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Comments to the “Scoping document on forests and Natura 2000”

The following comments and remarks are a common statement of the German Forest Association and Polish Forest Society.

Dear Sirs and Madams,

we observe with great interest and hope the process of elaboration of the succeeding guidance document on the implementation of the EU Habitat and Birds Directives in relation to forest practices. The first guidance “TOWARDS A GUIDANCE DOCUMENT ON NATURA 2000 AND FORESTRY - CHALLENGES AND OPPORTUNITIES” was published in 2002 and after ten

years many aims and experiences included in that pioneer document have been expired. Today, we have largely completed the Natura 2000 network within the EU and many new challenges and big baggage of experiences was added. However we are unhappy about the timing of the revision. In moment the analyses about the condition of the Natura 2000 Network bases on the EU-report 2007. We want to point out that the data e.g. in Germany were very sparse. It would be better to await the FFH-report 2013. Then it would be more reliable data for an dicussion about the forest in the Natura 2000 Network.

However, we would also like to express our concern to the proposal presented by the European Commission. We believe that other stakeholders all over Europe are sharing similar concerns and will express them in their feedbacks. Below our most important remarks are presented.

Page 4, paragraph 4. It is very important to point out that Natura 2000 network is not an equivalent of nature reserves. However, the practical experiences are different. The elaborated national guidance on forest habitats focuses on terminal phases and very high volume of dead wood. Thus, in order to achieve a favorable status of Natura 2000 habitats, their reserve-like state has to be maintained. When we analyze the national guidance for forest habitat management from Annex I of Habitat Directive, we can observe, that the same habitat type (e.g. 9160, 9110) is treated in various way within the European countries (Eriksson 2008, Filiep et al. 2009). So, it should be discussed during the workshops, if it is due to the biased approach or natural regional variation of sites.

Page 5, Section 1, paragraph 2. Several forest habitat types remain in an unfavourable conservation status in some parts of the EU, but in some cases it may be caused by too broadly interpreted criteria of habitat designation, as it happens for example in Poland. On the other hand, forest habitats for birds have in Poland the highest conservation status among the all studied by Tomiałojć & Stawarczyk (2003), including fields, meadows, fallows, pastures, wetlands, reservoirs and high mountains. To be objective however, it should be noted, that the cited book is also severely criticized. Hence, the major conclusion is , that there is an urgent need for extensive research on this topic.

Page 6, Section 2, paragraph 3. The aims of the new guidance on Natura 2000 and forests should strictly correspond with the aims derived from the Habitat Directive. We propose to rewrite those aims directly from the Habitat Directive.

Page 7, Section 3. We find it correct that “particular attention will be given to explaining the links between site designation, the establishment of conservation objectives, the elaboration of conservation measures and the integration of Natura 2000 interests into other wider sectoral policies where relevant”. The very important issue is that the most relevant species and habitats occurring in forests shall be considered in the new guidance. We would like to pay attention, that an agreement for conservation status parameters and indicator values should be reached, which are different in a range of habitats in the EU. Now, for the assessment of the conservation status not the same (uniform) indicators nor values of indices are used. The differences in methods should not be connected with the regional variation of sites as it is normally explained.

Section 3. The statistics for forest habitats and their conservation status were presented within their biogeographical variation. It would be perfect to see also the national differentiations, which would enable to understand a bias of domestic assessment methodologies of conservation status of habitats, especially as regards their specific structures and functions. The investigation of recordings in the Article 1 of the Habitat Directive in relation to the favorable conservation status methodology are differently interpreted and sometimes even overinterpreted. This element could be added to the analysis in presented document.

Pages 7-8. Estimation of the consequences of including forest habitats into Natura 2000 network is a one of the key problems. For habitats of high degree of naturalness it can be assumed that keeping rules of management (or protection) used so far may be a sufficient way to preserve their favourable status. A significant share of the habitats, however, are the semi-natural or even quite artificial systems, resulting from human activity. Maintaining this state generates the conflict with the natural processes occurring in forests [for example, some of Euro-Siberian steppic woods with *Quercus spp.* (9110), the Central European lichen Scots pine forests (91T0) in Poland or the oak habitat types (9160, 9170 and partly 9190) in Germany]. In such cases, it should be considered how to protect such habitats in EU, where some recommended forest practices are not possible to use from the point of view of national law e.g. controlled fire, grazing. If so, their favorable state will always require human intervention and expected results are difficult to predict, since there is no experiences in this direction. .

