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CHAMBRE DES DEPUTES

Session ordinaire 2007-2008

PROJET DE LOI

**portant approbation de la Convention de l'Institut Forestier Européen,
faite à Joensuu, le 28 août 2003**

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*(Dépôt: le 9.4.2008)***SOMMAIRE:**

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ARRETE GRAND-DUCAL DE DEPOT

Nous HENRI, Grand-Duc de Luxembourg, Duc de Nassau,

Sur le rapport de Notre Ministre des Affaires étrangères et de l'Immigration et après délibération du Gouvernement en Conseil;

Arrêtons:

Article unique.– Notre Ministre des Affaires étrangères et de l'Immigration est autorisé à déposer en Notre nom à la Chambre des Députés le projet de loi portant approbation de la Convention de l'Institut Forestier Européen, faite à Joensuu, le 28 août 2003.

Palais de Luxembourg, le 2 avril 2008

*Le Ministre des Affaires étrangères
et de l'Immigration,*
Jean ASSELBORN

HENRI

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TEXTE DU PROJET DE LOI

Article unique.– Est approuvée la Convention de l’Institut Forestier Européen, faite à Joensuu, le 28 août 2003.

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EXPOSE DES MOTIFS

L’Institut forestier européen (EFI) a été créé en 1993 pour répondre à un besoin de renforcement de la coopération scientifique européenne en matière forestière et pour stimuler la prise en compte de la recherche forestière au niveau européen. Cette création est dans la droite ligne de la première conférence ministérielle pour la protection des forêts en Europe, en 1990, dont la 6ème résolution préconisait la constitution d’un réseau européen de recherche sur les écosystèmes forestiers. Ce réseau européen a été élaboré sur l’instigation de la Finlande simultanément à l’organisation, en 1993, de la deuxième conférence sur la protection des forêts en Europe, sous la forme d’une organisation non gouvernementale destinée à accueillir, parmi ses membres, des organismes à caractère scientifique, pédagogique, industriel ou commercial de tous les pays d’Europe.

La mission de l’Institut forestier européen (EFI) est de promouvoir, conduire et coordonner la recherche forestière au niveau paneuropéen et d’en diffuser les résultats à toutes les parties intéressées de manière à assurer la conservation et la gestion durable des forêts en Europe. Il ne s’agit pas d’un institut de recherche organisé en laboratoires; il mène principalement des études fondées sur l’analyse et la synthèse de données existant à grande échelle et permettant d’approfondir des phénomènes tels que les changements de productivité forestière en Europe, la fixation de carbone par les forêts européennes, les scénarios d’utilisation des terres, le marché européen des bois, ...; il répond ainsi à des questions dans les quatre grands domaines de l’écologie et de la gestion des forêts, du marché des bois, de la politique forestière, enfin des systèmes d’information sur les forêts.

L’Institut forestier européen s’est révélé un forum efficace pour rencontrer et faire dialoguer chercheurs et gestionnaires, une excellente „école“ également pour de jeunes chercheurs. Il a aussi largement contribué, par des projets conduits en toute transparence, à obtenir des résultats originaux (par exemple sur les changements de productivité en Europe), et à faire naître des thématiques nouvelles (foresterie urbaine, conversion des plantations en forêts mélangées, ...).

Après dix ans d’existence (150 membres dans toute l’Europe) et d’un incontestable succès, l’Institut forestier européen a décidé de poursuivre son internationalisation en changeant de statut pour devenir une organisation internationale dont les nouveaux membres sont des pays, tandis que les anciens membres (organismes à caractère scientifique, pédagogique, industriel ou commercial) deviennent membres associés. La nouvelle convention a été signée en 2003 par 20 pays dont le Luxembourg, le 7 octobre 2003. Elle est entrée en vigueur le 4 septembre 2005. Au 31 décembre 2007, elle a été ratifiée par 17 pays.

Le Luxembourg ne dispose pas d’un institut de recherche forestière à proprement parler. Certaines recherches ont été initiées par la Cellule CREBS du Centre de Recherche Lippmann, mais la plupart font l’objet de conventions entre l’administration des Eaux et Forêts et des instituts étrangers de plusieurs pays européens. La recherche forestière au Luxembourg est de ce fait ancrée depuis toujours dans une logique et une dimension européenne que l’adhésion à la Convention de l’Institut forestier européen pourrait encore renforcer et consolider.

