

ANNEX 2: EU RED SBE Findings

Country: Portugal

Area/sub-scope: Mainland

(i) The legality of harvesting operations

Type of Risk Assessment used:

Level B – management system at forest sourcing area level

Level B management system at the level of the forest sourcing area:

Finding:

Since the onset of the EUTR in 2013 entities classified as ‘Operators’ under the regulation have been required to register their activities on a Digital Platform managed by the Forest Authorities (ICNF). By April 2016 a total of 2762 Operators were registered in the country - of which only 34% had forest activities (forest producers, loggers and forest service providers, sawmills and timber traders). In addition to the register, Operators must have due diligence system in place for each wood/timber acquisition, which includes procedures for access to information, risk assessment and risk mitigation. Traders must maintain relevant information about suppliers and buyers of products as well as volumes traded. This information must be kept and be provided to competent authorities upon request. The Competent Authority in Portugal for ensuring implementation of the EUTR is Institute for Nature Conservation and Forests (ICNF). The enforcement authority is the National Republican Guard (GNR) which conducts enforcement according to ICNF procedures.

Forest biomass feedstock definition on Portuguese legislation is included on legal framework created both for dedicated energetic generation plants and for residues purposes. In the first case definition forest biomass, consists of the biodegradable fraction products, waste and residues from biologic origin from the forest or other plantations. For residues purposes forest biomass is the vegetable matter from forestry and forestry waste, only including the material resulting from the improvement operations, including thinning and pruning, fuel management and harvesting of forest stands, as the branches, tree-tops, stumps, leaves, roots and

bark. No permit is required for logging activities, including normal commercial silvicultural harvesting, the final cut and other. In fact, a legal demanding is designed for cuttings for properties with areas below the size of obligatory Forest Management Plan but it was not defined the details and so it is not in place (article 7th of Law n.º 33/96, at 17/08). A harvesting written notice (Manifesto) is obligatory (for timber and cork), and shall be submitted to forest authorities (ICNF) before felling/extraction operation. Approval documentation is required relating to specific operations over cork (*Quercus suber*) and Holm oak (*Quercus rotundifolia*), including cutting and pruning, Holly (*Ilex aquifolium*) cutting, and also premature cutting of *Eucalyptus*.

and *Pinus pinaster* or riparian area cutting. In all areas it is obligatory to have an approved Environment Impact Assessment if afforestation or reforestation is taking place with fast-growing plantation species covering over 350 ha or cutting and conversion to non-forest uses in an area greater than 50 ha.

A National Action Plan for Control of Pine Wilt Disease (NMP) *Bursaphelenchus xylophilus* and its vector insect *Monochamus galloprovincialis* is in place. This mostly focuses on *Pinus pinaster* (23% of all forest areas) but applies to all other host conifers: *Abies* spp., *Cedrus* spp., *Larix* spp., *Picea* spp., *Pinus* spp., *Tsuga* spp., *Pseudotsuga* spp.: with these species covering 8% of forests.

Regarding the traceability of feedstock back to the harvest area, forest operators are obliged to submit the felling manifest (MCA -Manifesto de Corte de Árvores) for all species and, specifically for coniferous also the phytosanitary felling manifest, which is verified regularly by SEPNA and ASAE. The MCA is in actively in force since 2021 and is verified mainly by GNR.

97% of forest land in Portugal is private (including land owned by individuals, communities and corporations). This proportion means that most part of protected and classified areas are also private lands. Forest land tenure is based on one document (Description of the Land Registry) but several documents are used on the ground level as transitory or incomplete evidence, as the Description on the Land Registry is not updated for all lands. There are, however, regions (c. 55% of the territory) where there is geometric cadastral data survey of rural lands (Cadastró Geométrico da Propriedade Rústica) and there is consistency between spatial and numeric information held by tax offices (matriz e secção da Caderneta Predial Rústica da repartição das Finanças). In regions where there is no rural geometric cadastre (c. 45% of the territory), the land tenure documents are based on descriptions of boundaries and communications with neighbours.

In Portugal payments for harvest rights and timber are not applicable, including duties, relevant royalties and taxes related to timber harvesting such as stumpage fees and other volume-based fees. Only taxes related to timber harvesting are

applicable to all economic activities such as value added taxes (VAT) and income taxes (IRS and IRC).

VAT (IVA) taxes:

A normal tax rate of 23% VAT is applied to sale of wood. In special cases, a VAT reduction to 6% or VAT exemption can be applied to the owner of 'standing wood' or 'standing stock sales' or if the owner is a farmer or a forester. Invoices must be issued by the seller, but self-invoicing by the buyer may occur in exceptional circumstances if some conditions are met (previous agreement, data conformity, etc). As no specific evidence of irregularity has been identified in relation to payment of VAT, this requirement is considered as Low risk. The payment of VAT is a simple requirement that is easy to verify and legally undertake by both entities (seller and buyer). The exceptional regimes of reduced taxes or exemption are in place to include the cases of forest owners with specific profiles (farmers or foresters).

Income taxes (IRS and IRC):

Income taxes are applied according to individual or collective fiscal laws. It was not found any specific evidence of irregularities about income taxes

related to harvest companies. Fiscal Authorities are Autoridade Tributária, which makes common inspections on roads with GNR- Guarda Nacional Republicana.

Portugal and the portuguese forest sector are not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control. The country is not covered by a UN security ban on exporting timber or any other international ban on timber export, also there are not individuals or entities involved in the forest sector that are facing UN sanctions.

Portugal is well positioned at all international reports and is not listed in alarming reports or indexes, such as:

- Committee to Protect Journalists Impunity Index;
- Human Rights Watch;
- Global Witness;
- Chattham House;
- Amnesty International.

There are no indigenous or traditional people in Portugal who could claim traditional rights to lands, forests and other resources, based on long established custom or traditional occupation and use. Instead, there are rights to pass in public roads and ways. In Portugal getting in forest lands is not considered an invasion even on private

properties, and there is common use of wild products by communities (mushrooms, asparagus, snails, besides fishing on public waters).

Labour rights are respected including rights as specified in ILO. Fundamental Principles and Rights at work: Portugal has ratified all 8 Fundamental ILO Conventions.

Means of verification:

- Operator registry and previous notification in all cases of harvesting (MCA);
- Operator registry and previous notification in cases of all conifers because of Nematode Pine Plan -NMP;
- EUTR Operator Registry:
- Information about the wood/timber products which shall include: type, quantity, the supplier, origin country and place;
- Valid invoice/receipts;
- Valid declaration of taxes non-debt;
- IES Annual Declaration;
- Proof of Annual declaration IRS/IRC;
- Taxes Single Report;
- Obligatory insurance document;
- Valid declaration of social security non-debt;
- BSL's procedure on checking legality and origin of the feedstock;
- Description on the Land Registry (Descrição na Conservatória do Registo Predial);
- Content certificate matrix article of tax office (Certidão de teor do artigo de Matriz da repartição de finanças) and land notebook (Caderneta predial);
- Notarial deed (Escritura notarial);
- Forest Renting/leasing contract (Contrato de Arrendamento Florestal);
- For Collective or Comercial entities the commercial register (Certidão Permanente) to prove the specific responsibilities of owners/ managers/ presidents;
- Purchase documents.