Pages 12-14. Regarding forest species (in Poland and Germany, and probably in other European countries too), there is a lack of results of long-term research, which would be helpful in separating the influence of natural factors from effects of forest management influencing the dynamic trends in populations of individual species. Especially when the same species have different conservation status in neighbor countries in the Baltic Sea region. Beaver, for example, is under protection in Poland, but in Estonia, Latvia, Lithuania the population is limited with various methods. This problem could also be analyzed in the said guidance.

Page 23, Action 12 (a). What does it mean "optimal level of deadwood" as stated in "Potential contribution of forest management in Natura 2000 areas to wider EU biodiversity strategy" under Action 12? Does it mean that specific deadwood management would be needed to achieve particular goals related to various aspect of deadwood, such as requirements of saproxylic organisms, fire and insect outbreak hazard, safety regulations etc.? This question should be analyzed by specialists dealing with different groups of species and habitats. This is only to indicate the problem, but it is desirable to work out the same correct values and recommendations for optimal level of DW and criteria's of naturalness of forests. As for now, the problem of the quantity and quality of dead wood in forest habitats is vague and scientific results in this area often are contradictory. Attention should be paid to the fact that the same habitat type on the basis of the different growth rates in different European regions. That is why the natural deadwood rates are different. Therefore a central requirement of deadwood rates is not useful. To conserve deadwood means always to limit the forestal operations. The optimal deadwood rate cannot be based on the occurring species because the possibilities of using the forest in this area would be restricted in an extreme way.

Page 24, Section 4.2, paragraph 2. It is worth to underline that, among other factors, "natural processes" are listed as one of the main threats for forests in Natura 2000. The threats of this kind are especially important for habitats related to various disturbances. The role of natural disturbances and human induced factors, such as grazing, in creating forest biodiversity have been underestimated. Measures dedicated to maintenance of many habitats and species are indispensable for implementation in forest management plans.

Page 25, Section 4.2.1., paragraph 3. As regards the information concerning the future status of *Fagus sylvatica* in France, it should be also mentioned that according to, for example, Sykes and

Prentice (1995), Matuszkiewicz (2007) and JRC (2010), in the Central and Eastern Europe *Fagus sylvatica* is expected to increase its position and share in forest. Thus, it will be much more adequate to review and discuss scientific results concerning the influence of climatic changes on various tree species within the EU.

Page 27-28, Section 4.2.3. It is good that fundamental problems concerning influence of forest practices was pointed out in the said document. The problems of double-sided effects of the same forest practices (improvement and worsening of habitats conservation status at the same time) shouldn't be presented in such general context. The guidelines can deliver practices recommended for using in particular habitats. It would be very important for evaluating forest management plans and assessing the economical issues of forestry in Natura 2000 sites. But the forest management and the evaluation criteria for Natura 2000 sites has to be specified on the national level (principle of subsidiarity).

Page. 29, Section. 4.2.3: A concept of of obligatory set-asides is not useful. This concept was never part of the FFH-guideline and also the guideline 2002 admit the economic use of the Natura 2000 sites. The member states have to be responsible to achieve the conservation status of the forest habitat types in accordance with the principle of subsidiarity. To define "rare" or "endangered" habitat types by EU will be well beyond the requirements of the existing FFH guideline.

Page 33, Section. 4.3.2, Paragraph 1: To name directly several forestal management activities and their improvement according to Art. 6 FFH guideline opens the way to an direct EU forest policy and disregards the principle of subsidiarity. Like in the guidelines 2003 it should not be possible to exclude several forestal management activities in general (e.g. shelterwood cutting).

Page 34, Section 4.3.2 Paragraph 2: The definition of forest management plans are complete different across Europe. It is not possible to compare. We think a Natura 2000 management plan should be sufficient to guarantee a favourable conservation status .

