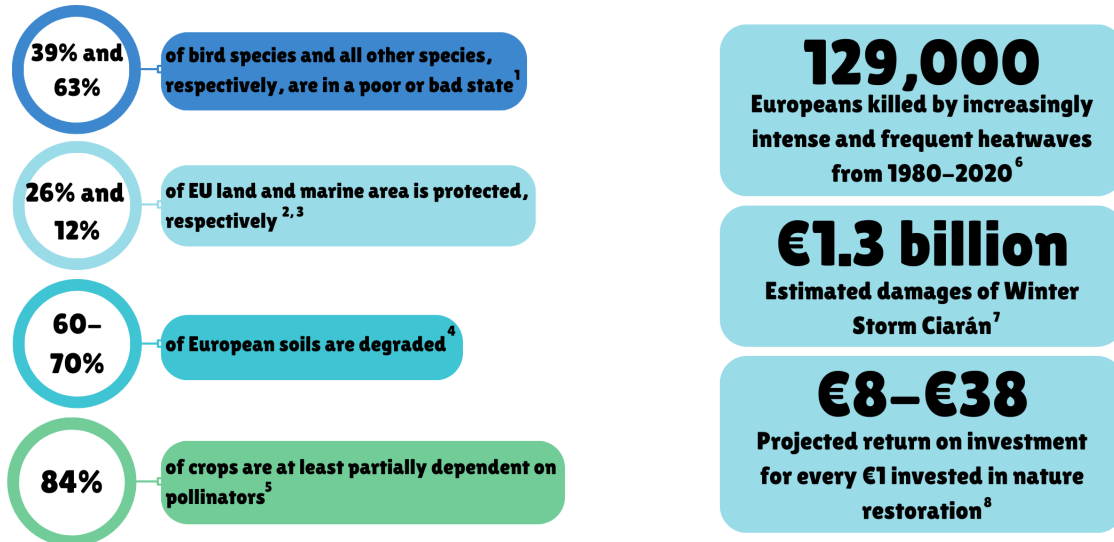


BRIEFING ON THE NATURE RESTORATION LAW - NOVEMBER 2023

The importance of the Nature Restoration Law

Healthy and biodiverse nature is central to human life. Nature's contributions to people are countless and irreplaceable, from the air we breathe to the food we eat to the maintenance and improvement of our mental and physical health. However, European ecosystems' own wellbeing is severely compromised due to human activities. The following points represent some notable European environmental statistics from recent years:



1

<https://www.eea.europa.eu/publications/importance-of-restoring-nature/the-importance-of-restoring-nature#:~:text=In%20the%20EU%2C%2081%25%20of,a%20poor%20or%20bad%20state.>

2

<https://www.eea.europa.eu/en/analysis/indicators/terrestrial-protected-areas-in-europe#:~:text=By%20the%20end%20of%202021,7.4%25%20as%20other%20national%20designations.>

3

<https://www.eea.europa.eu/en/analysis/indicators/marine-protected-areas-in-europes-seas#:~:text=The%20EU%20has%20made%20substantial,%25%2C%20between%202012%20and%202021.>

⁴ https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_5917

⁵ [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2021\)696175](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2021)696175)

6

<https://phys.org/news/2022-11-heatwaves-europeans-year-eea.html#:~:text=Some%20129%2C000%20Europeans%20died%20from,agency%20said%2C%20citing%20insurance%20data.>

