects of forest law. At the moment a large number of DGs can, at least in theory, propose forest-related legislation, which may lead to conflicting outcomes. Still, Member states disagree about the necessity of strengthening EU competences on forest issues, so the development towards a more integrated EU forestry regulations seems rather unlikely, at least for the time being.

**b. Community method (EU framework directive):** the development of a framework directive for forest-related aspects could follow the approach used when devising the

Table 7. Challenges and innovative ideas for European forest governance.

Governance by Challenges	Legislative approach				Cooperation mode	Soft modes						
	Treaty include forest chapter (EU)	Community Method - directive (EU)	Enhanced cooperation (EU)	Legally binding agreement Pan-Europe		Interparliamentarian cooperation (EU)	Open Method of Coordination	Collaborative policy dialogue	Civil fora / mini publics	Devolution to the sub-national	Landscape approach	others
I. Lack of coordination in EU	X	X	X			X		X				x
II. Inconsistency of EU policy goals			X			X		X		x		
III. Missing competences (EU)	X											X
IV. Participation (representation interests)		x						X	X	X		
V. Implementation gap	X Framework directive based on forest chapter (treaty)	X at least 9 EU Member states	X			X		X	X			

water framework directive where several directives were collected and put under one header. However, it should be kept in mind that not all EU goals and aims (e.g. halting the loss of biodiversity by 2020, using forests as forest sinks and mobilising wood for energy) are compatible with each other and so it may be difficult to subsume them all under one umbrella. The discussion of trade-offs between forest uses and the development of comprehensive European objectives and targets may be needed upfront. In order to avoid possible infringement procedures, a more flexible implementation approach could be applied. Coordination of goals and objectives would then mostly take place in the national context.

**c. Enhanced cooperation (EU):** Enhanced cooperation on, for example, the harmonisation of forest data collection and related provision of financial means or on more procedural aspects such as coordination of forest policies themselves could bring together Member states with similar interests and problem settings. In addition, if the EU takes its policy objectives (e.g. halting the loss of biodiversity by 2020) seriously, enhanced cooperation could be a plausible way to avoid implementation deficits (albeit financial means may not be increased). If a common legal approach that includes all Member states is not feasible (which seems to be the case for forest policy), those (and it must be at least nine) willing to cooperate more closely could submit a request to the Commission. The Council would need to give the final authorisation for such a process after the European Parliament has approved the idea. Generally, countries with high forest cover (e.g. Scandinavian countries) tend to leave things to the market and do not want too much interference in their national forest affairs, while other countries with a dense biodiversity potential but low forest cover and more fragile ecosystems tend to aim for higher interference in terms of provision of financial incentives to protect and grow their forests. If, however, Member states start a discussion process to devise common objectives, trade-offs and limits for forests in Europe, such an enhanced cooperation format could become a possible solution to the problem at hand.

**d. Open Method of Coordination:** As trade-offs between policy goals have not been established and a decision on common objectives for a European forest-focused and forest-related policy has not taken place, an OMC could offer the possibility to do exactly this based on what Member states have already done nationally (in terms of legislation and national forest programme processes) (see Pülzl and Lazdinis 2011). Instead of building the OMC top down (starting out from the formulation of a common European goal), the process could also work bottom-up, where a comparative analysis of national contexts and national forest programmes of Member states could provide basic information on what Member states want and identify problems. This can then be compared to what has already been agreed in the EU. From there, common objectives can be defined by the European Council, or at least the related Council of Ministers could decide to start an OMC procedure. This could be followed up with 1. the development of shared guidelines including targets and benchmarks; 2. the possible updating of national forest programmes; and 3. a comparison and evaluation of the implementation of programmes by the Commission. Based on these results a reformulation of common targets and aims could restart the iterative process. The successful application of an OMC procedure to enhance forest policy coordination would also depend on the political support of EU Member states as well as the definition of appropriate objectives and targets and the participatory implementation at the national level.

**e. Non-legally binding international forest strategy:** The coordination of forest-related policy objectives that relate to the external dimensions of EU policies (trade, envi-

ronment, development, climate change) might be achieved by a non-legally binding instrument. Member states could also opt for the inclusion of an international chapter in the forest strategy currently under development. However, as experience shows, such an instrument will not necessarily bring about stronger coordination as the EU has no established common objectives for forest policy and individual EU policies are based on diverse agendas and interests.