Evidence reviewed:

- Constitution of the Portuguese Republic (Constituição da República Portuguesa): Decree of April 10, 1976; last updated by Law nº 1/2005, 12/08.
- Geometric cadastre of rustic property (CGPR):
<https://snic.dgterritorio.gov.pt/cartaCadastral>.
- Cutting Trees Manifest: D.L. nº 31/2020, 30/06.
- Pine wood Nematode (NMP) phytosanitary protection measures: D.L. nº 95/2011, 08/08; last updated by D.L. nº 9/2021, 29/01.
- Basic Law of Forest Policy: D.L. nº 33/96, 17/08; last updated by D.L. nº 254/2009, 24/09.
- Prohibition of premature cutting of forest stands: D.L. nº 173/88, 17/05; last updated by D.L. nº 254/2009, 24/09.
- Timber Operator Registry (EUTR): D.L. nº 76/2013, 05/06.
- (UE) Regulation nº 995/2010 arts 4º, 5º, 6º.
- VAT Code CIVA: D.L. nº 102/2008, 20/06 artº2º 1-a); artº9º 32) List I nº4.
- Individual Income Code to Individuals: D.L. nº 442-A/88 artº4º nº3, nº4; updated by Law nº67/2015, 06/07. Preâmbulo nº9, artº3 nº1a); nº4; artº4º nº1, nº3 nº4 artº34º.
- Commercial Income Code to companies: D.L. nº 442-B/88; updated by Law nº 2/2014, 16/12, Law nº3/2014, 16/12 and Law nº4/2014, 16/12 artº1º, artº2º, artº 3º, artº18º-nº7; artº20º nº1 g) artº23º nº2 k).
- Transparency International's Corruption Perception Index:
<https://www.transparency.org/en/cpi/2022>
- Worldwide Governance Indicators Report at The World Bank:
<https://www.govindicators.org/interactive-data-access>
- ILO Conventions ratified by Portugal:
https://www.ilo.org/dyn/normlex/en/fp=NORMLEXPUB:11110:0::NO::P11110_CO

Risk designation:

Low risk: sourcing areas with CGPR (cadastre), located in the south and partially in the center of mainland Portugal.

Specified risk: areas with no CGPR (cadastre), mainly concentrated in the north of mainland Portugal on which plot boundaries may not be clearly available to check.

Sourcing area for which compliance needs to be demonstrated:

Areas where the specified risk designation above applies, included in the sourcing area: mainland of Portugal.

Mitigation measures:

- Investigations by means of legal document research which may be extended to interviews to local stakeholders (owners of neighbouring wood lands) and local authorities, whenever:

- Cadastral data is unavailable;
- Land impounded by the government;
- There are complaints about the land owner, or the harvest operation.

- A site visit is made by the logger before the felling. An interview with the land owner or his representative clarifies:

- Identification of the owner;
- Proof of land ownership;
- Ground boundaries of the land ownership;
- Any specific issues regarding the land rights.

- Confirmation of legal situation of qualified suppliers;

- Confirmation of legal situation of the operation and sourcing area;

- Procedures to conduct field Inspections to verify the aspects related with supplier, operation and sourcing area legal situation;

- Disqualify material whose legal situation by any means cannot be confirmed;

- Monitoring plan.

(ii) Forest regeneration of harvested areas

Type of Risk Assessment used:

Level B – management system at forest sourcing area level

Level B management system at the level of the forest sourcing area:

Finding:

In Portugal hasn't been a legal obligation to regenerate the harvested forest areas. Nevertheless, public and private entities have mandatory forestry management plans which include an evaluation document for timber and non-timber products and, if covered by classified areas, a program for biodiversity management. Such plans shall respect the Regional Forest Management Plans (PROF), which establish specific rules of intervention, use and exploitation of the forest areas. PROF were designed to guarantee a regular, continuous supply and the sustained production of products and services (from forests) for the present generations, without affecting the ability of future generations of the supply of the same products and services, and safeguarding the objectives set out in the respective Forest Strategies. We may then infer that the regeneration of harvested areas is here considered. The execution of the Forest Management Plans is responsibility of ICNF for public area and may be delegated for mixed properties, and is the responsibility of private individuals or forestry producers for private areas.

The definition of "forests" in the Portuguese legislation includes natural forest, plantations, managed forest and non managed forest. Definition of "plantations" is similar to FSC, PEFC or SBP certification systems. The term "conversion" is used in Portuguese forestry legislation when a forest is transformed to a forest plantation. Protection laws focuses much more on particular species, rather than the intensity grade of silvicultural system used. Therefore specific legislation prohibiting conversion of forest (natural or planted) to plantations or other land uses does not exist in the forest legal framework, except in cases of protected sites and species, or after forest fires. For example, conversion from forest land to other uses (below 50ha) or to fast growth plantation (below 350 ha) is legal if it occurs in a contained (discontinuous) area. Above those areas conversion requires an approved Environment Impact Assessment. Conversion from forests to plantations has been even granted with some European Union subsidies over the time. Data from the last forest inventory, INF6, show a conversion from 1995 to 2010 of 247.000 ha of forest use to Plantations, Agriculture, Urban and Shrubs, meaning an annual net decreasing of 16.440 ha (0,7 %/year). A report from the forest authority, ICNF, shows that a total of 4.304 ha of land with various species was legally converted to

eucalyptus plantation between 17/10/2013 and 25/01/2016 (excluding areas below 0,5ha). In conclusion, it is clear that two types of conversion occur in Portugal:

- a) Legal type, which covers the majority of areas, including conversion to fast growth forest plantation or other plantations, agriculture, urbanization and dams.
- b) Illegal type, where conversion data is more complex and difficult to report. These cases are often reported in the media and NGO communications.

Considering the absence of complete legislative requirements regulating converted areas after 2008, there is the risk that feedstock can be sourced from forests being converted to production plantation forest or non-forest lands.

Means of verification:

- Regional Best Management Practices
- Forestry Management Plan
- Supply contracts
- Assessment of potential impacts at operational level and measures to minimize impacts
- Monitoring results
- Regional, publicly available data from a credible third party
- The existence of a strong legal framework in the region
- Expert consultation
- Felling Sanitary Manifest [NMP Manifest].

