Opinion of the European Committee of the Regions on the EU Nature Restoration Law

(2023/C 157/08)

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Reference document: Proposal for a Regulation of the European Parliament and of the Council on nature restoration

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I. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Recital 25

Text proposed by the Commission	CoR amendment
Building on Directives 92/43/EEC and 2009/147/EC and in order to support the achievement of the objectives set out in those Directives, Member States should put in place restoration measures to ensure the recovery of protected habitats and species, including wild birds, across Union areas, also in areas that fall outside Natura 2000.	Building on Directives 92/43/EEC and 2009/147/EC and in order to support the achievement of the objectives set out in those Directives, Member States should put in place restoration measures to ensure the recovery of protected habitats and species, including wild birds, across Union areas, also in areas that fall outside Natura 2000***, taking into account economic, social and cultural requirements, as well as specific regional and local circumstances.***

Reason

The assessment of what measures are necessary for nature restoration in a given area is a national matter. Space should be made here for local, societal and economic considerations without losing sight of the nature-related objectives.

Amendment 2

Recital 39

Text proposed by the European Commission	CoR amendment
In order to achieve the objective of continuous, ***long-term*** and sustained recovery of biodiverse and resilient nature, Member States should make full use of the possibilities provided under the common fisheries policy. Within the scope of the exclusive competence of the Union with regard to conservation of marine biological resources, Member States have the possibility to take non-discriminatory measures for the conservation and management of fish stocks and the maintenance or improvement of the conservation status of marine ecosystems within the limit of 12 nautical miles. In addition, Member States that have a direct management interest have the possibility to agree to submit joint recommendations for conservation measures necessary for compliance with obligations under Union law on the environment. Such measures will be assessed and adopted according to the rules and procedures provided for under the common fisheries policy.	In order to achieve the objective of continuous, ***long-lasting*** and sustained recovery of biodiverse and resilient nature, Member States should make full use of the possibilities provided under the common fisheries policy. Within the scope of the exclusive competence of the Union with regard to conservation of marine biological resources, Member States have the possibility to take non-discriminatory measures for the conservation and management of fish stocks and the maintenance or improvement of the conservation status of marine ecosystems within the limit of 12 nautical miles. In addition, Member States that have a direct management interest have the possibility to agree to submit joint recommendations for conservation measures necessary for compliance with obligations under Union law on the environment. Such measures will be assessed and adopted according to the rules and procedures provided for under the common fisheries policy.

Reason

The use of 'long-term' seems to suggest that restoration will be implemented over a long period of time. Thus, it is better to use the term 'long-lasting', the meaning of which is clear.

Amendment 3

Recital 44

Text proposed by the European Commission	CoR amendment
	(a) Urban green areas identified in existing municipal land use plans or by other local tools for allocating spatial function should be taken into account, particularly those suited to performing networking functions within the biotope network, e.g. urban green areas that allow for exchanges between flora and fauna.

Reason

Local authorities' existing land use plans should be fully taken into account, as many towns and cities already include compensatory/complementary measures in these plans or other local tools for allocating spatial function.

Amendment 4

Recital 68

Text proposed by the European Commission	CoR amendment
In order to ensure an effective implementation of this Regulation, the Commission should support Member States upon request through the Technical Support Instrument, which provides tailor-made technical support to design ***and*** implement reforms. The technical support involves***, for example,*** strengthening the administrative capacity, harmonising the legislative frameworks, and sharing relevant best practices.	In order to ensure an effective implementation of this Regulation, the Commission should, upon request, support Member States***, implementing, managing authorities as well as local and regional authorities*** through the Technical Support Instrument, which provides tailor-made technical support to design***, implement, evaluate and adapt*** reforms. The technical support involves ***capacity with regard to (cross-sectoral) decision-maker and stakeholder engagement mechanisms and multi-level governance instruments; with regard to attracting and streamlining public and private sector investment; tailored advice for technical, legal and financial expertise required for design, execution and monitoring of restoration measures; guidance*** on strengthening the administrative capacity, on harmonising the legislative frameworks, and sharing relevant best practices. ***The Technical Support Instrument should build on and be well integrated with existing local/regional/national knowledge platforms and services, which are already in use by different stakeholders.***

Reason

The technical support system needs to address the managing authorities and LRAs that implement the Law. A lack of technical expertise, and also experience with (private sector) finance instruments, are among the main challenges for designing, executing and monitoring restoration measures. Effective engagement of decision makers and partnerships beyond the usual suspects are prerequisites for large-scale ecosystem restoration. However, officials who develop National Restoration Plans often lack the experience and resources for engaging stakeholders other than the usual public actors, for instance private land owners. Thus, there is an urgent need to fill these gaps with an effective technical support system.

Amendment 5

Article 1

Text proposed by the European Commission	CoR amendment
1. This Regulation lays down rules to contribute to:	1. This Regulation lays down rules to contribute to:
(a) the continuous, ***long-term*** and sustained recovery of biodiverse and resilient nature across the Union's land and sea areas through the restoration of ecosystems;	(a) the continuous, ***long-lasting*** and sustained recovery of biodiverse and resilient ***indigenous*** nature across the Union's land and sea areas through the restoration of ***European*** ecosystems;
(b) achieving the Union's overarching objectives concerning climate change mitigation and climate change adaptation;	(b) achieving the Union's overarching objectives concerning climate change mitigation and climate change adaptation;
(c) meeting the Union's international commitments.	(c) meeting the Union's international commitments***; in other words, a recovery aimed at restoring the ecological balance lost***.

