



## **SUBMISSION BY GERMANY ON BEHALF OF THE EUROPEAN COMMUNITY AND ITS MEMBER STATES**

18 May 2007

**Subject: Input by the European Union on draft procedures to demonstrate the eligibility of lands for afforestation and reforestation project activities under the Clean Development Mechanism**

The Executive Board (EB) of the CDM, at its 31<sup>st</sup> session, launched a call for public input on the “Draft procedures to demonstrate the eligibility of lands for afforestation and reforestation project activities” (hereinafter “draft procedures”). The EU welcomes this opportunity to submit its views on this document.

The EU would like to reiterate its views contained in its submission of 5 February 2007, in particular those related to paragraph 1 (b). For the EU, the key issue is to ensure that the procedures do not provide any perverse incentives to deforest land that has been forest after 1990 in order to establish CDM afforestation and reforestation project activities. The EU continues to strongly believe that land eligible for reforestation should not have been forest at any time since 1 January 1990.

The EU notes the attempt made by the EB to address one of our key concerns by requesting project participants to demonstrate that “the land was not intentionally converted to non-forest land for the purpose of implementing an A/R CDM project activity”. However, the EU believes that demonstration of the intention of an act is highly problematic both procedurally and legally. This would impede transparent application of the procedures and their adoption for use may seriously undermine the integrity of reforestation project activities under the CDM.

The demonstration of intent and a reference to possible future revisions of the additionality tool do not ensure that existing forests are not harvested or destroyed for the purpose of establishing a reforestation CDM project activity. Additionality testing should not be used in determining the eligibility of lands.

In conclusion, the EU believes that the draft procedures do not sufficiently address our concerns and calls again on the EB to develop procedures that do not incentivise deforestation prior to the onset of the project, do not rely on additionality testing for determination of the eligibility of lands and allow the rules to be applied in a transparent and consistent manner.