

The EU Nature Restoration Law¹²

The Council of the EU environmental ministers adopted the regulation on nature restoration at 17.06.2024.³ This law aims to put measures in place to restore at least 20% of the EU's land and sea areas by 2030, and all ecosystems in need of restoration by 2050.

It sets specific, legally binding targets and obligations to the member States for nature restoration in each of the listed ecosystems – from terrestrial to marine, freshwater and urban ecosystems.

Because it is a regulation it is binding law in all member states after it has been published in the Official Journal.

- The regulation requires member states to establish and implement measures to jointly restore, as an EU target, at least 20% of the EU's land and sea areas by 2030.
- Until 2030, member states will prioritize Natura 2000 sites when implementing the restoration measures.
- On habitats deemed in poor condition, as listed in the regulation, member states will take measures to restore:
 - at least 30% by 2030
 - at least 60% by 2040
 - at least 90% by 2050
- Non-deterioration efforts
 - Member states will make efforts to prevent significant deterioration of areas that have reached good condition thanks to restoration
- Protecting pollinators
 - The regulation introduces specific requirements for measures to reverse the decline of pollinator populations by 2030 at the latest.
- Ecosystem-specific measures
 - The regulation sets out specific requirements for different types of ecosystems, including agricultural land, forests and urban ecosystems. Member states will put measures aiming to enhance two out of these three indicators: grassland butterflies' population, stock of organic carbon in cropland mineral soils and share of agricultural land with high-diversity landscape features. Increasing forest birds' population and making sure there is no net loss on urban green spaces and tree canopy cover until end of 2030 are also key measures of this new law.
- Member states will put in place measures aiming to restore drained peatlands and help plant at least three billion additional trees by 2030 at the EU level. In order to turn at least 25 000 km of rivers into free-flowing rivers by 2030, member states will take measures to remove man-made barriers to the connectivity of surface waters.
- National restoration plans

¹ Author used the text https://www.eeas.europa.eu/delegations/montenegro/nature-restoration-law-council-gives-final-green-light_en

² This note is the personal opinion of the author

³ <https://data.consilium.europa.eu/doc/document/PE-74-2023-INIT/en/pdf>

- Under the new rules, member states must plan ahead and submit national restoration plans to the Commission, showing how they will deliver on the targets. They must also monitor and report on their progress, based on EU-wide biodiversity indicators.
- One of the minimum contents of such a restoration plans is a non-deterioration clause which will lead to a mandatory impact assessment before permitting a project if it might cause a deterioration of e.g. habitats. Not new but now also outside habitat areas.
- Water related measures
 - Member states have to remove artificial barriers in surface waters to contribute to meeting the restoration targets set out in Article 4 of this Regulation and fulfilling 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.
 - This is overlapping with the requirements of Art 4 WFD and the content of RMBP's and PoM's published on the basis of Art 4 WFD. There is no provision about the ranking of Art 4 WFD and 9 NRL, so I think that both provisions shall apply and that Art 9 NRL will apply without settings in a RMBP and a PoM. It's the inventory of artificial barriers what will matter.
 - According to Art 11 (4) NRL drained agriculture areas have to be rewetted. Member States shall put in place measures which shall aim to restore organic soils in agricultural use constituting drained peatlands. Those measures shall be in place on at least:
 - 30 % of such areas by 2030, of which at least a quarter shall be rewetted;
 - 40 % of such areas by 2040, of which at least a third shall be rewetted;
 - 50 % of such areas by 2050, of which at least a third shall be rewetted.

This requirement may have impact on the water system as a whole (less water in rivers e.g.)??
- Planting 3.000.000 trees
 - According to Art. 13 NRL 3.000.000 trees have to be planted. Please tell me where? Who shall care for them?

Impact assessment

- From my point of view this regulation is step forward to nature protections even when it has been watered. Thanks to Austria we now have the maybe last green legislation for the next years. Some provisions overlap with provision of the WFD.

Per Seeliger