Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe
Table of Contents

OPENING OF THE SESSION ........................................................................................................ 2
ADOPTION OF THE AGENDA .................................................................................................... 2
ORGANIZATIONAL MATTERS ............................................................................................... 2
FURTHER CONSIDERATION OF THE DRAFT NEGOTIATING TEXT .................................. 3
ROADMAP FOR THE NEGOTIATION PROCESS ................................................................. 4
OTHER MATTERS .................................................................................................................... 4
REPORT OF THE SESSION ..................................................................................................... 4
CLOSURE OF THE SESSION ................................................................................................. 4
ANNEX A: ............................................................................................................................... 5
List of documents .................................................................................................................. 5
ANNEX B: ............................................................................................................................... 7
Organizations granted the status of Observer organizations to the Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe at INC3 ........................................ 7
ANNEX C: ............................................................................................................................... 7
The Draft negotiating text for a legally binding agreement on forests in Europe as of 5 April 2013 end of INC3 Plenary session ........................................................................................................ 7
ANNEX D: ............................................................................................................................... 7
Provisional agenda for the Fourth Session of the Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe ........................................................................... 7
1. The first meeting of the Third Session of the Intergovernmental Negotiation Committee for a legally binding agreement on forests in Europe (INC3) was held at the Ramada Plaza, Antalya, Turkey, from 28 January to 1 February 2013. On 1 February, the Committee agreed to suspend the session and resume its negotiations at a second meeting, which was held at the New Peterhof Hotel, St. Petersburg, the Russian Federation, from 3 to 5 April 2013. The Committee further agreed that the Chair would prepare a summary of the discussions at the first meeting.

2. The first meeting in Antalya was attended by delegates from 35 parties; in addition, representatives of one country, as well as 16 intergovernmental organizations and international and national non-governmental organizations were in attendance, as observers. The second meeting in St. Petersburg was attended by delegates from 30 parties; in addition, representatives of 8 intergovernmental organizations and international and national non-governmental organizations were in attendance, as observers.

OPENING OF THE SESSION (Item 1)

3. Mr Jan Heino (Finland), the chairperson of the Committee, opened and chaired the session. On behalf of the Committee, the Chair expressed its gratitude to Turkey for hosting the first meeting in Antalya. Mr Ismail Üzmez, Deputy General Director of Forestry, General Directorate of Forestry, Turkey, welcomed the Committee. The Chair also made opening remarks explaining some of the challenges facing the Committee as it continued to consider the Draft Negotiating Text. He reminded the Committee that its mandate was to complete its work no later than 30 June 2013.

4. The European Union and its Member States also made an opening statement at the first meeting.

5. In opening the resumed session in St. Petersburg, the Chair expressed the gratitude of the Committee to the Russian Federation for hosting the second meeting. Mr Alexander Panfilov, Deputy Head of the Federal Forest Agency of the Russian Federation, and Mr Viktor Lozhechko, Chairman of the Committee on Ecology and Nature of the Legislative Assembly of St. Petersburg, both welcomed the Committee.

ADOPTION OF THE AGENDA (Item 2)

6. At its first meeting, the Committee adopted the draft annotated Agenda as contained in Document1/INC3, noting the Addendum 1 at the second meeting. The documents considered by the Committee are listed in Annex A.

ORGANIZATIONAL MATTERS (Item 3)

7. In accordance with Rule 11.3 of the Rules of Procedure, four organizations, as listed in Annex B, requested, and were granted, observer status.

8. The Chair presented his proposals for the organization of work for the INC3, as set out in the annotated provisional Agenda.

9. In addition to plenary sessions, there were discussions in two Working Groups and a Legal Expert Group. During the first meeting, held in Antalya, Working Group 1 (co-chaired by Ms Katerina Ventrubova and Prof. Piotr Paschalis-Jakubowicz) gave detailed consideration to the possibilities for bringing the legally binding agreement on forests in Europe under the United Nations umbrella; and Working Group 2 (co-chaired by Mr. Ingwald Gschwandtl and Mr. Tamer Otrakcier) gave detailed
consideration to the compliance paragraphs in Document 2/INC3. During the second meeting, held in St.
Petersburg, the Legal Expert Group (facilitated by Mr Stephen Lowe) considered the Final Clauses and
the draft annex on arbitration (as contained in Document 2/INC3 add.2). In addition, a number of
informal contact groups met to give detailed consideration to particular issues, such as sustainable
production and consumption, forest biodiversity, compliance, and terms and definitions.

