



EUROPEAN COMMISSION

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Mr Milan ŠTĚCH
President of the Senát
Valdštejnské náměstí 17/4
CZ – 118 01 PRAGUE 1

Dear President,

The Commission would like to thank the Senát for its Opinion on the Proposal for a Decision of the European Parliament and of the Council on accounting rules and action plans on greenhouse gas emissions and removals resulting from activities related to land use, land use change and forestry {COM(2012) 93 final} and the Communication 'Accounting for land use, land use change and forestry (LULUCF) in the Union's climate change commitments' {COM(2012) 94 final}.

The Commission welcomes the considerations and has taken particular note of the main observations raised in this opinion, on which it would like to offer the following comments:

1. LULUCF accounting rules and the inclusion of this sector in EU's reduction target

The Commission's legislative proposal on Land Use Land Use Change and Forestry (LULUCF) builds on international decisions, in particular Decision 2/CMP.7 of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol adopted during the negotiations in Durban, in December 2012. This decision contains accounting rules which have been agreed upon in the international context after a long period of discussion and assessment by experts in order to ensure the appropriate methodologies.

As set out in the Effort Sharing Decision¹, both the Council and the European Parliament agreed that the LULUCF sector should form part of the EU's climate policy and invited the Commission to assess modalities for the inclusion of the emissions and removals from LULUCF in the Union reduction commitment.

In response, the Commission tabled a proposal in March 2012 which foresees a two-step approach. With the first step, the rules based on which the emissions and removals from this sector should be accounted for in the EU's greenhouse gas balance are defined. These rules aim at ensuring coherence between the Union's internal rules and the respective rules agreed within the United Nations Framework Convention on Climate Change (UNFCCC). At the same time, they respond to the objective of ensuring environmental integrity and putting in place a harmonized and sound accounting system for all Member States, therefore creating a level playing field.

¹ Decision No 406/2009/EC.

It is important to note that in accordance with the step wise approach proposed by the Commission, the LULUCF sector will not count towards the EU's existing reduction target at this stage. Inclusion of the sector into the EU's reduction commitment could only be considered as a second step when the accounting rules are implemented and have proven to be robust.

2. Efforts associated with accounting and reporting on LULUCF activities

Avoiding duplication of Member States' obligations was one of the goals when the internal EU rules were prepared. The Commission would like to reassure the Senát that the reporting and accounting requirements under the proposed EU legislation would be largely the same as the ones towards the Kyoto Protocol and the UNFCCC, which Member States already apply for many years. For the vast majority of the LULUCF activities, Member States already report data required for accounting. Therefore, reporting pursuant to the proposed EU legislation would not create double work or an extra layer of information. The Commission is committed to minimizing the Member States' administrative burden in view of reporting under the existing Kyoto Protocol and the UNFCCC and under the proposed EU legislative framework. Deviations would only exist, where clearly needed and only in specific cases.

3. The role of the LULUCF Action Plans

As explained, in the context of the first step of including the LULUCF sector in the EU's climate policy no specific reduction commitment has been set. In the absence of Member State targets, the proposed LULUCF Action Plans represent the only policy tool that would put in place strategies for using and enhancing the mitigation potential of the LULUCF sector. The focus would be on identifying Member State specific strategies based on which the emissions and removals related to all activities included in the sector could be optimized. To this end, the proposed national LULUCF Action Plans aim at improving the exchange of experience on good practice between Member States and making optimal use of the sector's mitigation potential. Moreover, full flexibility is being left to the Member States when choosing the most appropriate measures with which the existing national mitigation potential could be enhanced further.

The Commission hopes that these explanations address the concerns expressed by the Senát and looks forward to continuing our dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*