Evidence reviewed:

- EPIC WebGis Portugal -Ecological Planning, Investigation and Cartography:
<https://epic-webgis-portugal.isa.ulisboa.pt>
- National Ecological Reserve/Reserva Ecológica Nacional:
<https://cnt.dgterritorio.gov.pt/ren-pagina>
- Forest regime: <https://icnf.pt/florestas/regimeflorestal>
- Afforestation and reforestation actions:
<https://www.icnf.pt/florestas/arborizacoes>

- Tree protection: <https://icnf.pt/florestas/protecaodearvoredo>
- Good Forest Practices: <https://icnf.pt/florestas>
- Regional Forest Management Plans -PROF: <https://icnf.pt/florestas/prof>
- Technical standards for Specific Forest Intervention -PEIF:
<https://www.icnf.pt/florestas/peif>
- Forest Management Plans -PGF: <https://icnf.pt/florestas/pgf>
- Forest Intervention Zones -ZIF: <https://icnf.pt/florestas/zif> - Forest phytosanitary:
<https://icnf.pt/florestas/fitossanidade>

Legislation:

- Basic Law of Forest Policy: D.L. nº 33/96, 17/08; last updated by D.L. nº 254/2009, 24/09.
- Estratégia Nacional para as Florestas (ENF): Resolução do Conselho de Ministros nº 114/2006, 15/09, last updated by Resolução do Conselho de Ministros nº 6-B/2015, 04/02.
- Conversion from natural *Quercus suber* and *Quercus rotundifolia* to other land uses: D.L. nº 169/2001, 25/05 Artº 2º; updated by DL155/2004, 30/06.
- Conversion on Protected and Classified areas: D.L. nº 142/2008, 24/07 Artº 43º
- Conversion from natural *Ilex aquifolium*: D.L. nº 423/89, 04/12 Artº 1º.

Risk designation:

Low risk: areas where forest management plan exists and/or FSC or PEFC certified areas.

Specified risk: in areas where no forest management plan is available: no PROF, PGF ZIF, PUB, SNAC, as well as no FSC or PEFC certification.

Sourcing area for which compliance needs to be demonstrated:

Areas where the specified risk designation above applies, included in the sourcing area: mainland of Portugal.

Mitigation measures:

- Analysis of owner's information regarding the future area's cover and use;
- Procedures for conduct field Inspections;

- Suppliers qualification;
- Monitoring plan;
- Disqualify material which legal situation of harvesting cannot be confirmed.
- Disqualify material harvested from forest areas not regenerated nor planned to be regenerated.

(iii) That areas designated by international or national law or by the relevant competent authority for nature protection purposes

Including in wetlands, grasslands, heathland and peatlands, are protected with the aim of preserving biodiversity and preventing habitat destruction, unless evidence is provided that the harvesting of that raw material does not interfere with those nature protection purposes

Type of Risk Assessment used:

Level B – management system at forest sourcing area level

Level B management system at the level of the forest sourcing area:

Finding:

In Portugal the protected areas and Natura 2000 sites covers 2.017.803 ha, meaning 20,47% of the territory. Different conservation attributes are concentrated mainly in Classified Areas by SNAC (Classified Areas) and the IBA's (Important Bird Areas). However, there are threats to conservation attributes resulting from forestry operations in Classified Areas and IBA's which are not included in the National Network of Protected Areas/RNAP (2/3 of the total area is not included) and its safeguards are not proportional to the magnitude of these threats:

- there aren't Site Management Plans or a consistent program of dissemination of good practices on forest areas Natura 2000 classified involving the mentioned agents;
- the areas are not identified on the ground or in their access;
- there is not a close inspection regime implemented properly and consistently throughout the national territory;

- In the case of forest areas included in the RNAP, there is further consolidation in the field over time, which provides more proportionate safeguards to the level of existing threats:

- there are information boards in many of the surrounding access to protected areas;
- there is a history of proximity to the population and those involved in forest management because they were stabilised long time ago and over time have provided personalized services for each protected area, related to its own management and "command and control" services included nature/forest body guards or watchmen.
- there are more details in the information published about the effects of disturbances such as fires on habitats.

The regulation implemented in Portugal on oak and holm trees and stands includes a comprehensive legislative framework with a legal action planning and project but also cuttings protection. This legislation also meets forest management measures themselves related to intensity of exploitation, such as the stripping and pruning. This regulation is relatively well established and disclosed have being assimilated by the various agents involved as owners, managers, and operators. Also, the planned forest management and the proper certification of sustainable forest management expanded in Portugal in recent years and is accounts for c. 236.000 hectares of certified forests of cork and holm oak species. Following several surveys on the fragilized state of cork and holm oak stands, there were also developed various processes to improve forest management practices, which were disclosed by the various entities involved. This includes a variety of contents and formats such codes of good cork forest practices but also pest and disease identification guides. Also, investment lines have been created supported by EU grants to assist owners and managers in pest monitoring of cork and holm oak stands (Operation 8.1.3 - Prevention of forest against biotic and abiotic agents) and for health recovery and restoration of forest stands of cork oak (Operation 8.1.4 - forest Restoration affected by biotic and abiotic agents or catastrophic events). The most current detailed results achieved by management and improvement actions on forest stands are not fully known, since the full values of the last national inventory (IFN6) are still missing, however it is known that the class of "wooded area with cork oak" had an increase of 6% from 1995 to 2010, and holm oak has decreased 3% in the same period.

Priority habitats are protected by a legal framework, but their protection on the ground is not strong, except when they are located inside Protected areas. The threats caused by forest management activities on priority habitats are related to the destruction of the habitat itself by logging, applying in this case the habitats with timber species and also the impacts on understory habitats or surrounding areas.

In the first case, where there are risks of logging of forest species which are themselves the priority habitats and are classified as for example 2270 dunes with *Pinus pinea* forests and / or *Pinus pinaster*, 91E0 alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno- Padion, Alnion incanae, Salicion albae),

2250 Coastal dunes with *Juniperus* spp. ,5230 Arborescent matorral with *Laurus nobilis*, 9560 Endemic Mediterranean forests with *Juniperus* spp., 9580 Mediterranean forests of *Taxus baccata*, among others. In the second group are found many understory habitats. As an example, the priority habitat 2270 is briefly characterized by sand dunes Mediterranean pine forests, occurs in a stripe within the sea 15Km and the Tagus and Sado and is dominated by:

-*Pinus pinaster* that have not been subject, in the past 20 years, to operations in understory and may be mature plantings (> 80 years) or regeneration of pine forests (> 30 years).

-*Pinus pinea* in dune systems in the south, with evolved matorral.

Since both species are explored for timber (the stone pine is also explored for pine cone) and the maritime pine is one of the woody species most exploited in Portugal, this habitat is subject to threats of exploitation as cutting and thinning but also all understory operations. That's why its conservation state is considered by ICNF as inadequate/unfavourable from 2008 to 2013. Information regarding wetlands in Portugal states they are threatened ecosystems even when they are protected. Portugal has 1,8% of its territory occupied by wetlands, 79% of which is protected by the Ramsar Convention, covering this protection figure of 31 sites (about 132.487 ha). 82% of habitats related to wetlands are degraded. EPIC WebGis Portugal provides geographical information about wetlands. In the revised information one risk is associated to forestry: cutting of riparian vegetation. Considering peatlands in Portugal, there is a high concentration of these ecosystems in the Northwest mountains (e.g., the Peneda-Gerês National Park) and in the Serra da Estrela. Nevertheless, peatlands are also found in lowlands in littoral, sublittoral, and rear settings, across the Portuguese Centro region coasts, the Tagus-Sado lower basin, and Southwest Alentejo and Vicentine Coast. In the southwestern áreas of Portugal, a lesser number of peatlands are found. Grasslands, typically formed by permanent pasture and spontaneous herbaceous vegetation, have a key level of importance, covering approximately 22% of mainland Portugal, showing an increasing trend in the last decades. Conservation and management of heathlands and shrubs are implemented through EU action plans already in place for several heathland habitats, including European dry heaths. LIFE+ Project "Conservation of Heathlands on the South-West Coast of Portugal", whose acronym is LIFE Charcos, coordinated by the League for the Protection of Nature (LPN), aims to conserve a priority habitat, the Mediterranean Heathlands (priority habitat 3170* of the Habitats Directive).