FURTHER CONSIDERATION OF THE DRAFT NEGOTIATING TEXT (item 4)

10. At the first meeting, the Chair introduced the Draft negotiating text for a legally binding
agreement on forests in Europe as of 7 September 2012 (Document 2/INC3) and invited detailed
consideration. The Committee then continued discussing and negotiating the document section by section.
Consideration was also given to the outcome from the expert meeting on terms and definitions, held in
Madrid, Spain on 27 to 28 November 2012.

11. The outcome from the discussions of the Draft negotiating text during the first meeting is
contained within a revised version of the Draft negotiating text for a legally binding agreement on forests
in Europe as of the end of INC3 Plenary session on the afternoon of 1 February 2013 (Document 2/INC3
add.1).

12. Further consideration was given to the Draft negotiating text during the second meeting. The
outcome from these discussions is contained within the Draft negotiating text for a legally binding
agreement on forests in Europe as of 5 April 2013 at the end of INC3 Plenary session, as attached at
Annex C, for further consideration at the Fourth Session. The Bureau was requested to draft an annex on
conciliation for consideration by the Committee at its Fourth Session. It was agreed that further work
would be done by the FAO Russian terminology group on clarifying the translation of terms and
definitions, with the aim of providing input for the Russian version of the documents.

13. Paragraph 24 (g) of the Oslo Ministerial Mandate requested the Committee to consider the
possibility of the agreement being brought under the United Nations umbrella. During the first meeting,
there was discussion of the analytical document on some of the key aspects involved in deciding on
bringing the legally binding agreement under the United Nations umbrella (Document 5/INC3 and its
Annexes), following brief presentations by EFI, FAO, UNECE and UNEP. In addition, the Government
of Germany presented a written offer to accommodate the secretariat in Bonn; the Committee took note of
this offer. Discussions continued during the second meeting, at which further information was made
available to the Committee about the available options and their implications. In response to questions,
additional information was provided by representatives of FAO (including its Legal Office), UNECE,
UNEP and the Office of Legal Affairs of the United Nations. The Bureau produced a non-paper, added as
an information document, on a Summary of responses to the enquiry of the INC Chair regarding elements
of paragraph 19 of the INC2 report and additional submissions by UN entities.

14. In the light of the discussions, the Committee agreed that it would recommend that the agreement
be brought under the United Nations umbrella. It decided that the option of a self-standing treaty outside
the UN system and serviced by a non-UN system organisation will not be further considered.

15. The Committee did not complete its consideration of the two broad options for bringing the
agreement under the UN umbrella, namely a treaty adopted under UN auspices/ UN System auspices, or a
non-UN treaty serviced by an organ or an organization of the UN system, and left it for the next session to
conclude on this matter, and where in the UN system the LBA should be placed. However some parties
indicated their preferences in this regard. The Russian Federation and Switzerland specified preference
for UN auspices, namely UNECE, with Switzerland adding the possibility of a joint secretariat with FAO,
depending on the arrangements with UNECE for the administration and service by both. Norway, supported by Turkey, suggested a secretariat with participation from FAO, UNECE and UNEP where FAO should have the administrative responsibility and have a leading role in the secretariat. During the first meeting it was agreed that after the resumed session the Chair should write to the Secretary-General of the United Nations and to the Director-General of FAO to seek their views on technical issues that might arise if the Secretary-General of the UN or the Director-General of FAO, respectively, were invited to be the depositary for the agreement.

ROADMAP FOR THE NEGOTIATION PROCESS (Item 5)

16. The Committee also discussed the issue of finance and invited the Bureau to prepare a summary for consideration at the Fourth Session, providing information about major cost elements likely to be associated with the legally binding agreement, possible sources of financial resources and options showing possible draft text proposals for any financial provisions in the agreement. The Committee asked for this summary paper to be circulated by the end of April.

17. At its first meeting, the Committee considered the Updated roadmap for the negotiation process (Document 3/INC3). Following this discussion a further Updated roadmap (Document 3/INC3 add.1) was considered by the Committee during the second meeting. In addition to agreeing the updated road map, it was agreed that it would be necessary to make further contact with the UN system organisations that would potentially be invited to adopt and/or service the agreement. Furthermore, the Bureau was invited to draft, for consideration by the Committee at its Fourth Session, elements of a document by which the final draft of the negotiating text would be presented to Ministers at the extraordinary FOREST EUROPE Ministerial Conference scheduled for early November, in Madrid, Spain.

18. The Committee agreed that for the rest of the INC process an English language version of documents would be circulated as soon as they become available, in advance of official translations.