Reason

The use of 'long-term' seems to suggest that restoration will be implemented over a long period of time. Thus, it is better to use the term 'long-lasting', the meaning of which is clear.

It must be understood that the constant introduction of non-native plant and animal species leads to the destruction of native ecosystems, due to the displacement, competition and extinction of native species.

Amendment 6

Article 1

Text proposed by the European Commission	CoR amendment
2. This Regulation establishes a framework within which Member States shall put in place, without delay, effective and area-based restoration measures which together shall cover, by 2030, at least 20 % of the Union's land and sea areas and, by 2050, all ecosystems in need of restoration.	2. This Regulation establishes a framework within which Member States shall put in place, without delay, effective and area-based restoration measures which together shall cover, by 2030, at least 20 % of the Union's land and ***at least 20 % of the Union's*** sea areas and, by 2050, all ecosystems in need of restoration***, striving to be aligned with the Kunming-Montreal Global Biodiversity Framework***

Reason

The overarching restoration target must be understood to cover EU land and sea areas respectively, rather than in combination (i.e. at least 20 % of EU land and 20 % of EU sea areas by 2030).

Amendment 7

Article 3

Text proposed by the European Commission	CoR amendment
(13) 'urban green space' means all green urban areas; broad-leaved forests; coniferous forests; mixed forests; natural grasslands; moors and heathlands; transitional woodland-shrubs and sparsely vegetated areas — as found within ***cities or towns and suburbs*** calculated on the basis of data provided by the Copernicus Land Monitoring Service as established by Regulation (EU) 2021/696 of the European Parliament and of the Council.	(13) ***a. Urban area means the land area of territorial units classified as urban centres and urban clusters using the grid-based typology established in accordance with Article 4b(2) of Regulation (EC) No 1059/2003;*** ***b.*** 'urban green space' means all green urban areas; broad-leaved forests; coniferous forests; mixed forests; natural grasslands; moors and heathlands; transitional woodland-shrubs and sparsely vegetated areas; ***green space integrated into the built structures*** — as found within ***the urban centres and urban clusters with its vicinity***, calculated on the basis of data provided by the Copernicus Land Monitoring Service as established by Regulation (EU) 2021/696 of the European Parliament and of the Council. ***Urban green spaces entail all green urban areas with the potential to foster biodiversity and the provision of ecosystem services, and to address ecological connectivity and diversity, and avoiding any harmful practices to biodiversity in their design, management and maintenance along the provisions of the EU Biodiversity Strategy to 2030. The aim is to develop data measurement tools for a more detailed individual assessment of green spaces, where green roofs, green walls and individual trees, for example, can also be taken into account. The elements of the definition of 'urban green space' listed should therefore be interpreted in line with the respective land use types in the Copernicus Urban Atlas (in particular 14100, 3100 and 32000).***

Reason

Urban green spaces provide ecosystem services and biodiversity benefits. However, the capacity of such areas to support biodiversity is strongly related to their quality, configuration, structure and extent. The Law does not provide specific provisions for the quality, structure or management of urban green spaces. It is essential to also regulate 'urban green space' in the proposed regulation in order to exclude mal-implementation and transposition of the Law on the ground.

Amendment 8

Article 3

Text proposed by the European Commission	CoR amendment
(14) 'urban tree canopy cover' means the total area of tree cover within cities and towns and suburbs, calculated on the basis of the Tree Cover Density data provided by the Copernicus Land Monitoring Service as established by Regulation (EU) 2021/696 of the European Parliament and of the Council.	(14) 'urban tree canopy cover' means the total area of tree cover within cities and towns and suburbs, calculated on the basis of the Tree Cover Density data provided by the Copernicus Land Monitoring Service as established by Regulation (EU) 2021/696 of the European Parliament and of the Council. ***In a Member State or a region, basic green space data that is more detailed than the Copernicus dataset can also be used.*** ***Tree species to expand tree canopy should be selected at the discretion of the relevant urban authority according to the following criteria: potential to foster biodiversity; native, climate resilient species over non-native species; invasive alien species must be forbidden; tree species diversity over monoculture that must be avoided, where possible.*** ***Criteria selection for quality urban tree canopy cover should take into account the potential ecosystem services these canopies and their surroundings could offer, including absorbing water inrushes from storms, reducing adverse extreme weather events and effects, and facilitating the migration of birds and other species.***

Reason

The law should include specifications on tree species characteristics and diversity that are important for the provision of ecosystem services and biodiversity gains.

Amendment 9

Article 4

Text proposed by the European Commission	CoR amendment
3. Member States shall put in place the restoration measures for the terrestrial, coastal and freshwater habitats of the species listed in Annexes II, IV and V to Directive 92/43/EEC and of the terrestrial, coastal and freshwater habitats of wild birds covered by Directive 2009/147/EC that are necessary to improve the quality and quantity of those habitats, including by re-establishing them, and to enhance connectivity, until sufficient quality and quantity of those habitats is achieved. […]	3. Member States shall put in place the restoration measures for the terrestrial, coastal and freshwater habitats of the species listed in Annexes II, IV and V to Directive 92/43/EEC and of the terrestrial, coastal and freshwater habitats of wild birds covered by Directive 2009/147/EC that are necessary to improve the quality and quantity of those habitats, including by re-establishing them, and to enhance connectivity ***through ecological corridors***, until sufficient quality and quantity of those habitats is achieved. […]

Text proposed by the European Commission	CoR amendment
5. The restoration measures referred to in paragraphs 1 and 2 shall consider the need for improved connectivity between the habitat types listed in Annex I and take into account the ecological requirements of the species referred to in paragraph 3 that occur in those habitat types.	5. The restoration measures referred to in paragraphs 1 and 2 shall consider the need for improved connectivity ***through ecological corridors*** between the habitat types listed in Annex I and take into account the ecological requirements of the species referred to in paragraph 3 that occur in those habitat types.