Means of verification:

- FSC or PEFC Forest management certificate public reports.
- Forest Management plans as PGF, PUB, PEIF.
- Regional Forest Plans -PROF.
- EPIC WebGis Portugal.
- Forest Best Management Practices.
- Forest Operating Procedures.
- Records of BSL's field inspections.
- Monitoring records.
- Interviews.
- Publicly available information on the protection of the values identified.
- Regional, publicly available data from credible third parties.

Evidence reviewed:

- Convention on biological diversity: <https://www.cbd.int/convention/>
- EPIC WebGis Portugal -Ecological Planning, Investigation and Cartography:

<https://epic-webgis-portugal.isa.ulisboa.pt>

- APA -Agência Portuguesa de Ambiente (Environment Portuguese Agency: <https://apambiente.pt/index.php>

- National Ecological Reserve/Reserva Ecológica Nacional:

<https://cnt.dgterritorio.gov.pt/ren-pagina>

- Rede Natura 2000: <https://www.icnf.pt/conservacao/redenatura2000>
- Important Bird Areas of Portugal: <http://ibas-terrestres.spea.pt/pt/>
- Good Forest Practices: <https://icnf.pt/florestas>

Legislation:

- National Ecological Reserve/Reserva Ecológica Nacional: D.L. nº 239/12, 02/11
- EIA – Environmental Impact Assessment: D.L. nº 151-B/2013, 31/10.
- Fundamental Environment Law/Lei de Bases de Política do Ambiente: Law n.º 19/14, 14/04; D.L. nº 49/05, 24/02 artº 20º; D.L. nº 197/2005, 08/11.

- Nature and Biodiversity Conservation: D.L. nº 142/2008, 24/07, last updated by D.L. nº 11/2023, 10/02.

- Destruction of natural riparian vegetation: Law nº 58/2005, 29/12; Law nº 54/2005, 15/11 Artº 25º.

Risk designation:

Low risk: areas covered by RNAP, areas managed by ICNF; no wetlands, peatland, heathlands, grassland.

Specified risk: private and communitarian forest areas classified by the National System of Classified Areas (SNAC) and in the forest areas considered IBAs (Important Bird and Biodiversity Areas), not covered by the National Network of Protected Areas RNAP. Private, communitarian and public forest areas not managed by ICNF.

Sourcing area for which compliance needs to be demonstrated:

Areas where the specified risk designation above applies, included in the sourcing area: mainland of Portugal.

Mitigation measures:

- Suppliers qualification;
- Confirmation of legal situation of qualified suppliers;
- Confirmation of legal situation of the operation and sourcing area;
- Procedures for conduct field Inspections to verify the aspects related with supplier, operations and sourcing area legal situation;
- Disqualify material whose legal situation of harvesting cannot be confirmed.
- Best Forestry practices training /information on a regular basis.
- Monitoring plan.

(iv) that harvesting is carried out considering the maintenance of soil quality and biodiversity in accordance with sustainable forest management principles

with the aim of preventing any adverse impact, in a way that avoids harvesting of stumps and roots, degradation of primary forests, and of old growth forests as defined in the country where the forest is located, or their conversion into plantation forests, and harvesting on vulnerable soils, that harvesting is carried out in compliance with maximum thresholds for large clear-cuts as defined in the country where the forest is located, and with locally and ecologically appropriate retention thresholds for deadwood extraction and that harvesting is carried out in compliance with requirements to use logging systems that minimise any adverse impact on soil quality, including soil compaction, and on biodiversity features and habitats.

Type of Risk Assessment used:

Level B – management system at forest sourcing area level

Level B management system at the level of the forest sourcing area:

Finding:

Soil quality in Portugal has not a positive evolution since historic times, as the major part of Mediterranean region. Following FAO. At national level, following Desertification Convention 5.1 Desertification Susceptibility: for Portugal can be concluded that in the last half century, the area of susceptibility to desertification clearly expanded in the mainland territory particularly in the period 1970-2000, and then for the 1980-2010 series, and is even more relevant as expansion for the 2000-2010 series, with annual droughts particularly severe. It is known, therefore, that aridity, then susceptibility to desertification, affected, in the last three decades (1980-2010), 58% of the territory of the Continent, when in the series of 1960-1990 this affectation was of 36%, being included in this context mainly the areas of the South and the Interior Center and North. In the climatic series of the last decade, about 63% of the mainland territory is classified as areas susceptible to desertification. FAO- Land Degradation Index — LDI, developed for mainland Portugal (2000-2010) states that the national territory has 32,6% degraded lands and 60,3% are included in the fair to good condition. Lands and soils that accumulate biomass over time are about 67,8% but static trends were observed in 30,8% of territory and 1,5% have a regression on land quality. Later on, Forest

Services used aridity index to produce the susceptible map of desertification, indicating priority areas for EU forest grants for forestation projects. The results of this FAO study, among others, were used to create a National Program Against Desertification, which is adopted, among others by Regional Forest Plans, defining forest procedures for spaces for carbon sink and other for energetic use of biomass. The private and public Forest Management Plans should adopt these designations and procedures on their implemented management practices and procedures. Specifically on forest soils it is recognized the problem of nutrient and carbon exportation due to harvesting and residues removal in a significant part of the country which is affected by erosion and desertification problems. Although there is a broad consensus over soils fragility in much of the country, policies that contribute decisively to the conservation and improvement of soil quality in Portugal have not been implemented on the last decades. These implemented forest policies have not prevented the installation and exploitation of commercial timber forest stands including intensive softwood and hardwood plantations in sensitive soils with erosion risks, contributing to expand the susceptible areas to desertification. The legal and regulatory framework includes restrictions and safeguards for soil use and mobilization operations with particular emphasis on sensitive, steep and near-water areas (called the National Ecological Reserve -REN). However, as shown by above cited studies and data, reality at ground level does not reflect the application of these restrictions.

Forest residues removal from the field is regulated in Portugal so loggers and owners have some legal obligations, related with both fire and phytosanitary policies. These obligations depend on tree species, areas, seasons and regions. Process of forest residue treatment is commonly included on Best Practices but also on wood supply contracts, and forest land leasing's. Stumps are kept in the soil as stumps removal is not considered within the Forestry best practices for BSL, and therefore not used. There is no considered primary forest in Portugal. Old growth forests are included in protected areas where specific legislation and rules apply.