### Challenge II. Inconsistency of EU policy goals

There are different levels of action for mediating between the competing objectives of EU forest-related policies:

- EU decision-making: the coordination of policy objectives with financial instruments to decrease inconsistencies between existing objectives, targets and financial subsidies.
- Comitology (=implementation of legal acts by the Commission assisted by “comitology committees” consisting of Member state representatives ) and Member states: coordination of the implementation of policy objectives and targets within the national contexts through EU secondary legislation and conflict resolution activities put in place in related committees.
- Forests: coordination of activities to be implemented in forest management schemes in order to reach objectives and targets set at the European level in forests and forest areas together with forest owners, authorities, but perhaps also citizens and interested people.

For each of those various action levels a different set of instruments and approaches are envisaged with the potential to mediate between conflicting EU forest-related policy objectives:

**a. Enhanced cooperation:** this form of cooperation, between at least nine EU Member states, could contribute to harmonising the competing objectives of currently existing policies if Member states want to coordinate various aspects of forest policy (protection of forest resources, climate sinks, wood mobilisations and energy aspects etc) more closely. However, the coordination of other, already existing EU legal instruments might be more difficult nationally especially if implementation procedures are rigorous and Member states are left little room for manoeuvre.

**b. Open Method of Coordination:** This method could be used to discuss and agree to trade-offs between competing objectives to foster a European forest policy approach. As national forest programmes are at the centre of attention, Member states will have some leeway with regard to choosing priorities and goals that are linked to their national forest resources. However, as an OMC procedure does not replace existing forest-related EU legislation, member countries will still have to implement it in order not to risk infringement procedures. Therefore, an OMC for forest policy seems more appropriate for future action and the coordination of, for example, (non-legally binding) policy strategies. In addition, priority setting and learning from other Member states’ experience seem also easier to reach through an OMC procedure.

**c. Civil fora/mini publics:** Civil fora/mini-publics (covering, for example, limits to trade-offs for forests in Europe) could contribute to an increase in political legitimacy and democratic accountability for European governance of forests as well as the rise of input legitimacy. As research has shown, citizens in Europe are largely concerned with

deforestation issues (Rametsteiner et al. 2009) and hence aim to further protect forests, while forest scientists report that forest resources in Europe are increasing (see chapter 2.1). This discrepancy could be resolved with the establishment of (different forms of) civil fora/mini publics for European forest policy that are located in several European regions. However, although it would raise the profile of forests in Europe, it might also be difficult to mobilise citizens in the face of good news. Therefore, following the Danish example, citizens could be selected from a pool of interested citizens. While citizen involvement in European forest policy has not been a particular goal before now, it could mediate the representation bias in both the European Union and Europe at large. This is particularly important as, through the Citizens' Initiative introduced by the Lisbon Treaty, citizens are able to ask the Commission to initiate legislation.

**d. In the local context (including forests) both a collaborative policy dialogue and a landscape approach** could support the coordination of competing objectives during implementation. While collaborative policy dialogue seems an adequate approach to resolve conflicts when implementation problems arise and coordination seems particularly difficult, the landscape approach offers a different way to solve problems. Being a multi-actor and multi-sector approach, problems are addressed collectively in a regional area that includes forests and, for instance, agricultural land (and also across national boundaries). Thus, not only are implementation problems in the forest area addressed but it provides an opportunity to look at the whole landscape and to define trade-offs between forms of management, nature conservation and European policies at large that have an impact on each other. It also aims to integrate ideas and institutions in the regional land planning process and policymaking in the local level, not only those belonging to the forest sector. This has the advantage that processes are not repeated, all interested institutions are involved and eventually a balancing of interests can take place. However, neither approach seems particularly suited to supporting the coordination of European forest-related and forest-focused policies within European decision-making processes or in the Commission.