Reason

It is important to mention that connectivity should aim at creating or re-connecting ecological corridors.

Amendment 10

Article 4

Text proposed by the European Commission	CoR amendment
4. The determination of the most suitable areas for restoration measures in accordance with paragraphs 1, 2 and 3 of this Article shall be based on the best available knowledge and the latest scientific evidence of the condition of the habitat types listed in Annex I, measured by the structure and functions which are necessary for their long-term maintenance including their typical species, ***as*** referred to in Article 1(e) of Directive 92/43/EEC, and of the quality and quantity of the habitats of the species referred to in paragraph 3 ***of this Article***. ***Areas*** where the habitat types listed in Annex I are in unknown condition shall be ***considered as not being in good condition***.	4. The determination of the most suitable areas for restoration measures in accordance with paragraphs 1, 2 and 3 of this Article shall be based on the best available knowledge and the latest scientific evidence of the condition of the habitat types listed in Annex I, measured by the structure and functions which are necessary for their long-term maintenance, including their typical species, referred to in Article 1(e) of Directive 92/43/EEC, and of the quality and quantity of the habitats of the species referred to in paragraph 3. ***For areas*** where the habitat types listed in Annex I are in unknown condition***, required scientific evidence on the applicable spatial scale*** shall be ***generated as quickly as possible but no later than two years after the Regulation enters into force, to determine suitable restoration measures and areas. The NRP must include a specific plan of action, timetable and indication of required resources dedicated to these measures***.

Reason

For several habitat types, existing databases lack spatially explicit, local information regarding the state of communities, reference levels, or elements that engender habitat degradation, and thus do not provide a scientifically sound base for prioritisation of areas or restoration actions. The scientific evidence collected must be presented as soon as possible to make it possible to start preparing plans and implementing them in a timely manner.

Amendment 11

Article 4

Text proposed by the Commission	CoR amendment
8. Outside Natura 2000 sites, the non-fulfilment of the obligations set out in paragraphs 6 and 7 is justified if it is caused by:	8. Outside Natura 2000 sites, the non-fulfilment of the obligations set out in paragraphs 6 and 7 ***may only be*** *justified if* ***Member States provide compelling evidence that*** it is caused by:

Text proposed by the Commission	CoR amendment
(a) force majeure;	(a) force majeure;
(b) unavoidable habitat transformations which are directly caused by climate change; or	(b) unavoidable habitat transformations which are directly caused by climate change; or
(c) ***a*** project of overriding public interest for which no less damaging alternative solutions are available, to be determined on a case by case basis.	(c) ***an ongoing or future*** project of overriding public interest for which no less damaging alternative solutions are available, to be determined on a case by case basis***, provided that the Member State concerned has adopted adequate compensatory measures, and taking into account national and area-specific environmental challenges***.

Reason

The non-deterioration requirement should not come at the expense of ongoing projects that contribute to other transition-related challenges, such as the energy transition, digitalisation and making infrastructure more sustainable. The text follows the wording of Article 6(4) of the Habitats Directive 92/43/EEC [1].

Amendment 12

Article 5

Text proposed by the European Commission	CoR amendment
4. The determination of the most suitable areas for restoration measures in accordance with paragraphs 1, 2 and 3 shall be based on the best available knowledge and the latest scientific evidence of the condition of the habitat types listed in Annex II, measured by the structure and functions which are necessary for their long-term maintenance, including their typical species, referred to in Article 1(e) of Directive 92/43/EEC, and of the quality and quantity of the habitats of the species referred to in paragraph 3. ***Areas*** where the habitat types listed in Annex II are in unknown condition shall be ***considered as not being in good condition***.	4. The determination of the most suitable areas for restoration measures in accordance with paragraphs 1, 2 and 3 shall be based on the best available knowledge and the latest scientific evidence of the condition of the habitat types listed in Annex II, measured by the structure and functions which are necessary for their long-term maintenance, including their typical species, referred to in Article 1(e) of Directive 92/43/EEC, and of the quality and quantity of the habitats of the species referred to in paragraph 3. ***For areas*** where the habitat types listed in Annex II are in unknown condition***, required scientific evidence on the applicable spatial scale*** shall be ***generated as quickly as possible but no later than two years after the Regulation enters into force, to determine suitable restoration measures and areas. The NRP must include a specific plan of action, timetable and indication of required resources dedicated to these measures***.

Reason

For several habitat types, existing databases lack spatially explicit, local information regarding the state of communities, reference levels, or elements that engender habitat degradation, and thus do not provide a scientifically sound base for prioritisation of areas or restoration actions. The scientific evidence collected must be presented as soon as possible to make it possible to start preparing plans and implementing them in a timely manner.

[1] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

Amendment 13

Article 5

Text proposed by the Commission	CoR amendment
8. Outside Natura 2000 sites, the non-fulfilment of the obligations set out in paragraphs 6 and 7 is justified if caused by:	8. Outside Natura 2000 sites, the non-fulfilment of the obligations set out in paragraphs 6 and 7 ***may only be*** justified if ***Member States provide compelling evidence that it is*** caused by:
(a) force majeure;	(a) force majeure;
(b) unavoidable habitat transformations which are directly caused by climate change; or	(b) unavoidable habitat transformations which are directly caused by climate change; or
(c) ***a*** project of overriding public interest for which no less damaging alternative solutions are available, to be determined on a case by case basis.	(c) ***an ongoing or future*** project of overriding public interest for which no less damaging alternative solutions are available, to be determined on a case by case basis***, provided that the Member State concerned has adopted adequate compensatory measures, and taking into account national and area-specific environmental challenges***.

