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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on nature restoration and amending Regulation (EU) 2022/869 (first reading) - Adoption of the legislative act = Statements

Statement by Germany

The Nature Restoration Regulation is being adopted at a time when the agricultural sector is facing fundamental challenges. The Federal Republic of Germany emphasises the vital importance of an agricultural sector fit for the future. Functioning ecosystems are an indispensable basis in this respect. The Federal Republic of Germany considers it crucial for the implementation of the Nature Restoration Regulation that no additional burdens on agricultural holdings ensue.

Statement by Estonia

Estonia strongly supports the Nature Restoration Law. We consider the Nature Restoration Law to be one of the most important tools to halt and reverse dangerous biodiversity loss in Europe and secure healthy, resilient and safe environment for us and for our children. Biodiverse nature is our strongest ally in fighting climate change and adapting to its impacts. Sustainability of food production, forestry, provision of vital ecosystem services – they all depend on nature and on biodiversity. Moreover, we have responsibilities not only to our own citizens and future generations but also to the global community. The Regulation serves a fine balance between necessary measures that address the urgent and real needs of the natural environment, and at the same time takes into account the efforts and different circumstances in Member States and provides the necessary flexibilities to address those.

Statement by the Netherlands

The Government of the Netherlands would like to reiterate that it underscores the importance of the Nature Restoration Regulation and supports its overarching ambition. We would like to thank the French, Swedish, Spanish and Belgian Presidencies as well as the Commission and the European Parliament for their constructive approach in concluding the Regulation. We would like to express our appreciation to all EU-partners who have taken the concerns of the Netherlands seriously and have tried to find solutions to accommodate these challenges during the negotiations.

However, the Dutch Parliament has adopted by a vast majority a motion requesting the Government to vote against the Nature Restoration Regulation, considering the substantial challenge to achieve current and future objectives to restore nature within the context of high population density and high pressure on land use caused by competing economic, social and environmental claims, and the related risks of legal and policy consequences. The binding goals for 2040 and 2050 set by the Regulation intensify the challenges for implementation. Consequently, the Government of the Netherlands will vote against the Regulation.

When the Regulation is officially adopted and has entered into force, the Netherlands is committed to implementing the Regulation in a successful manner. We will aim to implement the Regulation in such a way that the administrative burden and legal requirements for societally relevant projects are as limited as possible and will look for multifunctional utilisation of land and resources within the framework of the Regulation. The Netherlands looks forward to maintaining a continuous dialogue with the Commission and Member States to ensure the Regulation will contribute to restoring ecosystems for people, the climate and the planet.

Statement by Slovakia

Slovakia supports the objective of the draft Regulation, which is to contribute to the continuous, long-term and sustained recovery of biodiverse and resilient nature across the European Union's land and sea areas by restoring ecosystems and to contribute to achieving the Union's climate change mitigation and climate adaptation objectives and meet its international commitments.

However, we believe that efforts to achieve this objective must respect the baselines and requirements of the different ecosystems in the Member States. From a European perspective, the most effort to restore nature will need to be made where ecosystems have been most heavily altered and negatively affected by human activity. There are still ecosystems in Slovakia that show a high degree of nature and conservation of biodiversity, as evidenced by the national score of 82.7 in the 2022 EPI Biodiversity Index. These positives need to be preserved as much as possible. This situation is, to a significant extent, the result of current and, in many cases, long-term and active landscape and nature conservation practices in Slovakia. In addition to professional and volunteer conservationists, farmers, foresters and forest owners and local people have historically played an integral role in these efforts in Slovakia.

The future application of the Regulation must therefore be based on a fair distribution of effort across the Member States. The effective application of the Regulation will require indicators, favourable areas and habitat status assessments to be correctly set at satisfactory levels. Otherwise, it may further exacerbate the disparities in the state of ecosystems and the use of natural resources between the Member States of the Union and have a different socio-economic impact in the Member States.

We consider that the application of the Regulation will contribute to an increased administrative and financial burden that will have to borne to a considerable extent by the Member States. Public funding should therefore guarantee, in a stable and predictable manner, sufficient resources to implement the renewed measures and compensate for the varying degrees of curtailment of economic activities.

Statement by the Commission

The EU and its Member States are parties to the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (the ‘Aarhus Convention’).

Member States should ensure that members of the public concerned, who have a sufficient interest or that maintain the impairment of a right in accordance with national law, have access to a review procedure before a court of law, or an independent and impartial body established by law, to challenge the substantive or procedural legality of the national restoration plans and any failures to act of the competent authorities, regardless of the role members of the public concerned have played during the process for preparing and establishing such national restoration plans. This shall be in line with the relevant case law of the Court of Justice of the European Union related to access to justice in environmental matters and in full respect of the obligations Member States have undertaken as parties to the Aarhus Convention¹.

¹ See also Communication on ‘Improving access to justice in environmental matters in the EU and its Member States’ (doc. 11854/20 - COM(2020)0643).