### **Challenge III. Missing competence for developing a more comprehensive international EU forest-focused strategy**

As identified in the previous chapters, an international forest-focused policy is lacking due to the formal competence limits (development, trade, climate change, environment etc) regarding forestry issues. The following solutions have been identified:

**a. Inclusion of a forest chapter into the Treaty of the European Union.** If forest policy were established as a shared competence, coordination of internal, as well as external, forest policy would fall under the competence of the Union and so other policy areas (environment, agriculture) have to be considered in relation to forest policy. Forms of enhanced cooperation would also have to be based on the forest chapter (Kokko et al. 2006: 24). The principle of subsidiarity requires that for any action taken at the European level it has to be demonstrated that the objectives proposed cannot be sufficiently achieved by the Member states and increase effectiveness. The introduction of an "EU forest competence proper" could contribute to an increased role for the European Union in the international arena concerning forests.

**b. Non-legally binding international forest strategy:** This could serve as guidance for any international forest-focused and forest-related activities that the Union aims to coordinate in order to become a stronger international player. However, such a strategy is not expected to be particularly strong as the Commission has exclusive and shared com-

petences in policy areas related to forests and could therefore prioritise related objectives. On the other hand, such a guidance document could serve as a basis for enhancing at least the visibility of the EU's international forest policy role.

#### **Challenge IV. Lack of mechanisms for representation and participation in policymaking**

Although finding consensus among policymakers and traditional forest stakeholders, as well as environmental interest groups, works rather well the report has identified a lack of mechanisms for representation and participation in policymaking especially when it comes to including actors from outside the sector and citizens.

**a. Community method (EU framework directive):** Generally, a framework directive does not necessarily increase participation but, as the water framework directive shows, during implementation local participants and actor groups can be more involved. A risk remains that top-down participation modes are not accepted at the local level as actors are already engaged in actors' networks (Behagel 2012).

**b. Inter-parliamentarian cooperation:** Under the provisions of the Lisbon Treaty, Member states' parliaments can, within a time period of eight weeks, intervene when the subsidiarity principle is disregarded by legislative proposals of the Commission (as forestry policy is a Member state competence). Thus, national parliaments can only indirectly participate by halting legislation, but are not regarded as an equal partner in decision-making. However, the likelihood that within eight weeks the necessary 1/3 or a majority of national parliaments would object to a proposal is not great as they would need to coordinate upfront.

National parliaments coordinate through COSAC etc in order to gain access to information, share ideas and best practices and assess legislative programmes. A forest dialogue between parliamentary committees responsible for forests, committees of the European parliament and regional parliaments could contribute to making forest issues more visible. It could also provide a source of information and deliberation of new approaches and ideas at a national and European level while also being concerned with future legislation and programmes relevant to forests. Forest matters could also be debated in COSAC and common approaches to specific forest-related issues between parliamentarians could be sought.

**c. Governance by soft modes (Open Method of Coordination, collaborative policy dialogue, civil fora/mini publics, devolution to the sub-national, landscape approach)** all put an emphasis on participation. Therefore all of them are suited to enhancing participatory governance in the EU and pan-Europe. Most of them can be applied to decision-making, but implementation activities can also benefit. For instance, collaborative policy dialogues, civil fora/mini publics and the landscape approach leave some room for lay people and citizens to participate, while the OMC and devolution to the sub-national do not necessarily include them. However, the legitimacy of such processes may be decreased if they include only sectoral participation and well-established actors and exclude NGOs and the wider civil society. A further criticism is that parliaments are not involved, which leaves doubts about whether these governance modes are "truly" democratic.

#### **Challenge V. Deficits in national implementation**

This report shows that, in particular, the implementation of non-legally binding instruments, such as the EU forestry strategy, and the implementation of pan-European commitments remains uneven and scattered. The following instruments and approaches could improve implementation:

**a. Both a forestry framework directive based on a forest chapter in the EU treaty, as well as enhanced cooperation** that puts a main emphasis on implementation could mediate this challenge. If no forest chapter is included in the EU treaty, a so-called forestry directive would have to be based on the competences of environment, trade, agriculture etc. This will further increase the forest-related fragmentation that is perceived as a challenge by sectoral policymakers.