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CONVENTION ON THE EUROPEAN FOREST INSTITUTE

The Parties to this Convention, hereafter referred to as the Contracting Parties,

Recalling the forest-related decisions adopted at the United Nations Conference on Environment and Development in 1992, the Proposals for Action by the Intergovernmental Panel on Forests and the Intergovernmental Forum on Forests, the Expanded Programme of Work on Forest Biological Diversity relating to the Convention on Biological Diversity as well as the outcome of the World Summit on Sustainable Development;

Recognising the progress and achievements made in the implementation of the commitments of the Ministerial Conferences on the protection of forests in Europe;

Conscious of the changing nature of European forest and forestry issues and the concerns within society and the need to generate relevant scientific data with a view to good decision-making;

Considering that the European Forest Institute was established as an association under Finnish law in 1993 to contribute to the study of forestry, forests and forest conservation at a European level;

Mindful of the added value of embedding forestry and forest research in an international setting;

Desiring to pursue on an international basis their cooperation in forestry and forest research while at the same time avoiding duplication of efforts;

have agreed as follows:

Article 1

The Institute

The European Forest Institute (hereafter the Institute) is hereby established as an international organisation. It shall have its seat in Joensuu, Finland.

Article 2

Purpose and functions

1. The purpose of the Institute is to undertake research on the panEuropean level on forest policy, including its environmental aspects, on the ecology, multiple use, resources and health of European forests and on the supply of and demand for timber and other forest products and services in order to promote the conservation and sustainable management of forests in Europe.
2. In order to achieve its purpose, the Institute
 - a) provides relevant information for policy making and decision making in European countries relating to the forest and forest industry sector;
 - b) conducts research in the above-mentioned fields;
 - c) develops research methods;
 - d) organises and participates in scientific meetings; and
 - e) organises and disseminates knowledge of its work and results.

Article 3

Information

The Contracting Parties support the work of the Institute with forest-related information on specific request provided it is not available from other data collecting bodies and as far as it can reasonably be

made available. To avoid duplication of effort, the Institute aims to ensure appropriate coordination with other international bodies, including those carrying out data collection.

Article 4

Members, Associate and Affiliate Members of the Institute

1. The Contracting Parties are Members of the Institute.
2. Associate membership of the Institute is open for research institutes, educational establishments, commercial organisations, forest authorities, non-governmental organisations and institutions of a similar nature from European States (hereafter referred to as Associate Members). Affiliate membership is open for institutions of a similar nature from non-European States (hereafter referred to as Affiliate Members). Affiliate Members do not participate in the decision-making process of the Institute.

Article 5

Organs

The organs of the Institute shall be a Council, a Conference, a Board and a Secretariat headed by a Director.

Article 6

The Council

1. The Council shall consist of representatives of the Members, and will meet in ordinary session every three years. An extraordinary session may be held at the request of a Member or of the Board, subject to approval by a simple majority of the Members.
2. The Council shall
 - a) appoint members of the Board in accordance with Article 8, paragraphs 2 a), c) and d);
 - b) give assent to the appointment of the Director in accordance with Article 8, paragraph 4, subparagraph d);
 - c) set the policy framework for the work of the Institute;
 - d) take decisions on general issues of a technical, financial or administrative nature submitted by the Members, the Conference or the Board;
 - e) approve, by simple majority, such guidance as may be necessary for the functioning of the Institute and its organs; and
 - f) approve and amend, by a simple majority, its Rules of Procedure.
3. Each Member shall have one vote. Decisions shall be taken by consensus, unless otherwise provided in the Convention.

Article 7

The Conference

1. The Conference shall consist of representatives of the Associate Members. The Conference shall meet once a year in plenary session and shall take decisions by a simple majority. The Affiliate Members may participate in the annual plenary sessions of the Conference. Institutions and regional or international organisations that are not Associate or Affiliate Members of the Institute may be invited to attend the plenary sessions of the Conference in accordance with the rules established by the Board.
2. The Conference shall, *inter alia*,
 - a) appoint the members of the Board in accordance with Article 8, paragraphs 2 b), c) and d);

- b) determine the membership fees for the Associate and Affiliate Members;
- c) make recommendations to initiate activities with a view to the realisation of the purposes of the Institute;
- d) approve the audited financial statements;
- e) approve the work plan for the following year submitted by the Board;
- f) review and adopt the Annual Report on the Institute's activities; and
- g) approve and amend its Rules of Procedure.

Article 8

The Board

1. The Board shall be composed of eight individuals with established competence in the field of the activities of the Institute. Such Board members may serve no more than two consecutive terms.
2.
 - a) Four members of the Board shall be appointed by the Council for a period of three years.
 - b) Four members of the Board shall be appointed by the Conference for a period of three years.
 - c) The Council and the Conference shall adopt rules relating to the process of nomination and rotation of the members they appoint.
 - d) Interim vacancies shall be filled by written procedure by the Council or the Conference, respectively.
3. The Board shall meet at least once every year and shall take decisions by a simple majority.
4. The Board shall
 - a) within the policy framework laid down by the Council, establish and keep under review the administrative and research programme of the Institute's work;
 - b) subject to any guidance by the Council, adopt such internal regulations as may be necessary;
 - c) approve the budget and the accounts;
 - d) appoint the Director, subject to assent of the Council;
 - e) approve the admission and expulsion of Associate and Affiliate Members;
 - f) report to the Council and the Conference;
 - g) subject to any guidance by the Council, approve the agreement referred to in Article 12;
 - h) approve and amend its Rules of Procedure; and
 - i) establish the rules referred to in Article 7, paragraph 1.