Biodiversity is included on fundamental environmental law on its article 10th (Law 19/2014 14/04) and is fully covered by biodiversity and nature conservation legal framework. In Continental Portugal the protected areas and Natura 2000 sites covers 2.017.803 ha meaning 20.47% of the territory. From the Convention on Biological Diversity: 'Portugal's National Biodiversity Strategic Action Plan NBSAP was based on the following ten guiding principles: an overall higher level of protection; the sustainable use of biological resources; prevention; precaution; recuperation; responsibility; integration; participation; international cooperation and decentralization. The NBSAP then lists 10 fundamental strategies that form the basis of their action plan, which include: to promote scientific research and knowledge of local patrimony; to enhance the National Protected Areas Network; to

promote the valorisation of the protected areas, and ensure the conservation of all social, cultural and natural components; ensure conservation and valuation of areas within the Natura 2000 Network; implement, across the entire national territory, actions specific to the conservation and management of species and habitats of particular interest; integrate conservation and sustainable use principles into national and regional policies and laws; reinforce cooperation between all levels of administration; promote education and formation in conservation fields; ensure public education, awareness and sensitization; and strengthen international cooperation.(...)' About 3,600 species of plants occur in Portugal. There are 69 taxa of terrestrial mammals, a total of 313 bird species, of which around 35% are threatened in some ways, and 17 amphibian and 34 reptile species that occur in Portugal. Some of the main threats to the biological diversity of Portugal include: change or destruction of habitats; pollution; overexploitation; invasive alien species; urbanization and fires.

Means of verification:

- BSL's desk assessment and evaluation of the risks and possible impacts, including environmental, of harvesting operations.

Manifests (MCA and NMP);

- Erosion, desertification programs and maps (REN);
- Approved EIA (Environmental Impact Assessment), when applicable;
- Approved Forest Management Plan, when applicable;
- Records of oil and hazardous chemicals deliveries;
- Records of BSL's field inspections;
- Monitoring records;
- Regional Forest Plan;
- Best Management Practices;
- Level of enforcement;
- Regional, publicly available data from a credible third party.

Evidence reviewed:

Government sources:

- APA-Agência Portuguesa de Ambiente (Environment Portuguese Agency):
<https://apambiente.pt/index.php>
- PANCD - Programa de Ação Nacional de Combate à Desertificação:
<http://desertificacao.pt/>
- National Ecological Reserve/Reserva Ecológica Nacional:
<https://cnt.dgterritorio.gov.pt/ren-pagina>
- Good Forest Practices: <https://icnf.pt/florestas>
- EPIC WebGis Portugal -Ecological Planning, Investigation and Cartography:
<https://epic-webgis-portugal.isa.ulisboa.pt>
- Convention on biological diversity: <https://www.cbd.int/convention/>

Non-Government sources:

- Quercus - Associação Nacional de Conservação da Natureza:
<https://www.quercus.pt/>
- LPN-Liga para a Protecção da Natureza: <https://www.lpn.pt>
- GEOTA - Grupo de Estudos de Ordenamento do Território e Ambiente:
<https://www.geota.pt/>
- Greenpeace International at <https://www.greenpeace.org/international/en/>
- World Wildlife Fund -Portugal: <https://www.natureza-portugal.org/>
- Madeira, M. (2015) Thirty years of research on soil quality in forest systems under Mediterranean conditions. Trends and future.

Legislation:

- National Ecological Reserve/Reserva Ecológica Nacional: D.L. nº 239/12, 02/11 artº20ºnº1 e)
- EIA – Environmental Impact Assessment: D.L. nº 151-B/2013 de 31/10 artº 1º nº3 b) Anexo II.
- Fundamental Environment Law/Lei de Bases de Política do Ambiente: Law n.º 19/14, 14/04; D.L. nº49/05, 24/02 artº20º; D.L. nº 197/2005, 08/11 artº 1º, nº3 b) and nº4.

- Nature and Biodiversity Conservation: D.L. nº 142/2008, 24/07, last updated by D.L. nº 11/2023, 10/02.

- Forest fire areas: D.L. nº55/2007, 12/03 artº1º; Law n.º 54/91, 08/08; D.L. nº34/99, 05/02 artº1º; Ministry Council Resolution nº 5/2006, 18/01; D.L. nº 82/2021, 13/10.

- Pinus Nematode: D.L. nº 9/2021, 29/01; Retificação n.º 38/2015, 01/09, D.L. nº 123/2015, 03/07; D.L. nº 95/2011, 08/08.

Risk designation:

- Low risk on very very small size forest properties as small scale also reduces the threats and risks involved with soil operations, areas with forest management plans in place, areas with no classified habitats identified.

- Specified risk on areas with vulnerable soils, areas without Forest Management Plan, and areas with identified classified habitats.

Sourcing area for which compliance needs to be demonstrated:

Areas where the specified risk designation above applies, included in the sourcing area: mainland of Portugal.

Mitigation measures:

- Analysis of sourcing area information regarding environmental aspects;

- Consultation of maps and other sources of information regarding soil, biodiversity and classified areas for nature protection, Red lists for Portugal, identifying and addressing potential threats, HCV 1 – Species diversity). This information is given to all feedstock suppliers;

- Endangered flora and fauna are indicated on the harvesting maps.

- Feedstock suppliers are trained to recognise the protected biodiversity and how to conserve them, as well as in the best Forestry practices, including soil care.

- Procedures for conduct field Inspections;

- Supplier's declaration /agreement;

- Disqualify material coming from no-go areas, areas where negative impacts on soil quality and biodiversity have occurred;

- Promotion of Good Forest Practices, including measures to conserve and increase biodiversity (for example, standing dead wood, prescribed burning and other disturbances improving the conditions for endangered species flora and fauna);
- Monitoring plan.

(v) That harvesting maintains or improves the long-term production capacity of the forest.

Type of Risk Assessment used:

Level B – management system at forest sourcing area level

Level B management system at the level of the forest sourcing area:

Finding:

Statistical information on National Forest Inventory is fully available from IFN6 (2015). IFN6 (2015) for main species used in biomass production show that:

Forest areas (forest, bush and unproductive land) occupy 6.2 million hectares (69.4%) of the national territory. The forest, which includes wooded and temporarily deforested land (cut, burned and regenerating surfaces), is the main use of national soil (36%).

The downward trend in the forest area, which has been observed since 1995, was reversed in 2015, with the inventory registering an increase of 60 thousand ha (1.9%) compared to 2010 (date of the last assessment).

- Eucalyptus plantations are larger portuguese forests. Eucalyptus trees occupy 845 000 ha, about 26% of the continental forest and have shown a systematic increase over the past 50 years.
- Pinus pinaster forests are the second forest formation, with an area close to 1 million hectares, with forest ecosystems having the greatest reduction in the occupied area. The decrease in area is due that maritime pine forests are very affected by fires and pests (the nematode being the most significant), which surpasses the significant increase in the pine tree pine area (20.7 thousand ha; 12% between IFN5 and IFN6). However, in the period between 2010 and 2015, the maritime pine area experienced a very significant slowdown compared to the sharp

downward trend seen since 1995 (IFN4), which reveals the extraordinary resilience of these pine forests to disturbances.