**b. Negotiations are currently underway to set up a pan-European, legally binding forest agreement.** The main question is how such an agreement could strengthen the implementation of common pan-European forest policy goals. Over recent years the FOREST EUROPE process has successfully established political commitments on sustainable forest management. Transferring them into legal commitments would strengthen the implementation regime. Such agreements are usually shaped as framework conventions with the possibility of adding protocols on specific issues (as could be done to implement the specific guidelines and criteria of FOREST EUROPE). As with all multilateral agreements, the challenge is to find adequate levels of obligation and suitable mechanisms for implementation. Countries can opt for available enforcement mechanisms including soft and legal or positive and coercive measures. Defining the scope of the FOREST EUROPE agreement is work in progress. Much will depend on how the agreed procedures will actually contribute to strengthening cooperation and implementation.

**c. Soft modes of governance** are proposed as a means to enhance implementation as they already involve implementers during the decision-making process. Therefore, all suggested soft modes of governance can support the reinforcement of implementation activities. The Open Method of Coordination (OMC) is particularly designed to increase learning among implementing parties and stakeholders. The procedures included in the OMC as implemented by the EU (coordination, target-setting and peer review at European level, strategy building on the national and sub-national level) can also provide a model for policy learning at the pan-European level to enhance the implementation of commonly agreed targets, e.g. from best-practice examples.

The establishment of civil fora/mini-publics may contribute to improving the quality of democratic decision-making. Collaborative policy dialogue and moves to devolution to the local may support implementation in conflict-prone situations. As another option, the landscape approach addresses the landscape as a whole and aims to involve participants from various sectors and institutions. In contrast to other approaches, civil fora/mini publics and the collaborative policy dialogue may include lay people and citizens with local knowledge who can particularly contribute to fostering implementation. In a transdisciplinary understanding, this is complementary to expert knowledge and expected to produce more complete information about policy-relevant problems.

Research has also shown that implementation is often dependent on a lead agency or a group of actors taking the initiative within a country. It is essential to create a sense of “ownership” for a commitment and its implementation and to avoid the impression of imposing policies from the outside, whether with financial support or without. One study analysed the implementation of EU social policy in 15 Member states (Falkner et al. 2005). The authors observed in 90 case studies in different Member states a varying degree of a culture of law-abidingness in the political and administrative systems that impeded successful implementation. Hence, the analysis highlights the importance of country-specific cultural conditions that have to be taken into account during implementation.

## Action scenarios and concluding remarks on a way forward for European Forest Governance

As the previous chapter has shown, a range of policy innovations could help to mediate the challenges identified in the EU and pan-Europe. Not all policy instruments tackle all the challenges identified, so a combination of different policy instruments might prove to be a feasible approach to pursue. Based on the analysis above, three action scenarios for European forest governance emerge (see Table 8):

### Legalistic scenarios

#### Legalistic scenario – European Union (a)

Member states agree to start a treaty revision procedure and consequently to include a “forest competence proper” in EU primary law that strengthens the focus of forest policy by e.g. stressing the importance of sustainable forest management or by highlighting the need to preserve and develop the multi-functional character of forests. This provides a treaty basis for new policy instruments (different from those based on EU competences such as environment, agriculture, trade or energy) and is likely to increase awareness of the specifics of forests. Further instruments, such as a framework directive, following the examples of the water or waste directives, setting up general European objectives that Member states have to meet, can be based on this forest competence. Such a forest chapter could also contribute to strengthening the standing of the European Union as an international actor on forest issues.

#### Legalistic scenario – European Union (b)

Enhanced cooperation provides a slightly different form of increased EU forest policy integration within this legalistic scenario. Instead of all Member states agreeing on forest competence, only a selected number of Member states move ahead on one specific objective relating to forests (e.g. to foster harmonisation, cooperation and integration

**Table 8.** Action scenarios for innovating European forest governance.

	European Union	Pan-Europe
1. Legalistic Scenarios	Treaty revision procedure to include forest competence in EU primary law + new policy instrument	Legally binding forest agreement + combination of compliance mechanisms
	Enhanced cooperation	
2. Soft Mode Scenarios	Open Method of Coordination (top-down) + inter-parliamentarian cooperation	Slightly modified version of the Open Method of Coordination + bottom-up forms of deliberative governance
	Open Method of Coordination + bottom-up forms of deliberative governance at (cross border) forested landscape levels	
3. Mixed Mode Scenarios	Forest Framework directive that includes deliberative and bottom up approach + creation of a chapeau for existing EU forest-related legislation + development of international forest strategy	Legally binding forest agreement + continuation of FOREST EUROPE

on forest policy) and aim for further integration. This would probably have to be connected to the existing treaty basis. Acts adopted under this approach are only binding for the states participating.