Reason

The non-deterioration requirement should not come at the expense of ongoing projects that contribute to other transition-related challenges, such as the energy transition, digitalisation and making infrastructure more sustainable. The text follows the wording of Article 6(5) of the Habitats Directive 92/43/EEC.

Amendment 14

Article 6

Text proposed by the European Commission	CoR amendment
1. Member States shall ensure that there is no net loss of urban green space, ***and of*** urban tree canopy cover by 2030, compared to ***2021***, in ***all*** cities ***and*** in towns and suburbs.	1. Member States shall ensure that there is no net loss of urban green space, including urban tree canopy cover by 2030, compared to ***2024***, in ***urban green space in accordance with the article 3*** in cities, towns and suburbs. ***Member States shall closely cooperate with local and regional authorities, as well as managing authorities for achieving this.***
2. Member States shall ensure that there is an increase in the total national area of urban green space in cities and in towns and suburbs of at least 3 % of the total area of cities and of towns and suburbs in 2021, by 2040, and at least 5 % by 2050.	2. ***The measures to reach a better ecological quality of habitats and connectivity must be initiated, considering the complementarity of the measures with local land use plans and urban planning.***
	3. Member States shall ensure that there is an increase in ***amount and quality in*** the total national area of urban green space ***in accordance with the article 3*** in cities, towns and suburbs of at least 3 % of the total area of cities, towns and suburbs in 202***4***, by 2040, and at least 5 % by 2050. ***The targets are set relative to the total urban space of LAUs in a Member State — not to existing urban green spaces in the reference year 2024 — to ensure a fair approach to restoration across cities, towns and suburbs, keeping into account national circumstances. Despite the administrative structures of LAUs, urban areas need to be tackled as functional entities.***

Text proposed by the European Commission	CoR amendment
In addition, Member States shall ensure:	In addition, Member States shall ensure:
(a) a minimum of ***10 %*** urban tree canopy cover in all cities and in towns and suburbs by 2050; and	(a) a minimum of ***15 %*** urban tree canopy cover in all cities and in towns and suburbs by 2050;
(b) a net gain of urban green space that is integrated into existing and new buildings and infrastructure developments, including through renovations and renewals, in all cities and in towns and suburbs.	(b) a net gain of urban green space that is integrated into existing and new buildings and infrastructure developments, including through renovations and renewals, in all cities and in towns and suburbs; and
	(c) control of invasive alien species in urban green space, also favouring the biodiversity and amount of insects, which improves the well-functioning ecosystems in these spaces.

Reason

The target is formulated in a way that has created misunderstanding. Several actors have read it in terms of 3 % and 5 % increase of the total national area of green space, whilst the impact assessment makes it clear that the reference is the total national area covered by LAUs.

Amendment 15

Article 7

Text proposed by the European Commission	CoR amendment
1. Member States shall make an inventory of barriers to longitudinal and lateral connectivity of surface waters and identify the barriers that need to be removed to contribute to the achievement of the restoration targets set out in Article 4 of this Regulation and of the objective of restoring ***at least 25 000*** km ***of rivers*** into free-flowing rivers in the Union by 2030***, without prejudice to Directive 2000/60/EC, in particular Articles 4(3), 4(5) and 4(7) thereof***, and ***Regulation No 1315/2013, in particular Article 15 thereof***.	1. Member States shall make an inventory of barriers to longitudinal and lateral connectivity of surface waters and identify the barriers that need to be removed to contribute to the achievement of the restoration targets set out in Article 4 of this Regulation and of the objective of restoring ***15 % of river length (178 000*** km ***across the EU)*** into free-flowing rivers in the Union by 2030, ***improving biodiversity through barrier removal*** and ***the restoration of the related floodplains***, ***while taking into account the renewable energy demand***. ***This inventory shall include underground aquifers, as their saturation levels must be maintained because of their contribution to the longitudinal and lateral courses of surface waters, as well as to wetlands and springs.***

Reason

The proposal should contain quantified and time-bound targets to remove barriers and truly restore the rivers' connectivity. Member States should be required to restore 15 % of river length into free-flowing rivers by 2030 through barrier removal and the restoration of the related floodplains.

Amendment 16

Article 7

Text proposed by the European Commission	CoR amendment
2. Member States shall remove the barriers to longitudinal and lateral connectivity of surface waters identified under paragraph 1 of this Article, in accordance with the plan for their removal referred to in Article 12(2), point (f). When removing barriers, Member States shall primarily address obsolete barriers, which are those that are no longer needed for renewable energy generation, inland navigation, water supply or other uses.	2. Member States shall remove the barriers to longitudinal and lateral connectivity of surface waters identified under paragraph 1 of this Article, in accordance with the plan for their removal referred to in Article 12(2), point (f). When removing barriers, Member States shall primarily address ***(i) barriers which when removed deliver ecological benefits, and (ii)*** obsolete barriers, which are those that are no longer needed for renewable energy generation, inland navigation, water supply or other uses. ***Within this meaning, 'obsolete barriers' shall not be understood to mean those that are part of historical and cultural heritage, the keeping of which would not leave insurmountable barriers and which have contributed to the creation of unique landscapes and biodiversity, or which help to recharge aquifers by slowing down the speed of water.***

Reason

Next to the proposal for Member States to primarily address the removal of obsolete barriers, another important criterion to guide the identification of barriers for removal should be associated ecological benefits of the removal.