For Eucalyptus the average annual growth is of 4,375,000 m³/year, based on 2005 inventory data. Currently the value will be significantly higher. Eucalyptus wood from Portugal consumption in 2014 was 5,400,000 m³ (CELPA data). Eucalyptus is a fast growing specie, over 12 years, with one and only cut on the period: final clear cut. So harvesting does not compromise long-term production of the forest.

For Pinus pinaster the average annual growth is of 3,650,000 m³/year, based on 2005 inventory data. Currently the value will be lower. Pinus pinaster wood from Portugal harvested in 2014 was 2,247,000 m³ (Centro Pinus data).

The maintenance of wood volumes between the last two inventories reveal that in this period forest production, in global terms, can be considered as sustainable since the cut of wood and losses due to fires or pests were in balance with the growth of Forest. However, the volume of eucalyptus growing wood remains constant since IFN5, 43 Mm³, despite the increase in the area of around 59 thousand ha,.

On this analysis is also relevant to take into account that:

- Pinus Wilt Disease/Nemátodo-da-madeira-do-pinheiro has significantly affected Pinus pinaster.
- Fires continue to be a relevant problem in Portugal.
- Data from Centro Pinus states that pine wood consumption for the timber industry in 2022 was 3,98 Mm³, less 3,6% face to the previous year. 27% of pine wood used by Centro Pinus associated companies was imported in 2021. Percentage of imported pine wood used in 2006 was 3%. Therefore, lack of pine wood from Portugal is being covered with imports, mainly from Spain.
- Data from Biond (former CELPA) states that in 2021 the wood consumption by the pulp industry increased 3,3% face to 2020, arising from an increase of 3,8% of eucalyptus wood and from a decrease of 3,0% of maritime-pine.

Eucalyptus consumption of pulp and paper industry in 2021 was 8.068 Mm³, in 2018 7.902 Mm³, in 2015 7.579 Mm³, in 2012 7.046 Mm³.

Maritime pine consumption of pulp and paper industry in 2021 was 611 Mm³, in 2018 632 Mm³, in 2015 665 Mm³, in 2012 664 Mm³.

From the overall wood consumption of the pulp and paper industry in 2021, 33% was imported.

Means of verification:

- Desk evaluation to sourcing areas: volume and growth data, yield calculations and operational practice indicate that biomass feedstock harvesting rates avoid significant negative impacts on forest productivity and long-term economic viability.
- BSL's inspections to feedstock suppliers and to the harvesting operations, seeking among other aspects, the use of the best forestry practices.
- Existing legislation.
- Level of enforcement.

Evidence reviewed:

- Estratégia Nacional das Florestas: RCM n.º 6-B/2015 - Diário da República n.º 24/2015, 1º Suplemento, Série I de 2015-02-04;
- IFN6 - Inventário Florestal Nacional 6 -Relatório final: ICNF portal
<https://icnf.pt/florestas/flestudosdocumentosestatisticasindicadores>
- Apresentação do Relatório Final do IFN5 - Inventário Florestal Nacional 5: ICNF portal
<https://icnf.pt/florestas/flestudosdocumentosestatisticasindicadores>
- Forest planning, management and intervention plans legislation: Decree-Law nº 11/2019, 21/01, last version of Decree-Law nº 16/2009, 14/01;
- Normas Técnicas de Elaboração dos Planos de Gestão Florestal: ICNF portal
<https://icnf.pt/florestas/pgf/pgfnormativo>
- Boletim Estatístico 2021 - Biond Forest fibers from Portugal:
<https://www.biond.pt/publicacoes/>
- A Fileira do Pinho em 2022 - Indicadores da fileira do pinho: <https://www.centropinus.org/editions/category/pinuspress>

Risk designation:

- Low risk for areas where forest maintenance of production can be ensured.
- Specified risk for all the other areas of the sourcing area where forest maintenance of production is not ensured.

Sourcing area for which compliance needs to be demonstrated:

Areas where forest maintenance of production is not ensured, included in the sourcing area: mainland of Portugal.

Mitigation measures:

- Feedstock suppliers are trained on Best Forestry Operations and Health and Safety at work. The owner of harvesting company demands from its workers to have specific training to work on forest.
- Use of best forestry practises.
- Monitoring plan.
- Analysis of sourcing area information regarding production capacity.
- Consultation of sources of information regarding production capacity.
- Procedures for conduct field Inspections.
- Disqualify material coming from areas where forest maintenance of production is not ensured.

(vi) that forests in which the forest biomass is harvested do not stem from the lands that have the statuses referred to in Article 29(3) first subparagraph with the exception of point (c), Article 29(4) with the exception of point (b) and (c) and Article 29(5), respectively under the same conditions of determination of the status of land specified in those paragraphs

Type of Risk Assessment used:

Level B – management system at forest sourcing area level

Level B management system at the level of the forest sourcing area:

Namely, this indicator addresses to biomass fuel that shall not be made from raw material obtained from:

1. the primary forest (there is no clearly visible indication of human activity) and old-growth forest (signs of former human activities may be visible) (no-go area).
2. highly biodiverse forests unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes.
3. natural highly biodiverse grassland or non-natural highly biodiverse grassland unless evidence is provided that the harvesting of the raw material is necessary to preserve its status a non-natural highly biodiverse grassland (no-go area for natural).
4. heathland (no-go area).
5. land that had the status of wetlands in 2008 and no longer has that status.
6. peatland unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil.

Finding:

In Portugal the protected areas and Natura 2000 sites covers 2.017.803 ha, meaning 20,47% of the territory. Different conservation attributes are concentrated mainly in Classified Areas by SNAC (Classified Areas) and the IBA's (Important Bird Areas). However, there are threats to conservation attributes resulting from forestry operations in Classified Areas and IBA's which are not included in the National Network of Protected Areas/RNAP (2/3 of the total area is not included) and its safeguards are not proportional to the magnitude of these threats:

- there aren't Site Management Plans or a consistent program of dissemination of good practices on forest areas Natura 2000 classified involving the mentioned agents;
- the areas are not identified on the ground or in their access;
- there is not a close inspection regime implemented properly and consistently throughout the national territory;
- In the case of forest areas included in the RNAP, there is further consolidation in the field over time, which provides more proportionate safeguards to the level of existing threats:
- there are information boards in many of the surrounding access to protected areas;
- there is a history of proximity to the population and those involved in forest management because they were stabilised long time ago and over time have

provided personalized services for each protected area, related to its own management and "command and control" services included nature/forest body guards or watchmen.

- there are more details in the information published about the effects of disturbances such as fires on habitats.

