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PROTOCOL

ON SUSTAINABLE FOREST MANAGEMENT TO THE FRAMEWORK CONVENTION ON THE PROTECTION AND SUSTAINABLE DEVELOPMENT OF THE CARPATHIANS

The Parties to this Protocol,

IN ACCORDANCE with their tasks, arising from the Framework Convention on the Protection and Sustainable Development of the Carpathians of 22 May 2003 (Kyiv, Ukraine, hereinafter referred to as the "Carpathian Convention"), of pursuing a comprehensive policy and cooperating for the protection and sustainable development of the Carpathians;

CONSCIOUS of the fact that human pressure on Carpathian forests will continuously increase;

AIMING to increase the awareness of multiple functions of forests and benefits from sustainable forest management in the Carpathians especially with reference to natural carbon stock, water supply and biodiversity as well as to the contribution to rural development;

IN COMPLIANCE with their obligations under Article 7 of the Framework Convention on the Protection and Sustainable Development of the Carpathians;

RECALLING in particular the Rio Declaration, the UN Non-Legally Binding Instrument on All Types of Forests, decisions of the United Nations Forum on Forests, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development, the UN Framework Convention on Climate Change and its Kyoto Protocol, the Convention on Biological Diversity and in particular its Program of Work and relevant decisions on Forest Biodiversity, the Resolutions of the Ministerial Conference for the Protection of Forests in Europe, the Convention concerning the Protection of the World Cultural and Natural Heritage, the European Landscape Convention, the Forest Law Enforcement and Governance processes;

NOTING further that the majority of the Parties as Member States of the European Union take into consideration the Forestry Strategy for the European Union and its Forest Action Plan;

AIMING at ensuring a more effective implementation of such existing instruments, and BUILDING upon other international programmes;

CONVINCED that efforts to protect, maintain and sustainably manage the forests of the Carpathians require regional cooperation; and AWARE of the added value of transboundary cooperation in achieving ecological coherence;

DESIRING to cooperate on the sustainable management and protection of Carpathian forests;

Have agreed as follows:

CHAPTER I GENERAL OBLIGATIONS

Article 1

General objective and principles

1. The objective of the Protocol on Sustainable Forest Management (hereinafter referred to as "the Protocol") is to promote the sustainable management and protection of Carpathian forests bringing benefits to present and future generations.

2. In order to achieve the above objective, the Parties shall carry out activities and cooperate on:

- a) maintaining or enlarging forest cover;
- b) ensuring the productive functions of the forests and their role in rural development;
- c) promoting the sound use of wood as an environmental friendly and renewable material;
- d) promoting the sustainable use of non-wood forest products;
- e) improving the health and vitality of the forests;
- f) improving the conservation and sustainable use of components of forest biological diversity;
- g) identification and protection of natural, especially virgin forests;
- h) promoting the restoration of close to nature forests;
 - i) enhancing the role of the forest-based sector in mitigating climate change;
 - j) improving the protective forest functions such as preventing floods, landslides and in general water cycle regulation;
- k) promoting the cultural heritage of the forests;
 - l) enhancing the social functions of the forests;
- m) promoting the participation of regional and local authorities and communities in forest management;
- n) identifying, developing and applying appropriate schemes for payment for environmental goods and services provided by forests;
- o) strengthening the governance of the forestry sector and enforcing forest law with particular attention to combating illegal logging and associated trade;
- p) identification, development and implementation of best practices in forest management and close to nature forestry;

- q) promoting and coordinating scientific research and information exchange on Carpathian forests.

Article 2

Policies aiming at sustainable management of the Carpathians forests

The Parties shall develop and implement policies and strategies in their national territory aiming at sustainable management of the Carpathians forests while taking into consideration policies and strategies developed and implemented by other Parties. For this purpose the Parties shall exchange relevant information with other Parties.

Article 3

Integration of the objectives of sustainable management and protection of the Carpathians forests into sectoral policies

1. The Parties shall take into consideration the objectives of this Protocol in their other policies, in particular on biodiversity conservation, soil protection, rural development, water and river basin management, climate change, tourism, industry and energy, cultural heritage and traditional knowledge conservation, spatial planning, transport and infrastructure.

2. The Parties shall cooperate on integration of the objectives of sustainable management and protection of the Carpathians forests into other sectoral policies and strategies adopted at the regional and/or the global level which could have influence on the sustainable forest management of the Carpathians.

Article 4

Participation of regional and local authorities and communities

1. The Parties shall define, within its existing institutional framework, the best level of coordination and cooperation between national institutions and regional and local authorities to encourage shared responsibility in the process of the implementation of this Protocol.

2. The Parties shall take measures to involve or facilitate involvement of communities and forest owners and managers directly concerned in the various stages of preparing and implementing these policies and measures.