⁷ <https://www.insurancejournal.com/news/international/2023/11/09/747674.htm>

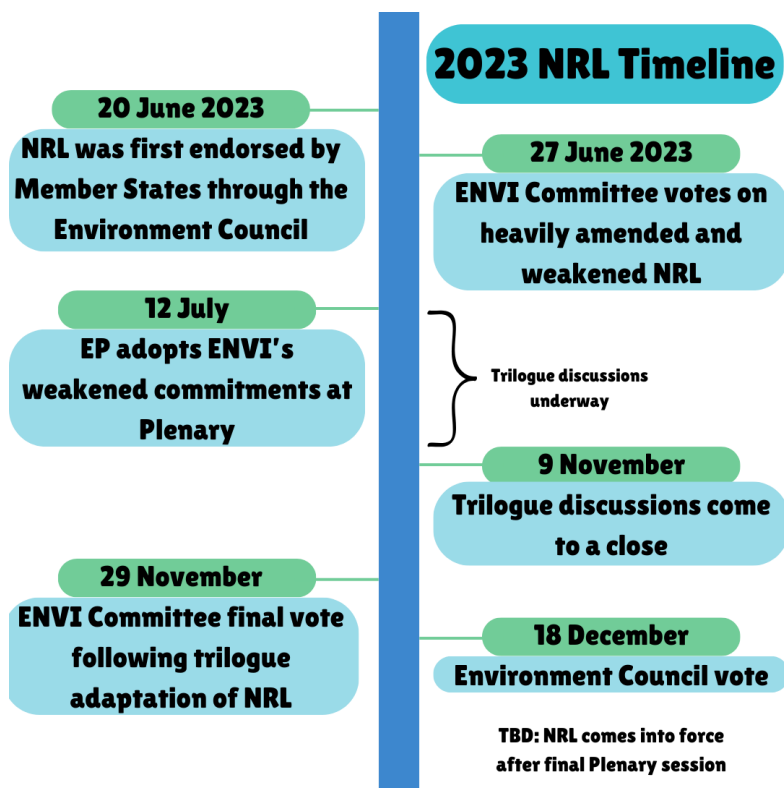
8

<https://www.greens-efa.eu/opinions/why-we-need-a-strong-eu-nature-restoration-law/#:~:text=Restoring%20nature%20is%20an%20investment%20into%20our%20future&text=According%20to%20the%20European%20Commission,the%20pollination%20of%20agricultural%20crops.>

With the triple crisis of climate change, biodiversity loss and pollution, there is an urgent need to strengthen and expand efforts beyond current protected areas and species. The Nature Restoration Law (NRL) is the first EU-wide law striving to create legally binding restoration measures. It would align the EU with the Kunming-Montreal Global Biodiversity Framework, including its 2030 targets and 2050 goals. Furthermore, the NRL is a key component of the EU Biodiversity Strategy of 2030 and the EU Green Deal. Therefore, its scope and ambition are intended to intrinsically reflect the EU's commitment to a more sustainable and just future for all.

Current State of the Nature Restoration Law

On 20 June 2023, the NRL was first endorsed by Member States through the Environment Council, setting a general approach to follow during negotiations with the European Parliament (EP). The Environment Council agreed to put in place recovery measures that would cover at least 20% of land and marine areas in the EU by 2030, and all ecosystems in need of restoration by 2050. Moreover, it set specific legally binding targets and obligations for nature restoration in terrestrial, coastal, freshwater, marine, and urban ecosystems. On 27 June, the Committee on Environment, Public Health and Food Safety (ENVI) voted on a heavily amended and weakened NRL, which was then adopted on 12 July during the EP Plenary session. Shortly thereafter, trilogues between the Council, European Commission and EP began. The final compromise text was agreed on 9 November. It is now up to the Working Party on Environment, Coreper and EP to vote on the final text, which will then be published in the EU Official Journal, potentially by the end of this year.



Ongoing challenges faced by the Nature Restoration Law

Many challenges facing the NRL risk weakening its integrity, namely due to amendments put forth by the EP that reduce the law's ambition and overall representation of youth interests regarding restoring biodiversity and combating climate change. Ecological restoration targets have been diminished across ecosystems, and language agreed upon by the EP in its Plenary debate has undermined the initial binding agreements put forth by the Commission. Disinformation campaigns from right-leaning parties have obscured scientific evidence, befuddled stakeholders and prevented meaningful nature restoration from being attainable.

Voting outcomes of the final trilogue discussion on 9 November showed reasonable improvements to previously weakened amendments of the NRL, taking further steps towards reversing efforts of disinformation campaigns to overshadow scientific evidence on the impacts of the NRL. The following stipulations represent important NRL amendments, the integrity of which needs to be supported outright by the European Council given their significance in influencing the overall impact of the law.

