

Comments on the draft Nature Restoration Law



compiled by the
EU-funded projects

MERLIN
REST-COAST
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WaterLANDS
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Five large EU-funded research projects, all operating at the science-policy interface, jointly analysed the text of the draft Nature Restoration Law. The involved projects include the four projects funded under the Green Deal (Horizon2020) Area 7 topic "Restoring biodiversity and ecosystem services", and represent 168 institutions working at the interface of environmental science, application and policy.

The recommendations listed below result from a science-policy workshop held in Brussels on 25th November 2022 that was organised by the Research Executive Agency of the European Commission and DG R&I, and attended by the project coordinators and by representatives of EEA, JRC, DG-ENV, DG-AGRI, DG-MARE, DG-REGIO and DG-CLIMA.

Increase the awareness of freshwater ecosystem restoration

Justification

Though freshwaters cover only a small percentage of the earth's surface, they are particularly affected by the loss of biodiversity and influence the receiving transitional and coastal waters.

They should, therefore, be more prominently recognised in the law, i.e. freshwater (or inland water) ecosystems should always be mentioned alongside "terrestrial and marine ecosystems".

Suggested modifications

- **Foreword (5):** Replace "inland freshwater ecosystems" by "inland aquatic ecosystems" (to include also saline habitats).
- **Foreword (5):** Amend as follows (suggested additions underlined): "in particular forests, wetlands, mountains, dryland, inland waters and wetlands".
- **Foreword (15):** Amend as follows (suggested additions underlined): "...the climate crisis is already a driver of terrestrial, freshwater and marine ecosystem change".
- **Art. 1 (1) (a):** Amend as follows (suggested additions underlined): "The continuous, long-term and sustained recovery of biodiverse and resilient nature across the Union's land, freshwater and sea areas".



Involve “urban blue spaces” alongside “urban green spaces”

Justification

Urban green spaces are prominently addressed by the Nature Restoration Law, which is greatly acknowledged. The law implies that also blue spaces, i.e. urban freshwaters, are included under “urban green spaces”. However, we suggest to make this more explicit by replacing “urban green spaces” by “urban blue and green spaces” throughout the document. Urban blue spaces are particularly relevant for urban climate and for urban biodiversity and should gain specific attention in future restoration actions.

Suggested modifications

- **Article 3 (13):** Amend as follows (suggested additions underlined): “urban green and blue space” means all green and blue urban areas; broad-leaved forests; coniferous forests; mixed forests; natural grasslands; moors and

heathlands; transitional woodland-shrubs and sparsely vegetated areas; springs, streams and rivers; ponds and lakes; artificial water bodies with near-natural vegetation - as found within cities or towns (...);

- **Article 6 (1):** Amend as follows (suggested additions underlined): “...no net loss of urban green and blue spaces”; “... total national area of urban green and blue spaces”.
- **Art. 6 (2):** add “(c) a net gain of urban blue spaces with a focus on new freshwaters that provide the greatest range of Nature-based services.”
- **Article 17 (1b):** Amend as follows (suggested additions underlined): “...the area of urban green and blue space...”

Improve the compliance with the Water Framework Directive

Justification

The Nature Restoration Law has great potential to improve the implementation of the Water Framework Directive, which has not yet reached many of its goals.

Suggested modifications

Foreword (59): Add the River Basin Management Plans under the list of plans to be considered.

Increase role of Nature-based Solutions

Justification

The draft Nature Restoration Law is mainly focussed on the restoration of habitats and conditions for individual species. Nature-based Solutions (NbS) are mentioned, but are not in the focus of the law. It should be made more obvious that the society will benefit from restoration at a sufficient scale, not “only” habitats and species.

Suggested modifications

Foreword (16), footnote 59: NbS is defined as: “... inspired and supported by nature, that are cost-effective, and that simultaneously provide environmental, social and economic benefits and help build resilience.”

We suggest to use the UN definition instead, which is nowadays most commonly used:

“Actions to protect, conserve, restore, sustainably use and manage natural or modified terrestrial, freshwater, coastal and marine ecosystems, which address social, economic and environmental challenges effectively and adaptively, while simultaneously providing human well-being, ecosystem services and resilience and biodiversity benefits.”

Art. 4 (between paragraphs 3. and 4.): Add: “Restoration measures in accordance with paragraphs 1, 2 and 3 of this Article shall primarily include Nature-based Solutions according to footnote 59.”

Increase the recognition of wood-based economic activities alongside food production from agriculture throughout the document

Justification

Many forest habitats provide wood-based products alongside habitat protection and other provisional and regulatory ecosystem services. This multifunctionality of Europe's forests and the provision of renewables (wood, fiber, wood based chemicals etc.) for the transition to a circular bio-economy, to reduce international dependency and to avoid imports of forest-based products that may be connected to deforestation, should be incorporated in the Nature Restoration Law (also in line with the Foreword paragraph 60).

Suggested modifications

- **Explanatory Memorandum, Context of the proposal:** Amend as follows (suggested additions underlined): "Evidence shows that restoring agro-ecosystems and forest ecosystems has positive impacts on the productivity of food and wood-based products in the long-term, and the restoration of nature acts as an insurance policy to ensure the EU's long-term sustainability and resilience."
- **Consistency with other Union policies:** Amend as follows (suggested additions underlined): Geo-political developments have further underlined the need to safeguard the resilience of food systems and wood producing systems."