Article 5

International cooperation

1. The Parties shall encourage active international cooperation among the competent institutions with regard to the sustainable management and protection of the Carpathian forests.

2. The Parties shall facilitate cooperation between regional and local authorities in the Carpathians at the

international level, and seek solutions to shared problems at the most suitable level.

CHAPTER II

GEOGRAPHICAL SCOPE AND DEFINITIONS

Article 6

Geographical scope

1. This Protocol applies to the Carpathian region (hereinafter referred to as "the Carpathians"), as defined by the Conference of the Parties to the Carpathian Convention.

2. Each Party may extend the application of this Protocol to additional parts of its national territory by making a declaration to the Depository.

Article 7

Definitions

For the purposes of this Protocol:

- a) "Sustainable forest management" means the stewardship and use of forest and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, vitality and regeneration capacity, and their potential to fulfil now and in the future, relevant ecological, economic and social functions at local, national, and global levels, and that does not cause damage to other ecosystems;
- b) "Close to nature forestry" means a system of forest management which provides continuous restoration, development and treatment of stands similar in species composition, structure and dynamic to natural forests specific for the site conditions;
- c) "Ecological network" means a system of areas which are ecologically and physically linked, consisting of core areas, corridors and buffer zones;
- d) "Forest certification schemes" are certification schemes for sustainable forest management, including clear objectives, measurable criteria, independent assessment and involving and credible to major stakeholder groups;
- e) "Natural forests" are forests composed of tree species indigenous to the area with most of the principal characteristics and key elements of native ecosystems, such as complexity, structure and diversity;
- f) "Parties" means Parties to this Protocol;
- g) "Protected Area" means a geographically defined area which is designated and managed to achieve specific conservation objectives;
- h) "Protection of Forests" means the aspect of nature conservation, dealing with the protection, maintenance, restoration and sustainable use of forest resources to ensure forest ecosystem services;
- i) "Restoration of close to nature forests" means a management applied in forest areas which aims to assist the natural processes of forest recovery in a way that the stand structure, biodiversity, functions, processes and in particular the species

composition of the restored forest will match, as closely as feasible, those of the original forest through gradually changing of secondary forest stands;

- j) "Sound use of wood" is an integrated approach to processing and end-use by consumers of wood originating from sustainably managed forests.
- k) "Virgin forests" means natural forests which have not been influenced directly by human activities in their development.

CHAPTER III SPECIFIC MEASURES

Article 8

Maintaining and enlarging forest cover

1. Each Party shall take measures in its national territory with the objective to maintain, through sustainable forest management and spatial planning, the existing forest cover as a key component of Carpathian landscape.

2. Each Party shall take measures in its national territory with the objective to enlarge the forest cover in the Carpathians if appropriate for achieving the goals of Article 1 while taking into account the high ecological importance of natural and semi-natural grasslands as well as the other goals of the Carpathian Convention and its Protocols.

Article 9

Ensuring the productive functions of the forest and their role in rural development

1. Each Party shall take measures in its national territory with the objective to ensure the productive functions of the forests and to enhance their role in rural development through appropriate policies, adapted to the ownership structure as well as the sound use of wood.

2. The Parties shall promote and ensure sources of income from forest resources and therefore should provide support to the forest owner and managers as well as their associations, to reduce the problems associated with land ownership fragmentation, to stimulate market-based initiatives including forest certification schemes, to enforce the forest law with particular attention to combating illegal logging and associated trade, to promote the sustainable harvesting and marketing of non wood forest products and to develop and spread the use of systems of payment for ecosystem services.

Article 10

Identification and protection of natural, especially virgin forests

1. Each Party shall take measures in its national territory aimed at identifying and protecting natural, especially virgin forests of the Carpathians, by establishing Protected Areas in sufficient size and

number and implementing other specific measures of protection.

2. Each Party shall take measures for the inclusion of sufficient areas of all types of identified natural forests from its Carpathian region in Protected Areas.

3. In particular, each Party should take specific measures for the preservation of genetic resources of natural, especially virgin forests.

4. Each Party shall take specific measures for compensation of costs or economic losses resulting from measures taken in accordance with paragraph 1, 2 and 3 of this Article.

Article 11

Forest Management in Protected Areas

1. Each Party shall take measures for ensuring the coherence between the Protected Areas management plans and the forest management plans within Protected Areas.

2. The Parties shall cooperate in creating guidelines for the management of forests including close to nature forestry in Protected Areas and, where applicable, Natura 2000 sites.

Article 12

Improvement of the protective forest functions

1. Each Party shall take measures in its national territory with the objective to ensure the protective functions of the forests such as better preventing floods, soil erosion, landslides, avalanches and rock falls by promoting sustainable forest management methods, that enhance stability and resistance to natural and anthropogenic disturbances.