Amendment 17

Article 9

Text proposed by the European Commission	CoR amendment
1. Member States shall put in place the restoration measures necessary to enhance biodiversity in agricultural ecosystems, in addition to the areas that are subject to restoration measures under Article 4(1), (2) and (3).	1. Member States shall put in place the restoration measures necessary to enhance biodiversity in agricultural ecosystems, ***including balancing out plant eaters, parasitoids and predators to facilitate agricultural production without the use of plant protection products,*** in addition to the areas that are subject to restoration measures under Article 4(1), (2) and (3).

Reason

Agricultural ecosystems and European food productivity are in jeopardy due to the arrival of new pests into our lands, which causes crop losses, requires the widespread use of pesticides and affects the biodiversity of European ecosystems.

Amendment 18

Article 9

Text proposed by the European Commission	CoR amendment
4. For organic soils in agricultural use constituting drained peatlands, Member States shall put in place restoration measures. Those measures shall be in place on at least:	4. For organic soils in agricultural use constituting drained peatlands, Member States shall put in place restoration measures. Those measures shall be in place on at least:

Text proposed by the European Commission	CoR amendment
(a) 30 % of such areas by 2030, of which at least ***a quarter*** shall be rewetted;	(a) 30 % of such areas by 2030, of which at least ***half*** shall be rewetted;
(b) 50 % of such areas by 2040, of which at least ***half*** shall be rewetted;	(b) 50 % of such areas by 2040, of which at least ***two thirds*** shall be rewetted;
(c) 70 % of such areas by 2050, of which at least ***half*** shall be rewetted.	(c) 70 % of such areas by 2050, of which at least ***two thirds*** shall be rewetted.

Reason

Peatlands are the largest natural terrestrial carbon store, and if damaged they are a major source of GHG emissions. Hence, it is suggested to increase the rewetting (the most effective peatland restoration measure) which would help reducing emissions significantly and meeting the overarching target.

Amendment 19

Article 9

Text proposed by the European Commission	CoR amendment
	5. The Member States shall apply the measures laid down in Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ-L-2009-309) in order to achieve the sustainable use of plant protection products, reducing their risks to and effects on human health and the environment, and to promote integrated pest management and alternative methods and techniques, such as non-chemical control measures.

Reason

It is essential to reduce the use of pesticides and fertilisers and, if necessary, replace them with safe, natural products and non-polluting alternative techniques.

Amendment 20

Article 10

Text proposed by the European Commission	CoR amendment
2. Member States shall achieve an increasing trend ***at national level*** of each of the following indicators in forest ecosystem***s***, as further set out in Annex VI, measured in the period from the date of entry into force of this Regulation until 31 December 2030, and every ***three*** years thereafter, until the satisfactory levels identified in accordance with Article 11(3) are reached:	2. Member States shall achieve an increasing trend of each of the following indicators in ***each*** forest ecosystem, as further set out in Annex VI, measured in the period from the date of entry into force of this Regulation until 31 December 2030, and every ***five*** years thereafter, until the satisfactory levels identified in accordance with Article 11(3) are reached:
(a) standing deadwood;	(a) standing deadwood;
(b) lying deadwood;	(b) lying deadwood;

Text proposed by the European Commission	CoR amendment
(c) share of forests with uneven-aged structure;	(c) share of forests with uneven-aged structure;
(d) forest connectivity;	(d) forest connectivity;
(e) common forest bird index;	(e) common forest bird index;
(f) stock of organic carbon.	(f) stock of organic carbon.

Reason

Self-explanatory.

Amendment 21

Article 10

Text proposed by the European Commission	CoR amendment
	3. The Member States shall implement the measures laid down in Commission Regulation (EC) No 1737/2006 laying down detailed rules for the implementation of Regulation (EC) No 2152/2003 of the European Parliament and of the Council concerning monitoring of forests and environmental interactions in the Community, amending Commission Regulation (EC) No 2121/2004 of 13 December 2004, and Commission Regulation (EC) No 2278/1999 of 21 October 1999.
	4. The Member States shall implement Recommendation CM/Rec(2008)3 of the Committee of Ministers to Member States on the guidelines for the implementation of the European Landscape Convention.

Reason

There is an urgent need to implement the measures already provided for in regulations and recommendations at EU level on forest restoration.

Amendment 22

Article 11

Text proposed by the European Commission	CoR amendment
2. Member States shall quantify the area that needs to be restored to reach the restoration targets set out in Articles 4 and 5 taking into account the condition of the habitat types referred to in Articles 4(1), 4(2), 5(1) and 5 (2) and the quality and quantity of the habitats of the species referred to in Article 4(3) and Article 5(3) that are present on their territory. The quantification shall be based, amongst others, on the following information:	2. Member States shall quantify the area that needs to be restored to reach the restoration targets set out in Articles 4 and 5 taking into account the condition of the habitat types referred to in Articles 4(1), 4(2), 5(1) and 5 (2) and the quality and quantity of the habitats of the species referred to in Article 4(3) and Article 5(3) that are present on their territory. The quantification shall be based, amongst others, on the following information:
(a) for each habitat type:	(a) for each habitat type:
(i) the total habitat area and a map of its current distribution;	(i) the total habitat area and a map of its current distribution;

