Commission Regulation (EC) No 1737/2006 of 7 November 2006 laying down detailed rules for the implementation of Regulation (EC) No 2152/2003 of the European Parliament and of the Council concerning monitoring of forests and environmental interactions in the Community

COMMISSION REGULATION (EC) No 1737/2006

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2152/2003 of the European Parliament and of the Council of 17 November 2003 concerning monitoring of forests and environmental interactions in the Community[(1)], and in particular Articles 4(2), 5(5), 6(4), 7(3), 8(6), 9(6), 10(2), 14(5) and 15(4) thereof,

Whereas:

(1) With effect from 1 January 2003, Regulation (EC) No 2152/2003 provides the basis to continue and further develop, with an integrated approach, the measures previously carried out under Council Regulation (EEC) No 3528/86 of 17 November 1986 on the protection of the Community's forests against atmospheric pollution[(2)] and Council Regulation (EEC) No 2158/92 of 23 July 1992 on protection of the Community's forests against fire[(3)]. Regulation (EC) No 2152/2003 also provides possibilities to address new environmental issues of relevance for the Community in the future.

(2) At present the following Regulations apply: Commission Regulation (EEC) 1696/87 of 10 June 1987 laying down certain detailed rules for the implementation of Council Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution[(4)], Commission Regulation (EC) No 804/94 of 11 April 1994 laying down certain detailed rules for the application of Council Regulation (EEC) No 2158/92 as regards forest-fire information systems[(5)], Commission Regulation (EC) No 1091/94 of 29 April 1994 laying down certain detailed rules for the implementation of Council Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution[(6)], Commission Regulation (EC) No 1727/1999 of 28 July 1999 laying down certain detailed rules for the application of Council Regulation (EEC) No 2158/92 on protection of the Community's forests against fire[(7)], Commission Regulation (EC) No 2278/1999 of 21 October 1999 laying down certain detailed rules for the application of Council Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution[(8)]. For the purpose of implementing the provisions of Regulation (EC) No 2152/2003, certain provisions of following implementing Regulations should continue to apply, while others should

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1737/2006. (See end of Document for details)*

be amended. In the interest of effectiveness, clarity and rationality, those Regulations should be replaced by a single text, and the provisions that are still relevant should be incorporated into that text.

(3) The monitoring of air pollution effects on forests should continue to be carried out on the basis of the systematic network of observation points and of the network of observation plots for intensive and continuous monitoring, established and implemented under Regulation (EEC) No 3528/86 and Regulations (EEC) No 1696/87 and (EC) No 1091/94.

(4) The development of new monitoring activities should be limited to pilot phase actions in carrying out studies, experiments and demonstration projects in order to identify options for the establishment of such new monitoring activities.

(5) Detailed rules and guidelines for the implementation of Articles 6(3) and 16(3) of Regulation (EC) No 2152/2003, as regards the establishment of new monitoring activities and the reporting of the results of theses new activities are not needed for the period 2003 to 2006 as such monitoring activities are not foreseen to be implemented during this period.

(6) The manual on parameters, monitoring methods and data formats referred to in Article 10 of Regulation (EC) No 2152/2003 is based on the monitoring provisions set out in the Annexes to Regulations (EEC) No 1696/87, (EC) No 804/94 and (EC) No 1091/94. In the light of recent technical progress it is however necessary to revise those provisions. In particular the methodology for the crown condition surveys on the systematic network of observation points and the network of observation plots for intensive monitoring should be merged. The manual should also cover methodologies for the additional monitoring activities on issues such as phenology, ambient air quality, ozone injury and litterfall.

(7) Monitoring of forest fires should continue to be carried out on the basis of the European Forest Fire Information System, (EFFIS). EFFIS has been built on the achievements of the Community information system on forest fires, established and implemented under Regulation (EEC) No 2158/92 and Regulation (EC) No 804/94 and includes additional information gathered by the Joint Research Centre under the Forest Fire Risk Forecasting System (EFFRFS) and the European Forest Fire Damage Assessment System (EFFDAS).

(8) Prevention measures against forest fires should be established building on the achievements of Regulation (EEC) No 2158/92 provided that such measures are not supported through Council Regulation (EC) No 1257/99 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations[9] and provided they are not included in the rural development programmes drawn up by the Member States. This Regulation should establish common core data to be submitted by Member States for any forest fires occurred in their territory as well as technical specifications for the supply of such data.

(9) For the purpose of ensuring coherence with other Community funded activities and to avoid duplications and double funding, proposals for studies, experiments and demonstration projects submitted by the Member States pursuant to Articles 5, 6 and 7 of Regulation (EC) No 2152/2003 should be evaluated by the Commission according to specified criteria.