Article 13

Promotion of restoration of close to nature forests

1. Each Party shall take measures in its national territory with the objective to promote restoration of close to nature forests.

2. The Parties shall consider, where appropriate, the establishment of programmes for protection and reintroduction of rare native forest tree species in their natural ecosystem.

Article 14

Forestry and climate change

1. Each Party shall pursue policies aiming at enhancing the role of the forestry sector in mitigating climate change, with particular attention to finding the right balance between increasing carbon stocks in forest ecosystems, promoting the use of renewable wood energy, and the sound use of wood products as substitutes of rough materials derived from non renewable resources.

2. Each Party, taking into consideration the effects of climate change, shall pursue adaptation policies

and measures aiming at increasing the stability and the resilience of the Carpathian forests.

3. Each Party, taking into consideration the increased vulnerability of forest to the fires and other extreme events due to climate change, shall undertake appropriate measures in order to reduce the risk and mitigate the effects.

Article 15

Social function of forests

1. Each Party shall define, within its existing institutional framework, effective schemes for coordination and cooperation between the institutions and regional and local authorities concerned with forest resources management, with the involvement of other local stakeholders, so as to enhance the social function of forests.

2. Each Party, taking into consideration the high value of forests for tourism development, shall take into account sustainable tourism policies in forest management planning.

3. Each Party shall consider promoting cultural heritage and traditional knowledge practices related to forest management, including education at all levels.

Article 16

Forestry, wildlife and ecological networks

1. Each Party shall apply sustainable wildlife management methods, especially by coordinated regulation measures in borderland regions, with special attention to the control of population size of hoofed animals so that it allows a natural regeneration of forests, and monitoring and management of large carnivores within the carrying capacities of the forests ecosystem.

2. The Parties shall cooperate on harmonisation of their policies related to ecological networks and the forest management objectives and measures.

Article 17

Compatible monitoring and information systems

1. The Parties shall cooperate, within the framework of existing international initiatives, on harmonising the forest monitoring in the Carpathians that is conducive to achieving the objectives of this Protocol.

2. The Parties shall cooperate to develop a joint information system on the state of forests in the Carpathians in accordance with Article 12 of the Carpathian Convention.

3. The Parties shall cooperate on the harmonisation of databases, and in ensuring that the national results of forest monitoring are integrated in a joint information system.

Article 18

Coordinated scientific research and exchange of information

1. Each Party shall coordinate and cooperate on scientific research undertaken in its territory or by its scientific institutions with regard to the overall objectives of this Protocol.

2. The Parties shall encourage international cooperation among the scientific institutions with regard to sustainable forest management in the Carpathians, in particular on undertaking common research programs and projects in the Carpathians.

3. The Parties shall encourage the organization of symposia and conferences to exchange scientific information and practical experience.

4. Each Party shall exchange information and experience with other Parties on methods related to activities listed under Article 1 paragraph 2.

Article 19

Common programs and projects

1. Each Party shall participate, according to its needs and possibilities, in common programs and projects on activities jointly undertaken in the Carpathians by the Parties.

CHAPTER IV

IMPLEMENTATION, MONITORING AND EVALUATION

Article 20

Implementation

1. Each Party shall undertake necessary legal and administrative measures for ensuring implementation of the provisions of this Protocol.

2. Each Party shall explore the possibilities of supporting, through fiscal and/or financial measures, implementation of the provisions of this Protocol.

3. Each Party shall designate a relevant national authority responsible for the implementation of this Protocol and make this information available to other Parties. The respective national authorities shall be responsible for monitoring the effect of the measures mentioned in paragraphs 1 and 2 of this Article.

4. The Parties shall develop and adopt the Strategic Action Plan targeted on implementation of this Protocol.

Article 21

Education, information and public awareness

1. The Parties shall promote the education, information and awareness rising of the public regarding the objectives, measures and implementation of this Protocol.

2. The Parties shall ensure access of the public to the information on the implementation of the Protocol.

Article 22

Meeting of the Parties

1. The Conference of the Parties of the Carpathian Convention shall serve as the meeting of the Parties to this Protocol.

2. The Parties to the Carpathian Convention that are not Parties to this Protocol may participate as observers in the Conference of the Parties serving as the meeting of the Parties to this Protocol. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by those that are Parties to it.

3. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, any member of the bureau of the Conference of the Parties representing a Party to the Carpathian Convention but, at that time, not a Party to this Protocol, shall be substituted by a member to be elected by and from among the Parties to this Protocol.