Text proposed by the European Commission	CoR amendment
(ii) the habitat area not in good condition;	(ii) the habitat area not in good condition;
(iii) the favourable reference area taking into account the documented losses over at least the last 70 years and the projected changes to environmental conditions due to climate change;	(iii) the favourable reference area taking into account the documented losses over at least the last 70 years and the projected changes to environmental conditions due to climate change;
(iv) the areas most suitable for the re-establishment of habitat types in view of ongoing and projected changes to environmental conditions due to climate change;	(iv) the areas most suitable for the re-establishment of habitat types in view of ongoing and projected changes to environmental conditions due to climate change;
(b) the sufficient quality and quantity of the habitats of the species required for achieving their favourable conservation status, taking into account the areas most suitable for re-establishment of those habitats, and the connectivity needed between habitats in order for the species populations to thrive, as well as ongoing and projected changes to environmental conditions due to climate change.	(b) the sufficient quality and quantity of the habitats of the species required for achieving their favourable conservation status, taking into account the areas most suitable for re-establishment of those habitats, and the connectivity needed between habitats in order for the species populations to thrive, as well as ongoing and projected changes to environmental conditions due to climate change.
	3. When identifying the vicinity of urban centres and urban clusters, serving to define urban green space in accordance with Article 3, Member States shall include areas within at least 1 kilometre from the urban centres and urban clusters.

Reason

Based on local circumstances and needs, each Member State should be required to identify the 'vicinity' of urban centres and clusters in their national plans in a manner consistent with the urban structure, administrative boundaries and other relevant factors at local and national level.

Amendment 23

Article 11

Text proposed by the European Commission	CoR amendment
3. Member States shall set, by 2030 at the latest, satisfactory levels for each of the indicators referred to in Articles 8(1), 9(2) and 10(2), through an open and effective process and assessment, based on the latest scientific evidence and, if available, the framework referred to in Article 17(9).	3. Member States shall set, by 2030 at the latest, satisfactory levels for each of the indicators referred to in Articles 8(1), 9(2) and 10(2), through an open and effective process and assessment, based on the latest scientific evidence***, and in coordination with other Member States*** and, if available, the framework referred ***to in Article 17(9). To safeguard alignment across Member States, minimum requirements and guidance for Member States to define satisfactory levels shall be provided and adopted in a timely manner under*** Article 17(9).

Reason

A clear and common framework and guidance on the minimum requirements for MS to define satisfactory levels (applies to the targets for pollinators, agricultural and forest ecosystems) are required.

Amendment 24

Article 11

Text proposed by the European Commission	CoR amendment
6. Member States shall coordinate the development of national restoration plans with the designation of the renewables go-to areas. During the preparation of the nature restoration plans, Member States shall ensure synergies with the already designated renewables go-to areas and ensure that the functioning of the renewables go-to areas, including the permitting procedures applicable in the renewables go-to areas foreseen by Directive (EU) 2018/2001 remain unchanged.	6. Member States shall coordinate the development of national restoration plans with the designation of the renewables go-to areas. During the preparation of the nature restoration plans, Member States shall ensure synergies with the already designated renewables go-to areas and ensure that the functioning of the renewables go-to areas, including the permitting procedures applicable in the renewables go-to areas foreseen by Directive (EU) 2018/2001 remain unchanged, ***without jeopardising biodiversity and restoration measures***.

Reason

The identification and allocation of renewable go-to areas should take into account the spaces and functioning of the ecosystem restoration measures to be put in place.

Amendment 25

Article 11

Text proposed by the European Commission	CoR amendment
7. When preparing their national restoration plans, Member States shall take the following into account: […]	7. When preparing their national restoration plans, Member States shall take the following into account: […]
(f) national biodiversity strategies and action plans developed in accordance with Article 6 of the Convention on Biological Diversity; […]	(f) national biodiversity strategies and actions plans developed in accordance with Article 6 of the Convention on Biological Diversity, ***as well as local biodiversity strategies and action plans*** [1] ***and collaboration mechanisms for integrating the former into the latter and vice versa.*** […]

Text proposed by the European Commission	CoR amendment
	(h) urban greening plans and their ambitions for expanding urban green spaces and areas, including measures to create biodiverse and accessible urban forests, parks and gardens, urban farms, green roofs and walls, tree lined streets, urban meadows, and urban hedges; and also, indicators used for reporting and monitoring.
	([1]) Recognised by the CBD in the decision X/22 at CBD COP10

Reason

Similar processes and engagement mechanisms could be used as a reference, for example, Local Biodiversity Strategies and Action Plans (LBSAPs), and Urban Greening Plans.

Amendment 26

Article 11

Text proposed by the European Commission	CoR amendment
	7. […]
	(i) the technical support tool used to help implement the Law. This tool shall include: capacity with regard to (cross-sectoral) decision-maker and stakeholder engagement mechanisms and integrated approaches to urban and municipal development, as well as multi-level governance instruments; attracting and streamlining public and private sector investment; tailored advice for technical, legal and financial expertise required for design, execution and monitoring of restoration measures; the setup of manageable and streamlined monitoring instruments and processes; guidance for the alignment of reporting instruments, standards and protocols across governance levels; and good practices in ecosystem restoration across different physical geographies and contexts.

Reason

The technical support tool needs to address the managing authorities and LRAs that implement the Law. A lack of technical expertise, and also experience with (private sector) finance instruments, are among the main challenges for designing, executing and monitoring restoration measures. In order to ensure nature is successfully restored, technical support should also include local integrated approaches.

