



Council of the European Union
General Secretariat

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WORKING PAPER

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Forestry
Subject:	Council endorsement of the draft Ministerial Decision to resume negotiations on a Legally Binding Agreement on Forests in Europe

Delegations will find attached the document containing the Council endorsement of the draft Ministerial Decision adopted by the Forest Europe Expert Level Meeting in Bratislava last 5-6 December.

This document was agreed at the Forestry Working Party meeting on 21 January and will be forwarded to Coreper (most likely at its meeting on 6 February) and Council (most likely at its meeting on 12 February) for formal adoption.

Council endorsement of the draft Ministerial Decision to resume negotiations on a Legally Binding Agreement on Forests in Europe

- On 9 June 2011, the Council adopted a Decision on the participation of the European Union in negotiations on a legally binding agreement (LBA) on forests in Europe (10984/11 + ADD 1). This Decision authorised the Commission to participate, on behalf of the EU, in the negotiations on the LBA as regards matters falling within the EU's competence.
- At the same occasion, a Decision was adopted by common accord by the representatives of the governments of the Member States, meeting within the Council, authorising the Presidency to negotiate the LBA on behalf of the Member States on matters falling within their competences(10982/11 + ADD 1).
- Formal and active negotiations on the LBA have been carried out so far from 27 February 2012, until 18 November 2013.
- The Madrid Ministerial Decision of 21 October 2015 request to explore possible ways to find common ground on a legally binding agreement on forest in Europe at the latest by 2020.
- At the Forest Europe Expert Level Meeting in Bratislava on 6 December 2018 a draft Ministerial Decision was adopted, in conformity with which it was agreed to resume negotiations on a Legally binding Agreement on Forests in Europe, under the auspices of the UN system (UNECE, with the support of FAO, will convene and service jointly the negotiations).
- On 19 December 2018 the Deputy Prime Minister and Minister of Agriculture and Rural Development of the Slovak Republic, in the name of FOREST EUROPE, sent to all signatories of FOREST EUROPE the draft Ministerial Decision for consideration and endorsement.
- The Ministerial Decision will be endorsed through a written silence procedure, in the framework of Forest Europe, by 19 March 2019.
- It was also agreed that the European Union and all countries listed in the Annex of that Ministerial Decision, which includes all Member States, are entitled to participate as full parties in the negotiating process and the ultimate LBA.

Coreper invites the Council to endorse, together with the Member States, the Ministerial Decision to be endorsed by 19 March 2019 through a written silence procedure in the framework of Forest Europe, to resume negotiations on a Legally binding Agreement on Forests in Europe.

DRAFT Ministerial Decision on Resuming the Negotiations on a Legally Binding Agreement on Forests in Europe

Adopted by the FOREST EUROPE Expert Level Meeting in Bratislava on 6 December 2018 for consideration by the ministers responsible for forests of FOREST EUROPE signatories through a written procedure in 2019.

RECALLING the Oslo Ministerial Mandate for Negotiating a legally binding agreement on forests in Europe, June 2011, establishing the Intergovernmental Negotiating Committee to develop a legally binding agreement on forests in Europe (INC),

ACKNOWLEDGING the work of the Intergovernmental Negotiating Committee in 2012 and 2013 and taking note of the outcome as contained in the report of the fourth resumed and final session of the Intergovernmental Negotiating Committee as presented at the Extraordinary Ministerial Conference in Madrid in 2015,

TAKING INTO ACCOUNT the Madrid Ministerial Decision from 21 October 2015 to explore possible ways to find common ground on a legally binding agreement on forests in Europe at the latest by 2020,

NOTING the results of the Round Table Meeting on a legally binding agreement on forest in Europe in Bratislava on 19-20 September 2018.

As representatives of the signatories of FOREST EUROPE, we:

1. ARE READY to resume the negotiations on a legally binding agreement on forests in Europe.
2. AGREE that further negotiations on a legally binding agreement on forests in Europe take place and be finalized under the auspices of the UN system.
3. RECOGNIZE that the Draft Negotiating Text for a legally binding agreement on forests in Europe (DNT) shall serve as the basis for further negotiations, and UNDERScore that the aim of the negotiations should be to reach agreement on paragraphs of the DNT not agreed *ad ref* while considering that DNT paragraphs agreed *ad ref* shall not be re-opened, unless needed to reflect recent policy developments, such as the Paris Agreement, the 2030 Agenda and its Sustainable Development Goals, the United Nations Strategic Plan for Forests, and their corresponding terminology.
4. DECIDE that all countries and the European Union listed in the Annex 1 of this decision, based on the Annex 2 of the Oslo mandate are entitled to participate as full parties in the negotiating process and the ultimate legally binding agreement on forests in Europe.
5. NOTE that observers of the FOREST EUROPE process should be invited to participate as observers in the negotiations.
6. EMPHASIZE that the negotiations are to be conducted with due urgency and in a time and cost-efficient manner with a view to their successful conclusion as early as possible.
7. ACKNOWLEDGE that the funding of the negotiation process will have to be provided from extra-budgetary resources.
8. CALL UPON negotiating partners to provide voluntary financial contributions for enabling a successful negotiating process.
9. INVITE the UNECE, with the support of FAO, to convene and service jointly further negotiations on a legally binding agreement on forests in Europe by setting up a negotiating process in an appropriate format based on the parameters contained in this decision.
10. INVITE the Minister of the Slovak Republic to send this decision on behalf of FOREST EUROPE signatories to UNECE and FAO to facilitate further negotiations of a legally binding agreement on forests in Europe.
11. INVITE the UNECE and FAO to act on this decision with due urgency.

ANNEX 1 of the Ministerial Decision on Resuming the Negotiations on a Legally Binding Agreement on Forests in Europe

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| 1. Albania | 29. Liechtenstein |
| 2. Andorra | 30. Lithuania |
| 3. Armenia | 31. Luxembourg |
| 4. Austria | 32. Malta |
| 5. Azerbaijan | 33. Monaco |
| 6. Belarus | 34. Montenegro |
| 7. Belgium | 35. Netherlands |
| 8. Bosnia and Herzegovina | 36. Norway |
| 9. Bulgaria | 37. Poland |
| 10. Croatia | 38. Portugal |
| 11. Cyprus | 39. Republic of Moldova |
| 12. Czech Republic | 40. Romania |
| 13. Denmark | 41. Russian Federation |
| 14. Estonia | 42. Serbia |
| 15. European Union | 43. Slovak Republic |
| 16. Finland | 44. Slovenia |
| 17. France | 45. Spain |
| 18. Georgia | 46. Sweden |
| 19. Germany | 47. Switzerland |
| 20. Greece | 48. Tajikistan |
| 21. Holy See | 49. The Former Yugoslav Republic of Macedonia |
| 22. Hungary | 50. Turkey |
| 23. Iceland | 51. Turkmenistan |
| 24. Ireland | 52. Ukraine |
| 25. Italy | 53. United Kingdom |
| 26. Kazakhstan | 54. Uzbekistan |
| 27. Kyrgyzstan | |
| 28. Latvia | |