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Answer given by Ms Roswall
on behalf of the European Commission
(24.4.2025)

The EU has a variety of competences shared with Member States that have an impact on forest protection and forestry, including climate, environment, energy and agriculture, which the Union has exercised respecting the principle of subsidiarity¹.

The EU has exercised these competences through the adoption of legislation using the appropriate legal basis. As forests are natural resources and an integral part of the environment, the Habitats² and Wild Birds Directive³, the Land Use, Land Use Change, and Forestry (LULUCF) Regulation⁴, the Deforestation Regulation⁵, the Nature Restoration Law⁶, the Carbon Removal Certification Framework⁷ are based on Article 192(1) of the Treaty on the Functioning of the European Union (TFEU), and so is the proposal for a Regulation on a Forest Monitoring Framework⁸, currently in the co-decision procedure. The Renewable Energy Directive⁹ has multiple legal bases under TFEU (Article 114 - internal market, Article 192(1) - environment and Article 194(2) – energy), while the European Agricultural Fund for Rural Development¹⁰ is based on Articles 42 and 43(2).

EU action on climate, biodiversity and circular economy as well as their benefits inherently relate to natural ecosystems, including forests. The mentioned Commission proposal for a Forest Monitoring Framework aims at having accurate, timely and comparable data on forests across the EU, in view of increasing pressures and stressors, and their cross-border impacts.

¹ Court of Justice of the European Union judgement of 25 February 1999 in Joined Cases C-164/97 and C-165/97, EU:C:1999:99.

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7–50.

³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.1.2010, p. 7–25.

⁴ Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU, OJ L 156, 19.6.2018, p. 1–25.

⁵ Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010, OJ L 150, 9.6.2023, p. 206–247.

⁶ Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869, OJ L, 2024/1991, 29.7.2024.

⁷ Regulation (EU) 2024/3012 of the European Parliament and of the Council of 27 November 2024 establishing a Union certification framework for permanent carbon removals, carbon farming and carbon storage in products, OJ L, 2024/3012, 6.12.2024.

⁸ https://environment.ec.europa.eu/publications/proposal-regulation-forest-monitoring-framework_en

⁹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, as amended, OJ L 328, 21.12.2018, p. 82–209.

¹⁰ https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/european-agricultural-fund-rural-development-eafrd_en