Article 9

The Secretariat

1. The Secretariat headed by the Director shall comprise the personnel of the Institute.
2. Subject to any general directions of the Council, the Conference and the Board, the Director shall appoint such other personnel as may be required for the purposes of the Institute on such terms and to perform such duties as the Director may determine.

Article 10

Financial resources

The financial resources necessary for the functioning of the Institute shall be provided by:

- a) Associate and Affiliate Members, by means of membership fees;
- b) Members, through voluntary contributions if they so desire; and
- c) such other sources as may present themselves.

*Article 11****The Budget and the accounts***

The budget and the accounts of the Institute shall be approved by a simple majority by the Board on proposal of the Director.

*Article 12****Legal personality, privileges and immunities***

The Institute shall have international and domestic legal personality. On the territory of Finland it shall enjoy such privileges and immunities as are necessary for the exercise of its functions. These privileges and immunities shall be defined in an agreement between the Institute and the Government of Finland.

*Article 13****Dispute-settlement***

Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation or by the good offices of the Board may, upon mutual agreement between the parties to the dispute, be submitted to conciliation under the Permanent Court of Arbitration Optional Conciliation Rules.

*Article 14****Signature and consent to be bound***

1. This Convention shall be open for signature by European States and European regional economic integration organisations in Joensuu on 28 August 2003. Thereafter, it shall remain open for signature in Helsinki at the Ministry for Foreign Affairs of Finland, until 28 November 2003.
2. This Convention is subject to ratification, acceptance or approval by the signatory States and regional economic integration organisations. Instruments of ratification, acceptance or approval shall be deposited with the Government of Finland which shall act as the depositary.
3. This Convention shall be open for accession by those European States and European regional economic integration organisations that have not signed it. Instruments of accession shall be deposited with the Depositary.
4. For the purposes of this Convention, a European State is a State which is eligible for membership of the United Nations Economic Commission for Europe as a European State.

*Article 15****Entry into force***

1. This Convention shall enter into force on the sixtieth day after the date of the deposit of the eighth instrument of ratification, acceptance, approval or accession.
2. For each State and regional economic integration organisation ratifying, accepting, approving or acceding to this Convention after the deposit of the eighth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the sixtieth day after the date of deposit of such State or regional economic integration organisation of its instrument of ratification, acceptance, approval or accession.

*Article 16****Transitional provisions***

1. Upon the entry into force of this Convention, the research institutes, educational establishments, commercial organisations, forest authorities, non-governmental organisations and institutions of a similar nature from European States that are members or associate members of the European Forest Institute established in 1993 as an association under Finnish law and by that date have not according to its Bylaws given notice of resignation, shall become Associate Members of the Institute. Institutions of a similar nature from non-European States that are associate members of the said European Forest Institute shall likewise in the absence of notice of resignation become Affiliate Members of the Institute.
2. After the entry into force of this Convention the Institute shall initiate negotiations with the European Forest Institute established in 1993 as an association under Finnish law on the transfer of the latter's activities, funds, assets and liabilities to the Institute.

*Article 17****Amendments***

1. This Convention may be amended by the unanimous vote of the Members present in a meeting of the Council or by a written procedure. Any proposal for amendment shall be circulated by the Depositary at least eight weeks in advance. In case of a written procedure the Depositary shall fix the deadline for the replies.
2. The amendment will enter into force on the sixtieth day after the date on which an the Contracting Parties have notified the Depositary that they have fulfilled the formalities required by national legislation with respect to the amendment.
3. Unless the Conference approves, amendments shall not affect the institutional position of Associate or Affiliate Members.

*Article 18****Withdrawal***

A Contracting Party may withdraw from this Convention by giving written notice of the withdrawal to the Depositary. The withdrawal shall be effective one year after receipt of the notice of withdrawal by the Depositary.

*Article 19****Termination***

This Convention shall be terminated if at any time after its entry into force there are less than eight Contracting Parties.

In witness whereof, the undersigned, duly authorised thereto by their respective Governments, have signed this Convention.

Done in the English language, at Joensuu, this 28th day of August 2003.

Certified a true copy of the original

Helsinki, this 8.10.2003

Martti FAVORIN
Chief Archivist
Ministry for Foreign Affairs