Amendment 27

Article 11

Text proposed by the European Commission	CoR amendment
	12. Member States should apply a whole-of-government approach and coordinate the development, pre-evaluation, monitoring and reporting of national restoration plans with local and regional authorities, as well as managing authorities, taking account of all ecosystems that LAUs encompass. ***Member States should formalise mechanisms for stakeholders' and organisations' timely contribution to the NRP, co-evaluation of the NRP before submission, put in place feedback processes, and provide guidance and required instruments for the alignment of local, regional and national monitoring protocols.***

Reason

The compartmentalisation of competences among administrations hinders an integrated vision that is required for the effective management of habitats or watersheds that transcend administrative borders. The engagement of local, regional and national authorities, and managing authorities in NRPs is essential to establish such a shared, integrated vision for restoration and avoid mal-implementation (for instance through protection of species in one territory, but not in the neighbouring one). Formalised governance structures and processes will be needed for effective coordination and monitoring of restoration actions.

Amendment 28

Article 12

Text proposed by the European Commission	CoR amendment
2. (n) A summary of the process for preparing and establishing the national restoration plan, including information on public participation and of how the needs of local communities and stakeholders have been considered;	2. (n) A summary of the process for preparing and establishing the national restoration plan, including information on public participation and of how the needs of local communities and stakeholders have been considered***, including local and regional authorities, respective management authorities, and land owners.***

Reason

It is pertinent that LRAs, managing authorities and land owners will be included in the drafting of the national restoration plans since they will be the ones who ultimately design, implement, monitor and co-fund restoration measures.

Amendment 29

Article 16

Text proposed by the European Commission	CoR amendment
2. Member States shall determine what constitutes a sufficient interest and impairment of a right, consistently with the objective of providing the public with wide access to justice. For the purposes of paragraph 1, any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed to have rights capable of being impaired and their interest shall be deemed sufficient.	2. Member States shall determine what constitutes a sufficient interest and impairment of a right, consistently with the objective of providing the public with wide access to justice ***in accordance with the Aarhus Convention and in particular with Article 9 on Access to justice***. For the purposes of paragraph 1, any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed to have rights capable of being impaired and their interest shall be deemed sufficient.

Reason

The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters done at Aarhus in 1998, provides an appropriate framework for ensuring the necessary protocols are followed in relation to the Nature Restoration Law.

Amendment 30

Article 17

Text proposed by the European Commission	CoR amendment
1.	1.
(b) the area of urban green space and tree canopy cover in cities and towns and suburbs, as referred to in Article 6;	(b) the area ***and quality*** of urban green space and tree canopy cover in cities and towns and suburbs, as referred to in Article 6;

Reason

Self-explanatory.

II. **POLICY RECOMMENDATIONS**

THE EUROPEAN COMMITTEE OF THE REGIONS (CoR),

1. recognises that the proposed EU Nature Restoration Law (NRL) is a game changer in the fight against biodiversity loss and the impacts of climate change, and appreciates its approach to legally binding, time-bound, sequenced targets to safeguard the protection and restoration of all ecosystems in Member States, with the aim of urgently addressing its degradation; sees this proposal, with the necessary modifications, as a crucial step forward that will steer the implementation of an ambitious post-2020 global biodiversity framework;

2. notes that the impact assessment report has examined the amount of green space and the potential for increasing it through land use change across the EU and thus found the targets to be realistic. However, the analysis overlooked the differing circumstances and starting points in different countries, regions and cities. The CoR stresses that the proposal must be urgently adapted to take account of the widely differing current situations in the various Member States, regions and municipalities in terms of the quantity and quality of different ecosystems, regional, urban, municipal and agglomeration structure, administrative structure and land ownership;

3. draws attention to the widespread environmental devastation caused by the brutal and illegal Russian aggression of Ukraine; stresses that the degradation of the environment and problems linked will have cross-border consequences, affecting both human health and local ecosystems; urges to take now appropriate steps and reflect on concrete actions to be implemented on biodiversity and ecosystem restoration after the end of the war;

4. highlights the key role of local and regional authorities (LRAs) in co-drafting National Restoration Plans (NRPs), identifying restoration areas and determining indicators based on local priorities and community needs, public and private co-finance, stakeholder and public engagement, and executing local, integrated, place-based restoration actions; emphasises the key role of LRAs in monitoring and reporting on progress towards the targets for urban and other ecosystems that fall within the boundaries of LAUs; highlights the importance of ensuring that monitoring and reporting does not create an excessive administrative burden and that digital tools can be used to facilitate the work;

5. insists that local and regional authorities should define the targeted ecosystems, including urban green areas and their quantitative and qualitative development needs, taking into account to their local integrated urban development, in close partnership with the Member States and managing authorities, to ensure that local conditions in terms of urban structure and nature are taken into account, as well as a fair approach to restoration across urban and peri-urban areas;

6. urges Member States to ensure that NRPs take into account the specific socioeconomic, geographic and environmental conditions and characteristics of the local area in question, the local community and regional context, as well as the relevant restoration needs, particularly in relation with highly vulnerable ecosystems such as outermost regions, islands, mountainous regions, peatlands and wetlands, or other areas rich in endemic or threatened species, and also urban ecosystems; calls for an explicit emphasis in the NRL on especially vulnerable ecosystems, acknowledging their particular conditions and restoration needs;

7. insists to acknowledge the importance of biocultural interactions in shaping local identities and promoting high cultural and natural value farming landscapes, because they represents the core of success to recoupling cultural identity with the ecosystems on a global scale;