Both scenarios have to be implemented and additional instruments (e.g. comitology decisions) have to provide the basis for such an implementation in all or part of the Member states (depending on scenario a or b).

#### **Legalistic scenario – pan-Europe (a)**

Countries consent to a pan-European legally binding agreement for forests. This approach entails the need to implement FOREST EUROPE commitments and to install a compliance process to ensure its implementation through positive and negative enforcement procedures: Options (Pülzl et al. 2008) can include i. regular obligatory reporting by parties; ii. consultative process with parties; iii. the installation of third party auditing (e.g. by NGOs, groups of scientists or experts); and iv. the use of hard mechanisms (e.g. sanctioning non-compliance through financial penalties or suspension of rights and privileges) or financial incentives. Further, in order to maintain and further enhance participatory practices and procedures (established in FOREST EUROPE process) countries do not bring the treaty under a United Nations umbrella in order to avoid UN rules of procedures (for participation of participants during meetings) and strict accreditation processes for NGOs, civil society and interested parties. Otherwise if they agree to bring the treaty under a United Nations umbrella they agree at least to stipulate specific participation rights for interest parties to maintain established practices. As an alternative, countries agree to establish the treaty on its own or under the umbrella of an international organisation that accepts special rules of procedure and accreditation.

#### **Soft modes scenarios**

##### **Soft mode scenario – European Union (a)**

Member states agree (top-down) to start an Open Method of Coordination procedure by agreeing to common forest policy objectives. As a first step, heads of states, convened in the European Council (or at least members of the Council of Ministers), decide that forest policy should be treated using the OMC procedure. The practice used during the six MCPFE conferences to team up a special ad hoc configuration of Council members (high level politicians in charge of forest policy) could be applied to initiate an OMC and, upon its completion, take stock after a few years (depending on the time frame set). Secondly, based on objectives formulated in the upcoming EU forest strategy, as well as on existing EU forest-related policies and pan-European commitments, common guidelines with objectives and targets and benchmarks are formulated (possibly based on what Member states have already agreed within the national forest programme processes). Thirdly, Member states set their own priorities and choose to participate or not in individual actions based on what has already formulated in their national forest programmes. In addition, during the development of national priorities, not only are well-established stakeholders included but also social partners, NGOs and a wider civil society to increase the legitimacy of the process. To strengthen the legitimacy of an OMC on forests, other participatory processes could accompany the formulation of national programmes and reports (such as mini-publics and civil fora as described above). Fourthly, the operational and technical coordination of the process is carried out by the Commission, supported by the Standing Forestry Committee. Due to the increased role given to the European Parliament by the Lisbon Treaty, Member states may also consider sending them a final report for review after the conclusion of the first OMC cycle or involv-

ing them during the evaluation procedure, guided by the European Commission. In addition, a forest dialogue between parliamentary committees in charge of forest issues, committees of the European parliament as well as regional parliaments could be established to enhance cooperation. Finally, reports will be prepared and evaluated on a regular basis based on what was agreed. From there the process will start again.

#### **Soft mode scenario – European Union (b)**

As well as agreeing top-down to apply an OMC approach to forest policy in the European Union, Member states could also agree to include bottom-up forms of deliberative governance at forested landscape levels (including across borders) to ensure that competing claims are dealt with more effectively and, moreover, to further “democratise” the EU. This would then be a particular showcase for rural development and Member states could decide to refocus or even increase related EU funding. It would involve three steps: firstly, when Member states are developing European objectives and targets for the OMC process, they would also agree on using those deliberative approaches at the landscape level. Secondly, when Member states set their national priorities (for instance, stemming from national programmes) implementation problems at the landscape level in particular could be identified. Here the Commission, having an overview of infringement processes and implementation problems, could also identify areas where forest-related conflicts are present. Finally, local authorities would then initiate a deliberative process involving concerned stakeholders, including land and forest owners. Depending on the local context and the conflict at hand, a mediator might also be selected. Interestingly, a recent experiment on global climate change governance confirms that individuals’ attention (and so popular legitimacy) increases when civil society is included (Bernauer and Gampfer 2013). This could also have implications for stalemate situations.