- Principle of prohibition of non-deterioration: Member State obligations to ensure continuous improvement of terrestrial, coastal, freshwater and marine ecosystems under restoration and maintain quality of those areas once restored

Following trilogue agreements, Member States **shall aim** to ensure all ecosystems do not significantly deteriorate once an area has achieved good ecological status. The non-binding phrasing of this article ultimately leaves room for **flexibility**. Furthermore, all non-deterioration obligations shall be **effort-based**, entailing that Member States should strive for non-deterioration of ecosystems that are already in good condition. **Effort-based goals do not go far enough to instigate meaningful, binding targets towards recovering damaged ecosystems.**

- Emphasis of restoration actions on Natura 2000 sites.

The existing 27,000 Natura 2000 sites cover only 18.6% of EU land and 9% of EU marine territory⁹, entailing that the scope of the NRL would become significantly limited if restoration efforts are only undertaken within their designations. Restoration measures are now **no longer limited to Natura 2000 Sites**, although **priority** is given to these areas. According to the agreement after trilogues, at least 30% of ecosystems must be restored by 2030, 60% of habitats in poor condition by 2040 and at least 90% by 2050.

- Article 9: The restoration of agricultural ecosystems with specific emphasis on rewetting 30% of the EU's drained peatlands by 2030.

Peatlands are the largest terrestrial **carbon sink**, therefore representing a vast resource for Europe in sequestering carbon, mitigating the effects of climate change, and serving to uphold

⁹ <https://www.eea.europa.eu/en/analysis/indicators/natura-2000-sites-designated-under>

the biological integrity of wetland ecosystems. In the EU, **50% of peatlands are degraded**¹⁰. Meanwhile, the final trilogue compromise agrees to restore 30% of drained peatlands under agricultural use by 2030, 40% by 2040 and 50% by 2050¹¹. However, this does not apply to all Member States, in that perceived hurdles in implementation efforts will **permit exemptions**.

- Article 16: Principle of access to justice allows civil society to take legal action against Member States for any perceived shortcomings in the implementation of national recovery plans.

While the Commission proposal included the principle of access to justice in Article 16, the amended text voted by the European Parliament did not. It only contains a reference to the Aarhus Convention in paragraph 71b of the preamble stating that "*Member States should ensure that, in accordance with the relevant national legal system, members of the public concerned have access to justice*". The **lack of reassurance** on the application of this principle leaves us concerned about compliance with the law itself.

- A target to restore 25,000 km of free-flowing rivers by 2030.

Freshwater ecosystems are some of the most imperiled on Earth in terms of **biodiversity** and **water security**. In Europe, barely any free-flowing rivers remain, resulting in one of the highest declines in migratory freshwater fish species globally, with an overall decline of 93% of species¹². This goal was most recently **reaffirmed** in the trilogues after risking being lowered to 20,000 km. Maintaining an elevated target for river restoration provides opportunities for growth in biodiversity, contributes to wetland ecosystem conservation, and will create jobs necessary to ensure appropriate restoration measures are executed.

- In forest ecosystems, goals are to enact an overall increase of biodiversity and a positive trend for forest connectivity, deadwood, share of uneven-aged forests, forest birds and stock of organic carbon.

Forest ecosystems exist across vast regions of the EU, but their health and resilience rely on reducing human management practices that defy **natural processes**. Although European forest

¹⁰

<https://www.unep-wcmc.org/en/news/research-reveals-a-quarter-of-europes-peatlands-are-degraded--ahead-of-key-climate-and-biodiversity-summits>

¹¹

https://www.consilium.europa.eu/en/press/press-releases/2023/11/09/nature-restoration-council-and-parliament-reach-agreement-on-new-rules-to-restore-and-preserve-degraded-habitats-in-the-eu/?utm_source=dsms-auto&utm_medium=email&utm_campaign=Nature+restoration%3a+Council+and+Parliament+reach+agreement+on+new+rules+to+restore+and+preserve+degraded+habitats+in+the+EU