8. welcomes the European Commission's inclusion in the NRL of an extensive impact assessment that relates to the application of both subsidiarity and proportionality. The reasoning provided — relating to the European added value of the proposal and the roll-out of measures deriving from EU competencies in the areas of environment and climate change — is in compliance with the principles of subsidiarity and proportionality. However, the CoR points out that the direct and indirect effects of Article 6, such as the financial consequences and the impact on the Member State's internal administration and judicial system, are not specified;

9. stresses the indispensable role of ecosystems as carbon stores and a protection against the impacts of climate change. This requires not only an end to harmful practices, such as deforestation, sealing of land and peat extraction, but also targeted protection and reconstruction, such as the restoration of streams, peatlands and wetlands;

10. points out that the Regulation needs to take account of the variations in circumstances and starting points that exist at both national and local level in terms of, for example, administrative divisions, density and green spaces, as well as local and national needs; believes that integrated approaches to urban and community development at local level should therefore be strengthened, and that definitions and requirements need to be clear and relevant across the Union;

11. stresses the need for cities and municipalities to increase their climate resilience by protecting, promoting and restoring blue infrastructure by revitalising canals and streams and creating small watercourses; calls on the Member States, within the framework of this Regulation, to ensure that all cities and municipalities with more than 20 000 inhabitants develop, adopt and implement plans for the rapid expansion of green and blue areas;

A. **Policy integration and coherence**

12. reiterates the importance of integrating the NRL with existing local, regional and other sub-national policies and strategies, and highlights the need for adequate instruments and mechanisms to strengthen the mandatory character and qualitative impact of the law at local and sub-national level. At the same time, the CoR stresses that the capacity of local and regional authorities to contribute to the achievement of common nature objectives through local knowledge and local solutions must be increased, not hindered. Despite the administrative structures of LAUs, urban areas need to be tackled as functional entities;

13. stresses that restoration measures, especially at local level, are part of climate change action and urban planning, which must be implemented by cities and regions through ambitious policies that transcend administrative boundaries, with assessment of the overall effectiveness of each measure;

14. stresses the value of integrating NRPs with National Energy and Climate plans and binding targets under the current Renewable Energy Directive (in accordance with the revised target introduced by RePowerEU); considers it essential that designated 'go-to' renewables areas do not compete with nature restoration measures, but support each other in achieving the set ambitions; in this regard, draws attention to the need to take into account the small surface areas of the outermost regions and islands, to reconcile different land uses in order to ensure that protection targets do not impede or hinder the essential energy transition and the related development of renewable energy infrastructure, in particular in regions that cannot connect to the European energy grid;

15. urges to overcome the inconsistencies in, and conflicting interests with, other policy domains (such as energy, fisheries, food production and agriculture) that may jeopardise the NRL's successful implementation or go against the public interest; calls for strongly aligned perspectives to add greater 'weight' to ecosystem restoration in the spheres of land use and land-use planning, also creating a fair system for compensation for those entitled to it. Specific interests within the areas of food security and energy security, brought to the fore by geopolitical circumstances, should find the right synergies with the NRL and other EU environmental legislation;

B. **Financing ecosystem restoration, streamlining public sector investment, and fostering private sector investment**

16. draws attention to the substantial financial resources required for the measures provided for in the proposal for a Regulation; stresses that adequate financial resources should be earmarked for restoration; given that the necessary funds are not available in the EU funding programmes in the coming years or cannot be used flexibly, and that Member States, regions and municipalities do not have adequate financial margins in their national budgets; reiterates the need to increase biodiversity and ecosystem restoration-targeted funding and to ease access to the effective and non-bureaucratic deployment of available funding instruments for LRAs;

17. calls for earmarked national funding streams in full alignment with the identified priorities and needs of LRAs; calls for the recognition of regional structures as important bodies that can streamline and coordinate LRA priorities, thereby engendering effective support lines for co-finance and fostering effective restoration actions at territorial scale(s);

18. mindful of the implementation gap regarding the Nature Directives, calls for stronger enforcement mechanisms and compliance infrastructure, so that ecosystem restoration, in addition to action to halt global warming, has at least the same level of importance as other land-use requirements;

19. stresses that private-sector investment will be pivotal to closing the ecosystem restoration financing gap; highlights the untapped opportunities and need for measures piloting and expanding the use of market-based instruments, such as impact investment, payment for ecosystem services (PES) or land-based carbon removal credits. Such piloting should go hand-in-hand with capacity building in LRAs on financing instruments of this type — ideally one of the priority areas of the technical support system;

C. **Technical Support and capacity building for LRAs**

20. emphasises that the effective design, execution and monitoring of restoration actions will require considerable technical expertise and investment of resources on the part of the implementing LRAs; notes that such expertise is currently lacking in LRAs; calls for this to be developed, either in-house, pooled across LRAs in one or more neighbouring territories, or outsourced;

21. calls for a comprehensive technical support system, including: capacity building in LRAs to attain the required technical expertise; the setup of respective monitoring instruments and processes; guidance for the alignment of reporting instruments, standards and protocols across governance levels, and; good practices in ecosystem restoration across different physical geographies and contexts;

22. highlights that such a support system should build on, and be integrated with, existing capacity building tools/platforms, such as the EU Urban Greening Platform, NetworkNature, Biodiversa+, BioAgora, UrbanByNature, CitiesWithNature and RegionsWithNature;

23. calls for the provision of an accessible, inclusive, and standardised monitoring and reporting system that allows for streamlined methods for: identifying restoration areas; assessing the status of ecosystems and; setting satisfactory indicator levels and monitoring targets.

Brussels, 9 February 2023.

The President
of the European Committee of the Regions

Vasco ALVES CORDEIRO