The regulation implemented in Portugal on oak and holm trees and stands includes a comprehensive legislative framework with a legal action planning and project but also cuttings protection. This legislation also meets forest management measures themselves related to intensity of exploitation, such as the stripping and pruning. This regulation is relatively well established and disclosed have being assimilated by the various agents involved as owners, managers, and operators. Also, the planned forest management and the proper certification of sustainable forest management expanded in Portugal in recent years and is accounts for c. 236.000 hectares of certified forests of cork and holm oak species. Following several surveys on the fragilized state of cork and holm oak stands, there were also developed various processes to improve forest management practices, which were disclosed by the various entities involved. This includes a variety of contents and formats such codes of good cork forest practices but also pest and disease identification guides. Also, investment lines have been created supported by EU grants to assist owners and managers in pest monitoring of cork and holm oak stands (Operation 8.1.3 - Prevention of forest against biotic and abiotic agents) and for health recovery and restoration of forest stands of cork oak (Operation 8.1.4 - forest Restoration affected by biotic and abiotic agents or catastrophic events). The most current detailed results achieved by management and improvement actions on forest stands are not fully known, since the full values of the last national inventory (IFN6) are still missing, however it is known that the class of "wooded area with cork oak" had an increase of 6% from 1995 to 2010, and holm oak has decreased 3% in the same period.

Priority habitats are protected by a legal framework, but their protection on the ground is not strong, except when they are located inside Protected areas. The threats caused by forest management activities on priority habitats are related to the destruction of the habitat itself by logging, applying in this case the habitats with timber species and also the impacts on understory habitats or surrounding areas. In the first case, where there are risks of logging of forest species which are themselves the priority habitats and are classified as for example 2270 dunes with *Pinus pinea* forests and / or *Pinus pinaster*, 91E0 alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno- Padion, Alnion incanae, Salicion albae),

2250 Coastal dunes with *Juniperus* spp. ,5230 Arborescent matorral with *Laurus nobilis*, 9560 Endemic Mediterranean forests with *Juniperus* spp., 9580

Mediterranean forests of *Taxus baccata*, among others. In the second group are found many understory habitats. As an example, the priority habitat 2270 is briefly characterized by sand dunes Mediterranean pine forests, occurs in a stripe within the sea 15Km and the Tagus and Sado and is dominated by:

- Pinus pinaster* that have not been subject, in the past 20 years, to operations in understory and may be mature plantings (> 80 years) or regeneration of pine forests (> 30 years).

- Pinus pinea* in dune systems in the south, with evolved matorral.

Since both species are explored for timber (the stone pine is also explored for pine cone) and the maritime pine is one of the woody species most exploited in Portugal, this habitat is subject to threats of exploitation as cutting and thinning but also all understory operations. That's why its conservation state is considered by ICNF as inadequate/unfavourable from 2008 to 2013. Information regarding wetlands in Portugal states they are threatened ecosystems even when they are protected. Portugal has 1,8% of its territory occupied by wetlands, 79% of which is protected by the Ramsar Convention, covering this protection figure of 31 sites (about 132.487 ha). 82% of habitats related to wetlands are degraded. EPIC WebGis Portugal provides geographical information about wetlands. In the revised information one risk is associated to forestry: cutting of riparian vegetation. Considering peatlands in Portugal, there is a high concentration of these ecosystems in the Northwest mountains (e.g., the Peneda-Gerês National Park) and in the Serra da Estrela. Nevertheless, peatlands are also found in lowlands in littoral, sublittoral, and rear settings, across the Portuguese Centro region coasts, the Tagus-Sado lower basin, and Southwest Alentejo and Vicentine Coast. In the southwestern áreas of Portugal, a lesser number of peatlands are found. Grasslands, typically formed by permanent pasture and spontaneous herbaceous vegetation, have a key level of importance, covering approximately 22% of mainland Portugal, showing an increasing trend in the last decades. Conservation and management of heathlands and shrubs are implemented through EU action plans already in place for several heathland habitats, including European dry heaths. LIFE+ Project "Conservation of Heathlands on the South-West Coast of Portugal", whose acronym is LIFE Charcos, coordinated by the League for the Protection of Nature (LPN), aims to conserve a priority habitat, the Mediterranean Heathlands (priority habitat 3170* of the Habitats Directive).

Soil quality in Portugal has not a positive evolution since historic times, as the major part of Mediterranean region. Following FAO. At national level, following Desertification Convention 5.1 Desertification Susceptibility: for Portugal can be concluded that in the last half century, the area of susceptibility to desertification clearly expanded in the mainland territory particularly in the period 1970-2000, and then for the 1980-2010 series, and is even more relevant as expansion for the 2000-

2010 series, with annual droughts particularly severe. It is known, therefore, that aridity, then susceptibility to desertification, affected, in the last three decades (1980-2010), 58% of the territory of the Continent, when in the series of 1960-1990 this affectation was of 36%, being included in this context mainly the areas of the South and the Interior Center and North. In the climatic series of the last decade, about 63% of the mainland territory is classified as areas susceptible to desertification. FAO- Land Degradation Index — LDI, developed for mainland Portugal (2000-2010) states that the national territory has 32,6% degraded lands and 60,3% are included in the fair to good condition. Lands and soils that accumulate biomass over time are about 67,8% but static trends were observed in 30,8% of territory and 1,5% have a regression on land quality. Later on, Forest Services used aridity index to produce the susceptible map of desertification, indicating priority areas for EU forest grants for forestation projects. The results of this FAO study, among others, were used to create a National Program Against Desertification, which is adopted, among others by Regional Forest Plans, defining forest procedures for spaces for carbon sink and other for energetic use of biomass. The private and public Forest Management Plans should adopt these designations and procedures on their implemented management practices and procedures. Specifically on forest soils it is recognized the problem of nutrient and carbon exportation due to harvesting and residues removal in a significant part of the country which is affected by erosion and desertification problems. Although there is a broad consensus over soils fragility in much of the country, policies that contribute decisively to the conservation and improvement of soil quality in Portugal have not been implemented on the last decades. These implemented forest policies have not prevented the installation and exploitation of commercial timber forest stands including intensive softwood and hardwood plantations in sensitive soils with erosion risks, contributing to expand the susceptible areas to desertification. The legal and regulatory framework includes restrictions and safeguards for soil use and mobilization operations with particular emphasis on sensitive, steep and near-water areas (called the National Ecological Reserve -REN). However, as shown by above cited studies and data, reality at ground level does not reflect the application of these restrictions.

Forest residues removal from the field is regulated in Portugal so loggers and owners have some legal obligations, related with both fire and phytosanitary policies. These obligations depend on tree species, areas, seasons and regions. Process of forest residue treatment is commonly included on Best Practices but also on wood supply contracts, and forest land leasing's. Stumps are kept in the soil as stumps removal is not considered within the Forestry best practices for BSL, and therefore not used. There is no considered primary forest in Portugal. Old growth forests are included in protected areas where specific legislation and rules apply.