¹²

<https://www.wwf.eu/?364693/93-collapse-in-migratory-freshwater-fish-populations-in-Europe---new-report#:~:text=93%25%20collapse%20in%20migratory%20freshwater,in%20Europe%20%2D%20new%20report%20%7C%20WWF&text=%E2%80%8BWith%20hydropower%2C%20overfishing%2C%20climate,a%2093%25%20collapse%20in%20Europe.>

cover is extensive, **ecosystem integrity** is low and **absorption of carbon** has been decreasing since 2013 despite still remaining a net carbon sink¹³. The latest news articles report that mandatory indicators to assess the state of forest ecosystems are standing and lying deadwood and the common forest bird index, taking into account the risk of forest fires. Little is known about compliance with the other indicators that the Commission had proposed as mandatory, whereas before the trilogues the negotiators had reached a consensus on the mandatory positive trend in **three out of five indicators**.

- Goals for increasing green spaces and tree cover in cities.

Currently, 72% of the EU's population lives in urban areas. This is expected to reach 90% by the end of the century¹⁴. Urban settings currently also suffer under some of the worst **climate threats**, particularly given their vulnerability to **extreme heat and precipitation**¹⁵. Both the Council and Parliament agreed that member states shall **prevent any net loss** of green space and tree canopy cover in urban settings between the adoption of the law and 2030, except in instances where green space already exceeds 45% in urban spaces.

- Amendment 136 would delay implementation of the NRL until the Commission provides more data on food security.
- Postponement of targets in the face of exceptional socioeconomic consequences (Emergency regulatory brake) are ambiguous, making legally binding targets difficult to uphold in practice.

The world is rapidly approaching **climatic and ecological tipping points**, after which any efforts to restore nature and combat climate change will be futile. However, trilogue agreements vowed to set the year 2033 as a date for the Commission to review and evaluate the NRL's influence on agricultural, forestry and fishery industries. Member states will be given the possibility to **suspend regulatory actions** for up to one year in the event that unforeseeable circumstances adversely impact EU food security. It is our position that these amendments provide a **loophole** for Member States to delay actions taken to restore nature, undermining food security domestically and globally over the long term.

GCE's position on the NRL

It must be acknowledged that the debate over the Nature Restoration Law has been biased and hampered by disinformation. The European Commission, scientists, NGOs and youth activists have demonstrated through scientific studies and evidence that the law will improve Europe's economy and natural systems, thereby enhancing long-term resilience to climate impacts and

¹³ <https://efi.int/forestquestions/q16>

¹⁴

[https://www.eib.org/en/essays/the-story-of-your-city#:~:text=Today%2C%2072%25%20of%20the%20EU,I taly%2C%20Netherlands%2C%20UK\).](https://www.eib.org/en/essays/the-story-of-your-city#:~:text=Today%2C%2072%25%20of%20the%20EU,I taly%2C%20Netherlands%2C%20UK).)

¹⁵

https://climate-adapt.eea.europa.eu/en/eu-adaptation-policy/sector-policies/urban/index_html#:~:text=Wit h%20projected%20increases%20in%20temperature,to%20these%20impacts%20is%20increasing.

uncertainty.

While we at GCE celebrated the survival of the NRL following the EP's vote in July, we admonished the severely compromised outcome of several key amendments. It was also disheartening to see that almost half of all MEPs did not vote in support of European nature restoration, thereby ignoring the calls of youth to support an intergenerationally equitable future. More recently, we acknowledge major changes undertaken following trilogue discussions to strengthen previously weakened amendments. However, the law remains far from what science tells us is necessary to effectively combat climate change and biodiversity loss. The adoption of more rigorous amendments and the rebuttal of environmentally and economically damaging compromises are essential for ensuring intergenerational justice, enhancing biodiversity and ensuring climate resilience.

In order to respect the EU's agreement to honor intergenerational justice made at COP15, continued votes to strengthen amendments of the NRL before its adoption must be executed in order to allow the NRL to propel Europe towards a future of environmental stability, economic opportunity, and intergenerational equity.