Increase and specify targets for restoration of rivers, standing waters, floodplains and deltas

Justification

The aims for river connectivity / floodplain / delta restoration as specified in Article 7 are less ambitious, less stringent and less specific than those for other ecosystems. The river connectivity target should be strengthened with time bound and binding objectives to remove river barriers.

Targets should be specified by appropriate indicators, to measure effects of restoration plans in an unbiased and comparable way.

Suggested modifications

- Article 7(1): should be amended to ask Member States to "reach" rather than "contribute to objectives. The objective of restoring 25,000 km of free-flowing rivers by 2030 should be increased, as it only represents 2% of EU rivers. The timeline for defining objectives for 2040 and 2050 should be specified. References to the possibility of using exemptions under the Water Framework Directive (WFD) and the Trans-European Transport Network (TEN-T) Regulation should be deleted.

- Article 7(2): The current text to address primarily obsolete barriers reduces the scope of the provision and should be deleted.
- Article 7(3): Amend as follows (suggested additions underlined): Member States shall complement the removal of the barriers referred to in paragraph 2 by the measures necessary to improve biodiversity and the natural functions of the related floodplains, in particular by enabling conditions for natural flood regimes, creating standing open bars, standing waters, floodplain forests and sedimentary active deltaic plains.
- Article 17(1): Add among the list of monitoring measures (a to g):
 - Length of rivers sections (including tributaries) connected through removal of barriers obstructing longitudinal connectivity.
 - Area of floodplains connected to the river through removal of barriers obstructing lateral connectivity.
 - Quality and numbers of standing waterbodies.

Specify targets for organic soils in agricultural areas

Justification

In order to re-establish the desired nature-based solutions for climate and biodiversity offered by peat / organic soils under agriculture, full rewetting is a prerequisite. The existing distinction made between 'restoration' and 'rewetting' serves to reduce areas functionally restored and providing the full set of NbS. Consequently, the proposed targets for rewetting organic soils under agricultural use are not ambitious enough and are open to reduction through ambiguity. Aligned with this, dedicated monitoring is proposed for a set of more ambitious targets for these rewetted organic soils.

All countries should be equally ambitious in peatland rewetting, regardless of the type of use.

Therefore, the scope of the Article 9.4 should be expanded to all types of peatland use. The current two subparagraphs referring to counting other land uses under the agricultural target must be deleted, also to prevent these from being used as a loophole for reducing agricultural land

emissions. This will also contribute to the simplicity and clarity of the regulation.

Suggested modifications

Art. 9 (4): Amend as follows (suggested additions underlined, deletions crossed-out): For organic soils in agricultural use under any land use constituting drained peatlands, Member States shall put in place restoration rewetting (and possibly additional restoration) measures and monitor their success. Those measures shall be in place on at least:

- 30 % of such areas by 2030, of which at least a quarter shall be rewetted;
- 50 % of such areas by 2040, of which at least half shall be rewetted
- 70 %, where possible up to 100 %, of such areas by 2050, of which at least half shall be rewetted.

Woody riparian vegetation as a key measure in agricultural landscapes

Justification

A target on the establishment of woody riparian buffer strips along streams should be included.

Establishment of woody riparian vegetation is the most cost effective measure for enhancing freshwater and riparian biodiversity and ecosystem services.

Suggested modifications

Article 9 (2): add: d. Length of rivers and streams in agricultural landscapes accompanied by woody riparian vegetation.

Climate change impacts are already ongoing and habitats are shifting, thus adaptation of ecosystems is essential to ensure their future resilience and functionality

Justification

For forests, we advise against the strict use of habitat types with predetermined tree species proportions as in the Habitats Directive as targets for restoration (Foreword, paragraph 25). Habitat types do not provide the flexibility needed to create resilient and climate change adapted forests in the rapidly changing world. The goals of restoration should also not be measured by a narrow range of biodiversity-related indicators, as suggested in Article 10, where potential trade-offs with other ecosystem services are not recognised, e.g. potential

increase of forest fire risk with deadwood, vertical structure and landscape connectivity.

Suggested modifications

Include indicators like tree species diversity adapted to climate change and providing a large functional diversity (shade tolerance, root system, bark structure, etc.), landscape-level diversity of habitats and forest development stages, old-growth patches, habitat trees, and different tree vitality measures.

Weak information base on the actual condition and state of biodiversity of European forests

Justification

The Preamble (66) states that "*a substantial share of the information reported by Member States in accordance with Article 17 of Council Directive 92/43/EEC and Article 12 of Directive 2009/147/EC, in particular on the conservation status and trends of the habitats and species they protect, comes from partial surveys or is based only on expert judgment*". However most biodiversity related indicators from national forest inventories show an improving trend (tree species diversity, deadwood, natural regeneration).

This discrepancy in assessment methods and the weakness and low representativeness particularly of the Article 17 monitoring of Council Directive 92/43/EEC provide inconsistent guidance for restoration and will make assessments of continuous improvement close to impossible.

Suggested modifications

Relax the reference to Council Directive 92/43/EEC throughout the legislation proposal and encourage and support the further development of consistent monitoring schemes.



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With a total budget of 85M EUR, the 4 projects MERLIN, REST-COAST, SUPERB and WaterLANDS were funded in 2020 under the Horizon 2020 Green Deal Call (7.1) and PONDERFUL (7M EUR) on restoration of ecosystems and biodiversity.

These projects are contributing to the ambitions of the EU Biodiversity Strategy through hands-on restoration activities and the development of resources and tools, that can support mainstreaming of large-scale restoration activities in Europe.