



**European Committee
of the Regions**

ENVE-VII/030

15th ENVE commission meeting, 9 December 2022

DRAFT OPINION

Commission for Environment, Climate Change and Energy

EU Nature Restoration Law

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This document will be discussed at the meeting of the **Commission for the Environment, Climate Change and Energy** to be held on **9 December 2022 from 11 a.m. to 5.30 p.m.** To allow time for translation, any amendments must be submitted using the online tool for tabling amendments (available through the Members' Portal: <https://memportal.cor.europa.eu/>) **no later than 3 p.m. (Brussels time) on Monday, 28 November 2022.** A user guide is available at <https://memportal.cor.europa.eu/Home/UserGuide>

Reference document

Proposal for a Regulation of the European Parliament and of the Council on nature restoration - COM(2022) 304 final

**Draft opinion of the Commission for Environment, Climate Change and Energy –
EU Nature Restoration Law**

I. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Recital 68

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<p>In order to ensure an effective implementation of this Regulation, the Commission should support Member States <i>upon request</i> through the Technical Support Instrument, which provides tailor-made technical support to design <i>and</i> implement reforms. The technical support involves, <i>for example</i>, strengthening the administrative capacity, harmonising the legislative frameworks, and sharing relevant best practices.</p>	<p>In order to ensure an effective implementation of this Regulation, the Commission should support Member States, <i>implementing, managing authorities as well as local and regional authorities</i> through the Technical Support Instrument, which provides tailor-made technical support to design, <i>implement, evaluate and adapt</i> reforms. The technical support involves <i>capacity-building on (cross-sectoral) decision-maker and stakeholder engagement mechanisms and on multi-level governance instruments; on 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</i> on strengthening the administrative capacity, on harmonising the legislative frameworks, and sharing relevant best practices. <i>The Technical Support Instrument should build on and be well integrated with existing local/regional/national knowledge and capacity-building platforms and services, which are already in use by different stakeholders.</i></p>

<i>Reason</i>
<p>The technical support system needs to address the managing authorities and Local and Regional Authorities (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.</p>

Amendment 2

Article 3

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
(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) "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. <i>Urban green spaces entail all green urban areas with the potential to foster biodiversity and the provision of ecosystem services, addressing 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;</i>

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 3

Article 3

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
(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. <i>Tree species to expand tree canopy should be selected according to the following criteria: potential to foster biodiversity; native, climate resilient species over non-native species; invasive alien species must be avoided; tree</i>

	<i>species diversity over monoculture that must be avoided.</i>
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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 4

Article 6

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<p>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.</p> <p>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.</p>	<p>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. <i>Member States should act in close partnership with local and regional authorities, as well as managing authorities for achieving this.</i></p> <p>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. <i>The targets are set relative to the total area of LAUs in a Member State - not to existing urban green spaces in the reference year 2021 - to ensure a fair approach to restoration across cities, towns and suburbs.</i></p>

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 5

Article 11

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<p>7. When preparing their national restoration plans, Member States shall take the following into account:</p> <p>...</p> <p>(f) national biodiversity strategies and action plans developed in accordance with Article 6 of the Convention on Biological Diversity;</p>	<p>7. When preparing their national restoration plans, Member States shall take the following into account:</p> <p>...</p> <p>(f) national biodiversity strategies and actions plans developed in accordance with Article 6 of the Convention on Biological Diversity, <i>as well</i></p>

...	<p><i>as local biodiversity strategies and action plans¹ and collaboration mechanisms for integrating the former into the latter and vice versa.</i></p> <p>...</p> <p><i>[1] Recognised by the CBD in the decision X/22 at CBD COP10</i></p>
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Reason
Similar processes and engagement mechanisms could be used as a reference, for example, Local Biodiversity Strategies and Action Plans (LBSAPs).

Amendment 6

Article 11

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
	<p><i>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.</i></p> <p><i>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.</i></p>

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 7

Article 12

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
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, <i>including local and regional authorities, respective management authorities, and land owners.</i>

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 8

Article 16

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
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 <i>in accordance with the Aarhus Convention and in particular with Article 9 on Access to justice.</i> 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.

II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

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 as a crucial step forward that will steer the implementation of an ambitious post-2020 global biodiversity framework;
2. 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;
3. insists that Member States should define the targeted urban green areas in close partnership with local, regional and managing authorities to ensure a fair approach to restoration across urban and peri-urban areas;
4. urges Member States to ensure that NRPs take into account the specific socio-economic, 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 islands, mountainous regions 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;
5. 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;

A. *Policy integration and coherence*

6. 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 of the law at local and sub-national level;
7. 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;

8. notes 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; calls for strongly aligned perspectives to add greater "weight" to ecosystem restoration in the spheres of land use and land-use planning. Specific interests within the areas of food security and energy security, brought to the fore by geopolitical circumstances, should not jeopardise the implementation of the NRL and other EU environmental legislation;

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

9. stresses that adequate financial resources should be earmarked for restoration; 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;
10. 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);
11. mindful of the implementation gap regarding the Nature Directives, calls for stronger enforcement mechanisms and compliance infrastructure, so that ecosystem restoration has at least the same level of importance as other land-use requirements;
12. stresses that private-sector investment will be pivotal to closing the ecosystem restoration financing gap; highlights the untapped opportunities that lie in 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

13. 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;
14. 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;

15. 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](#);
16. 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;

III. PROCEDURE

Title	Nature Restoration
Reference(s)	COM (2022) 304 final
Legal basis	Article 192 (1) of the TFEU, referring to Article 191
Procedural basis	Rule 41(a) of the Rules of Procedure
Date of Council/EP referral/Date of Commission letter	14 July 2022
Date of Bureau/President's decision	July 2022
Commission responsible	Commission for the Environment, Climate Change and Energy (ENVE)
Rapporteur	Roby Biwer (LU/PES) Member of the municipal council of Bettembourg (Luxembourg)
Analysis	-
Discussed in commission	6 October 2022
Date adopted by commission	9 December 2022
Result of the vote in commission (majority, unanimity)	
Date adopted in plenary	8-9 February 2023
Previous Committee opinions	-
Date of subsidiarity monitoring consultation	-