Page 35, Section 35, Paragraph 3. We understand, that wilderness areas within Natura 2000 areas will be designed upon decisions of the Member States and it will not be necessary to

reach adequate statistics according to the EU proposal. The extent of areas excluded from forestry measures may be known after developing forest management plans.

Page 35, Section 4.4.1, Paragraph 2: To define concrete set-asides is not allowed because this approach exceeds the FFH guidelines and the biodiversity guidelines significantly and disregards the principle principle of subsidiarity. In individual cases and regarding to local needs a set aside forest area can be useful, but we disagree with a general designation. E.g.: The largest biodiversity in Germany is located in man made and sustainable managed oak forests. .

Page 35 Section 4.4.1, Paragraph 5 ff: Here we can see that the way of forest management according to Natura 2000 in EU is complete different. In a German view only in some few parts of Natura 2000 sites the coppice system or the forest pasture is ecological useful and financially viable. Just before the last decades wood pasture prevented a natural forest developing. That shows the guideline has to describe a frame and not concrete forest management methods.

Page 36, Figure 8. forest ownership. A legend with colors indicating private and public ownership should be added.

Page 36, Section 4.4.3, Paragraph 2. In the context of high fragmentation of private forest properties in many UE countries and as regards financial issues of Natura 2000 implementation, the guidelines should stress the importance and need for supporting (on the organizational, institutional and financial bases) establishment and development of private forest owners associations.

Page 37, Section 4.4.3, Paragraph 2. It is not understandable that financial preferences are given to active conservation measures compared to passive ones. Private forest owners have full right to use their properties. If the forest use on Natura 2000 areas is administratively limited, forest owners should be entitled for the full financial compensation for foregone incomes.

The designation of Natura 2000 sites involves passive costs (less incomes) fort he forest owners (e. g. in Germany: increasing deadwood, habiat trees, restricted selection of tree species. The prioritization of active cost against passive costs cannot be scientifically justified and wouldn't be any acceptance by the private forest owners. We cannot accept also, that public forestry

enterprises are excluded from this payments although they can get agricultural direct payments and agri-environmental commitments from the 2. scale. For nature protection commitments there have to be comparable possibilities.

Page 39, Section 5, Paragraph 6. The proposed technical workshops should also focus on economic consequences of Natura 2000-related measures in forests, possibilities of limiting the negative economic impact of Natura 2000, and financial measures supporting Natura 2000 implementation in forests.

Page 39, Section 5. Forest management plans are not part of Natura 2000 network but part of the suggested instruments of the Strategy of biodiversity. For Natura 2000 sites there will be different management plans. The guideline should be restricted to develop this kind of management plans.

Page 41 – 45. Key forest habitats (forest associations) included in the new guidance document should be also named in. This is essential, after the following evaluation of reports on monitoring and planning of Natura 2000 areas, to prepare on the basis of the country reports, a list of habitats. It is recommended to evaluate the list by a special team, responsible for the unification of names of phytosociological units entering to individual types of habitats within the whole continent. It would allow to avoid many misunderstandings related to use of names of particular habitats.

Page 50, the fifth line from the end. In the list of key forest species of Community importance *Osmoderma eremita* is still present. According to current knowledge, in Europe there are 5 species of that genus, i. e. *O. eremita*, *O. cristinae*, *O. barnabita*, *O. lassalei* and *O. richteri*. Taking into consideration the matter of the range of particular species of the genus *Osmoderma* it is recommended to put the whole genus *Osmoderma* on the list.

Conclusions. “The guidance document will be developed using a bottom up process involving all key stakeholders and experts from Member States in order to take appropriate account of their concerns and expertise and to ensure that the guidance addresses their needs.” This is very optimistic point and conclusion of the document. We are greatly satisfied that the European Commission is planning to take measures toward the creation of the wide expert circle for working out the guidance. We also appreciate, that the workshops related to the evaluation of

individual chapters of new documents are also planned. They should create good opportunities for gathering different stakeholders, including representatives of forest owners, state forests managers, forestry academics and researchers.

Yours faithfully,

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