(10) In order to ensure that such studies, experiments and demonstration projects are adapted to on-going issues and respond to actual needs in the field of forest monitoring it will be necessary to establish a ranking of priorities for granting Community support to such activities.

(11) The setting up of the national programmes and the financial aspects related to it should in particular take account of the provisions of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities[(10)] and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities[(11)].

(12) Eligibility rules should be introduced to define the scope of costs considered eligible for Community part financing.

(13) The Scientific Advisory Group to be established pursuant to Article 9(3) of Regulation (EC) No 2152/2003 should advise the Standing Forestry Committee on technical matters of the monitoring scheme.

(14) Each Member State should designate a competent body on the basis of criteria established by the basic act according to Article 54(2)(c) of Regulation (EC, Euratom) No 1605/2002 in order to ensure compliance with the requirements of a sound financial management and full respect of the principles of non-discrimination and transparency. The Member States, which should have the legal and financial responsibility for implementing the approved national programme, should be responsible for any irregularities, neglect or fraud of the competent body.

(15) In view of their decentralised administrative organisational structures, Belgium, Germany and Portugal should be allowed to designate more than one competent body.

(16) Data forwarded by Member States within the framework of Regulation (EC) No 2152/2003 to the Commission should be considered as documents within the meaning of Regulation (EC) No 1049/2001of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents[(12)].

(17) The measures provided for in this Regulation are in accordance with the opinion of the Standing Forestry Committee established by Council Decision 89/367/EEC[(13)],

HAS ADOPTED THIS REGULATION:

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CHAPTER I

SUBJECT MATTER

Article 1

This Regulation lays down the detailed rules for the implementation of Article 4, Article 5(1) and (2), Article 6(1) and (2), Article 7(1) and (2), Article 8, Article 9(3), Articles 10 and 14, and Article 15(1) of Regulation (EC) No 2152/2003.

CHAPTER II

MONITORING OF AIR POLLUTION EFFECTS

SECTION 1

NETWORK OF OBSERVATION POINTS

(Article 4(1)(a) and 10(1) of Regulation (EC) No 2152/2003)

Article 2

Systematic network of observation points and monitoring

1 The systematic network of observation points, hereinafter ‘Level I points’, corresponding to a grid composed of units measuring 16 × 16 km, covering the entire territory of each Member State, hereinafter referred to as ‘the grid’, shall be utilised to carry out annual crown conditions surveys.

Those surveys shall be carried out using the methods set out in Chapter 2 of Annex I.

2 Observations shall be made at each intersection point falling on forested land.

3 Member States may use denser networks than the Level I points where it is necessary for the preparation of their annual reports in accordance with Article 15(1) of Regulation (EC) No 2152/2003, and in order to obtain representative data at a national or regional level.

Article 3

Exceptions concerning the grid density

1 A sub-sample of the grid with units measuring 32 × 32 km may be used for the inventory covering other wooded land.

2 A sub-sample of the grid with units measuring 32 × 32 km may also be used for the inventory covering the large homogeneous forest areas situated in Finland north of 65° 30′ latitude and in Sweden north of 59° latitude.

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Article 4

Transmission of data

1 By 15 December each year, each Member State shall forward to the Commission the data collected during the preceding year for each Level I point using the methods and forms set out in Chapter 14 of Annex I.

In addition to that data, Member States shall submit a data accompanying report setting out background information on the monitoring methods applied. That report shall be drawn up in accordance with Chapter 13 and point IV.1 of Chapter 14 of Annex I.

The instructions and codes set out in Chapter 15 of Annex I shall be used for the transmission of data collected in accordance with the first subparagraph.

2 Data related to privately owned land shall be geo-referenced by latitude and longitude coordinates expressed at least in degrees and in minutes. All other data shall be geo-referenced in terms of latitude and longitude coordinates expressed in degrees and in minutes and in seconds.

3 The part of the data accompanying report describing the monitoring methods shall remain valid until those methods are changed.

SECTION 2

NETWORK OF OBSERVATION PLOTS

(Article 4(1)(b) and Article 10(1) of Regulation (EC) No 2152/2003)

Article 5

Establishment of observation plots for intensive monitoring

1 The network of permanent observation plots established by the Member States, hereinafter ‘Level II plots’, shall be used for intensive and continuous monitoring of air pollution effects on forest ecosystems. The number of Level II plots to be selected for that network shall be limited to 15 for each Member State.

However, Member States may select a larger number of Level II plots on the condition that the number does not exceed 20 % of the number of national Level I points.

2 Once a new or additional Level II plot is established Member States shall together with the first data transmission concerning that plot forward a review of the selection criteria and a complete list of all plots to the Commission, including basic information such as location, that is to say longitude, latitude and altitude, and species, as well as general plot information for each Level II plot installed in a standardised form.

3 The Level II plots shall be selected using the common methods set out in Chapter 1 of Annex I.