19. The Committee was also briefed on the current financial status of the Trust Fund. The Chair invited the parties to give consideration to the support they can provide to the remaining negotiation process.

20. The Government of Poland offered to host the Fourth Session in Warsaw. The Committee accepted this offer by acclamation.

21. The Committee decided that the Fourth Session will take place in Warsaw on 10-14 June 2013.

OTHER MATTERS (Item 6)

22. The Committee adopted a draft agenda for its Fourth Session as contained in Annex D.

REPORT OF THE SESSION (Item 7)

23. The Committee considered the report and decided to adopt as amended.

CLOSURE OF THE SESSION (Item 8)

24. The Chair closed the session at 5.25 pm on Friday, 5 April 2013.
ANNEX A:

List of documents

Document 1/INC3: Annotated provisional agenda for the Third Session, 28 January – 1 February

Document 1/INC3 add.1: Annotated provisional agenda for the Third Session Resumed, 3 - 5 April

Document 2/INC3: Draft negotiating text for a legally binding agreement on forests in Europe as of 7 September end of INC2 Plenary session

Document 2/INC3 add.1: Draft negotiating text for a legally binding agreement on forests in Europe as of the end of INC3 Plenary session on the afternoon of 1 February 2013

Document 2/INC3 add.2: Draft annex on arbitration and other annexes to the Draft Negotiating Text

Document 3/INC3: Updated roadmap for the negotiation process (for consideration at the first meeting)

Document 3/INC3 add.1: Updated roadmap for the negotiation process (for consideration at the second meeting)

Document 4/INC3: Compilation of submissions of the text proposals on compliance for a legally binding agreement on forests in Europe

Document 5/INC3: An analytical document on some of the key aspects involved in deciding on bringing the legally binding agreement under the United Nations umbrella – Note by the Chair

Annex 1.1 Information provided by the European Forest Institute (1)
Annex 1.2. Information provided by the European Forest Institute (2)
Annex 2. Information provided by FAO
Annex 3.1. Information provided by UNECE
<table>
<thead>
<tr>
<th>Annex</th>
<th>Information provided by Under-Secretary General for Legal Affairs of the United Nations</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2.1</td>
<td>Secretary-General's Bulletin. Procedures to be followed by the departments, offices and regional commissions of the United Nations with regard to treaties and international agreements.</td>
</tr>
<tr>
<td>4.</td>
<td>Information provided by UNEP</td>
</tr>
<tr>
<td>5.</td>
<td>An analytical document - part 1</td>
</tr>
<tr>
<td>6.</td>
<td>An analytical document - part 2</td>
</tr>
</tbody>
</table>

Chair’s summary of discussions at the first meeting of the third session of the Intergovernmental Negotiating Committee for a legally binding agreement on forests in Europe, held in Antalya, Turkey on 28 January – 1 February 2013

*Information*

Report from the CLI expert meeting on Terms and Definitions, held in Madrid, Spain on 27-28 November 2012

Additional information provided by UNECE on questions related to bringing the agreement under the UN umbrella.

Additional information provided by FAO on questions related to bringing the agreement under the UN umbrella.

Additional information provided by UNEP on questions related to bringing the agreement under the UN umbrella: Letter from UNEP Executive Director and Information note by UNEP

German offer to accommodate the headquarters of the Secretariat of the European Forest Convention in Bonn.

Summary of the responses to the enquiry of the INC Chair regarding elements of paragraph 19 of the INC2 report and additional submissions by UN entities. Non-paper by the Bureau
ANNEX B:

Organizations granted the status of Observer organizations to the Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe at INC3

CEF (Council of European Foresters)
DKM Doğa Koruma Merkezi (Nature Conservation Centre, Turkey)
Forest Management Board, Kosovo
FoEE (Friends of the Earth Europe)

ANNEX C:

The Draft negotiating text for a legally binding agreement on forests in Europe as of 5 April 2013 end of INC3 Plenary session.

ANNEX D:

Provisional agenda for the Fourth Session of the Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe

Provisional agenda for INC4

1. Opening of the session
2. Adoption of the agenda
3. Organizational matters
4. Further consideration and conclusion of the draft negotiating text, including the further consideration of issues regarding UN umbrella, finance, secretariat
5. Consideration of the INC results and their presentation to the extraordinary ministerial conference (para. 29 of the Oslo Mandate)
6. Consideration of possible interim arrangements after INC4
7. Other matters
8. Report of the session
9. Closure of the session