Biodiversity is included on fundamental environmental law on its article 10th (Law 19/2014 14/04) and is fully covered by biodiversity and nature conservation legal framework. In Continental Portugal the protected areas and Natura 2000 sites covers 2.017.803 ha meaning 20.47% of the territory. From the Convention on Biological Diversity: 'Portugal's National Biodiversity Strategic Action Plan NBSAP was based on the following ten guiding principles: an overall higher level of protection; the sustainable use of biological resources; prevention; precaution; recuperation; responsibility; integration; participation; international cooperation and decentralization. The NBSAP then lists 10 fundamental strategies that form the basis of their action plan, which include: to promote scientific research and knowledge of local patrimony; to enhance the National Protected Areas Network; to promote the valorisation of the protected areas, and ensure the conservation of all social, cultural and natural components; ensure conservation and valuation of areas within the Natura 2000 Network; implement, across the entire national territory, actions specific to the conservation and management of species and habitats of particular interest; integrate conservation and sustainable use principles into national and regional policies and laws; reinforce cooperation between all levels of administration; promote education and formation in conservation fields; ensure public education, awareness and sensitization; and strengthen international cooperation.(...)' About 3,600 species of plants occur in Portugal. There are 69 taxa of terrestrial mammals, a total of 313 bird species, of which around 35% are threatened in some ways, and 17 amphibian and 34 reptile species that occur in Portugal. Some of the main threats to the biological diversity of Portugal include: change or destruction of habitats; pollution; overexploitation; invasive alien species; urbanization and fires.

Means of verification:

- BSL's desk assessment and evaluation of the risks and possible impacts, including environmental, of harvesting operations.

Manifests (MCA and NMP);

- Erosion, desertification programs and maps;
- Approved EIA (Environmental Impact Assessment), when applicable;
- Approved Forest Management Plan, when applicable;
- Records of oil and hazardous chemicals deliveries;
- Records of BSL's field inspections;
- Monitoring records;

- Regional Forest Plan;
- Best Management Practices;
- Level of enforcement;
- Regional, publicly available data from a credible third party.

Evidence reviewed:

Government sources:

- APA-Agência Portuguesa de Ambiente (Environment Portuguese Agency):
<https://apambiente.pt/index.php>
- PANCD - Programa de Ação Nacional de Combate à Desertificação:
<http://desertificacao.pt/>
- Good Forest Practices: <https://icnf.pt/florestas>
- EPIC WebGis Portugal -Ecological Planning, Investigation and Cartography:
<https://epic-webgis-portugal.isa.ulisboa.pt>
- Convention on biological diversity: <https://www.cbd.int/convention/>

Non-Government sources:

- Quercus - Associação Nacional de Conservação da Natureza:
<https://www.quercus.pt/>
- LPN-Liga para a Protecção da Natureza: <https://www.lpn.pt>
- GEOTA - Grupo de Estudos de Ordenamento do Território e Ambiente:
<https://www.geota.pt/>
- Greenpeace International at <https://www.greenpeace.org/international/en/>
- World Wildlife Fund -Portugal: <https://www.natureza-portugal.org/>
- Madeira, M. (2015) Thirty years of research on soil quality in forest systems under Mediterranean conditions. Trends and future.

Legislation:

- EIA – Environmental Impact Assessment: D.L. nº 151-B/2013 de 31/10
- Nature and Biodiversity Conservation: D.L. nº 142/2008, 24/07, last updated by D.L. nº 11/2023, 10/02.

- Forest fire areas: D.L. nº55/2007, 12/03 artº1º; Law n.º 54/91, 08/08; D.L. nº34/99, 05/02 artº1º; Ministry Council Resolution nº 5/2006, 18/01; D.L. nº 82/2021, 13/10.
- Pinus Nematode: D.L. nº 9/2021, 29/01; Retificação n.º 38/2015, 01/09, D.L. nº 123/2015, 03/07; D.L. nº 95/2011, 08/08.
- Rede Natura 2000: <https://www.icnf.pt/conservacao/redenatura2000>
- Important Bird Areas of Portugal: <http://ibas-terrestres.spea.pt/pt/>
- National Ecological Reserve/Reserva Ecológica Nacional: D.L. nº 239/12, 02/11
- Fundamental Environment Law/Lei de Bases de Política do Ambiente: Law n.º 19/14, 14/04; D.L. nº49/05, 24/02 artº20º; D.L. nº 197/2005, 08/11.
- Destruction of natural riparian vegetation: Law nº 58/2005, 29/12; Law nº 54/2005, 15/11 Artº 25º.

Risk designation:

Low risk: areas covered by RNAP, areas managed by ICNF; no wetlands, peatland, heathlands, grassland areas.

Specified risk: private and communitarian forest areas classified by the National System of Classified Areas (SNAC) and in the forest areas considered IBAs (Important Bird and Biodiversity Areas), not covered by the National Network of Protected Areas RNAP. Private, communitarian and public forest areas not managed by ICNF, without Forest Management Plan, areas with identified classified habitats, wetlands, peatland, heathlands, grassland areas. No-go areas.

Sourcing area for which compliance needs to be demonstrated:

Areas where the specified risk designation above applies, included in the sourcing area: mainland of Portugal.

Mitigation measures:

- Suppliers qualification;
- Supplier's declaration /agreement;
- Confirmation of legal situation of qualified suppliers;
- Confirmation of legal situation of the operation and sourcing area;

- Procedures for conduct field Inspections to verify the aspects related with supplier, operations and sourcing area legal situation;
- Analysis of sourcing area information regarding environmental aspects;
- Consultation of maps and other sources of information regarding soil, biodiversity and classified areas for nature protection, Red lists for Portugal, identifying and addressing potential threats, HCV 1 – Species diversity). This information is given to all feedstock suppliers;
- Endangered flora and fauna are indicated on the harvesting maps.
- Feedstock suppliers are trained to recognise the protected biodiversity and how to conserve them, as well as in the best Forestry practices, including soil care.
- Promotion of Good Forest Practices, including measures to conserve and increase biodiversity (for example, standing dead wood, prescribed burning and other disturbances improving the conditions for endangered species flora and fauna);
- Monitoring plan.
- Disqualify material coming from whose legal situation of harvesting cannot be confirmed; no-go areas, areas where negative impacts on soil quality and biodiversity have occurred;

(vii) that installations producing biomass fuels from forest biomass, issue a statement of assurance, underpinned by company-level internal processes, for the purpose of the audits conducted pursuant to Article 30(3), that the forest biomass is not sourced from the lands referred to in point (vi).

At presente date, there is no legal requirement in Portugal for biomass producers to issue a statement of assurance or maintain internal procedures specifically for the audits conducted under Article 30(3), to verify that forest biomass is not sourced from the lands referred to in point (vi). However, existing portuguese laws and regulations on Forest and Environment, exclude the possibility of biomass being sourced from ecologically sensitive areas. In addition, regulations on traceability also support the transparency of the origin of input materials.

LULUCF criteria 29(7)

Type of Risk Assessment used:

Level A – proof at national or sub-national level

Level A risk assessment description:

SBP-endorsed REDII Level A risk assessment for Article 29(7) LULUCF