4. The Rules of Procedure for the Conference of the Parties shall apply *mutatis mutandis* to the meeting of the Parties, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

5. The first meeting of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be convened by the Secretariat in conjunction with the first meeting of the Conference of the Parties that is scheduled after the date of the entry into force of this Protocol. Subsequent ordinary meetings of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

6. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Protocol and shall:

- (a) Make recommendations on any matters necessary for the implementation of this Protocol;
- (b) Establish such subsidiary bodies as are deemed necessary for the implementation of this Protocol;
- (c) Consider and adopt, as required, amendments to this Protocol that are deemed necessary for the implementation of this Protocol; and
- (d) Exercise such other functions as may be required for the implementation of this Protocol.

Article 23

Secretariat

1. The Secretariat established by Article 15 of the Carpathian Convention shall serve as the Secretariat of this Protocol.

2. Article 15, paragraph 2, of the Carpathian Convention on the functions of the Secretariat shall apply, *mutatis mutandis*, to this Protocol.

Article 24

Subsidiary Bodies

1. Any subsidiary body established by or under the Carpathian Convention may, upon a decision by the Conference of the Parties serving as the meeting of the Parties to this Protocol, serve the Protocol, in which case the meeting of the Parties shall specify which functions that body shall exercise.

2. Parties to the Carpathian Convention that are not Parties to this Protocol may participate as observers in the meetings of any such subsidiary bodies. When a subsidiary body of the Carpathian Convention serves as a subsidiary body to this Protocol, decisions under the Protocol shall be taken only by the Parties to the Protocol.

3. When a subsidiary body of the Carpathian Convention exercises its functions with regard to matters concerning this Protocol, any member of the bureau of that subsidiary body representing a Party to the Carpathian Convention but, at that time, not a Party to the Protocol, shall be substituted by a member to be elected by and from among the Parties to the Protocol.

Article 25

Monitoring of compliance with obligations

1. The Parties shall regularly report to the Conference of the Parties on measures related to this Protocol and the results of the measures taken. The Conference of the Parties shall determine the intervals and format at which the reports must be submitted.

2. Observers may present any information or report on implementation of and compliance with the provisions of this Protocol to the Conference of the Parties and/or to the Carpathian Convention Implementation Committee (hereinafter referred to as the "Implementation Committee").

3. The Implementation Committee shall collect, assess and analyses information relevant to the implementation of this Protocol and monitor the compliance by the Parties with the provisions of this Protocol.

4. The Implementation Committee shall present to the Conference of the Parties recommendations for implementation and the necessary measures for compliance with the Protocol.

5. The Conference of the Parties shall adopt or recommend necessary measures.

Article 26

Evaluation of the effectiveness of the provisions

1. The Parties shall regularly examine and evaluate the effectiveness of the provisions of this Protocol. The

Conference of the Parties may consider the adoption of appropriate amendments to this Protocol where necessary in order to achieve its objectives.

2. The Parties shall facilitate the involvement of the regional and local authorities and other stakeholders in the process under paragraph 1.

CHAPTER V FINAL PROVISIONS

Article 27

Links between the Carpathian Convention and the Protocol

1. This Protocol constitutes a Protocol to the Carpathian Convention within the meaning of Article 2 paragraph 3 thereof and any other relevant Articles of the Carpathian Convention.

2. The provisions of Articles 19, 20, 21 paragraphs 2 to 4 and Article 22 of the Carpathian Convention on entry into force, amendment of and withdrawal from this Protocol and on settlement of disputes shall apply *mutatis mutandis* to this Protocol. Only a Party to the Carpathian Convention may become Party to this Protocol.

Article 28

Signature

1. This Protocol shall be open for signature at the Depositary from 27 May 2011 to 27 May 2012.

2. For Parties which express their consent to be bound by this Protocol at a later date, this Protocol shall enter into force on the ninetieth day after the date of deposit of the instrument of ratification. After the entry into force of an amendment to this Protocol, any

new Party to the said Protocol shall become a Party to the Protocol, as amended.

Article 29

Notifications

1. The Depositary shall, in respect of this Protocol, notify each Party of

- (a) any signature,
- (b) the deposit of any instrument of ratification, acceptance or approval,
- (c) any date of entry into force,
- (d) any declaration made by a Party or signatory,
- (e) any denunciation notified by a Party, including the date on which it becomes effective.

Article 30

Reservations

No reservations may be made to this Protocol.

Article 31

Depositary

The Depositary of this Protocol is the Government of Ukraine.

Done at Bratislava on the 27 May 2011 in one original in the English language.

The original of the Protocol shall be deposited with the Depositary, which shall distribute certified copies to all Parties.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

For the Government of the Czech Republic
For the Government of the Republic of Hungary
For the Government of the Republic of Poland
For the Government of Romania
For the Government of the Republic of Serbia
For the Government of the Slovak Republic
For the Government of Ukraine