#### **Soft mode scenario – FOREST EUROPE (a)**

Countries agree to apply a slightly modified OMC procedure to the pan-European process to increase implementation of commitments and encourage policy learning. Such a process includes the definition of targets connected to objectives, which are agreed in the resolutions and benchmarks (e.g. based on available criteria and indicators). National forest programmes available in most Member states will be updated to further implement FOREST EUROPE commitments as appropriate. Stakeholders, social partners and the wider civil society would be included in the formulation of those national forest priorities and related implementation activities. Additional processes such as mini-publics would be used to strengthen the legitimacy of an OMC and to spread the information to and among citizens. The liaison unit would carry out the operational and technical coordination supported by the general coordinating committee and then share the evaluation report with the expert level meeting. There, countries and stakeholders would be given the opportunity to share experiences and deliberate on implementation activities. To conclude the process, a regular report would be prepared by the liaison unit accompanied by other review mechanisms (such as NGOs and scientists etc). Once the first implementation period is evaluated the process would reiterate.

#### **Mixed mode scenarios**

##### **Mixed mode scenario – European Union (a)**

Member states agree to develop a framework directive for forest policy and create a *chapeau* for existing EU forest-related legislation in order to decrease implementation deficits and also strengthen the participation of local actors and empower local authorities.

The framework directive would not be accompanied by a rigorous implementation regime but would give ample leeway to Member states to solve conflicting objectives at the landscape level. Here the formulation of forest management plans within Member states could be where stakeholders, interested persons, lay people and citizens become involved. The inclusion of different actors (stakeholders and citizens) is especially crucial when competing interests collide and common approaches have to be identified. As well as the development of this particular framework directive, Member states also agree to develop an international forest strategy to strengthen the EU's global role in international forest policy, taking into account agreements from the pan-European setting. This process would, for instance, involve the setting up of an ad hoc working group on international forest policy within the Standing Forest Committee and would follow the same procedures used for developing the EU forest strategy.

#### **Mixed mode scenario – FOREST EUROPE (a)**

Besides agreeing to a pan-European legally binding agreement for forests, countries as an integral task follow up on the implementation of political resolutions already agreed upon in FOREST EUROPE. This entails the setting up of recurrent ministerial segments in conference of the parties meetings. During these ministerial segments implementation reports prepared by experts (= scientists and practitioners) are presented and discussed with stakeholders and so-called major groups. For this reason a process has to be installed that is guided by deliberative governance principles: Thus on the one side an expert advisory group that includes scientists and practitioners is set up. This group is tasked with the evaluation of the implementation of political resolutions, drafting of policy recommendations and issuing reports. On the other side through the application of a landscape approach or the use of a deliberative policy dialogue to conflict prone areas participation of interested parties, lay people and citizens is enhanced and implementation improved. Activities are reported back to the expert advisory group. This form of integrating the follow-up process of FOREST EUROPE into a legally binding agreement setting could avoid decreasing legitimacy of non-legally binding instruments.

These three action scenarios are possible trajectories describing how forest governance in pan-Europe and, particularly, in the EU could be further developed. However, as a reminder, it must be emphasised that countries will need to demonstrate the political will for change in order to be able to face and address the challenges identified. In addition, the setting up of common European objectives that give guidance in the field of forest policy seems inevitable. However, the definition of common objectives has to be synchronised with the availability of forest resources, today and in the future, as those are not unlimited. Ultimately, trade-offs between individual objectives need to be formulated – at pan-Europe, EU, Member state and landscape levels – and choices over preferences and priorities need to be made in order to give more guidance to forest-focused and forest-related policies and stakeholders and enable them to sustain a high quantity and quality of European forests, including their products, services and biodiversity.

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