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'I/A' ITEM NOTE

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 Latvia

Latvia still shares serious concerns regarding the proportionality of restoration provisions of agriculture ecosystems in relation to measures which aim to restore organic soils in agricultural use constituting drained peatlands.

Nevertheless, Latvia supports the adoption of the Proposal for a Regulation on nature restoration, as well as the main aim of this proposal - to bring nature back across the continent for the benefit of biodiversity, climate and people.

In our opinion, effort-based provisions with quantitative targets for restoring and rewetting organic soils still constitute a risk to disproportionately affect certain Member States with specific climate conditions.

Latvia is a Member State with one of the lowest shares of agricultural land (30% from total land area) in the EU. At the same time Latvia is one of the few Member States with the highest share of organic soils located on agricultural lands.

Due to given specificities and circumstances, rewetting restoration measures should not negatively affect agricultural production, which is one of the priority economic sectors in Latvia.

Furthermore, rewetting also increases methane emissions, which is the second most contributing greenhouse gas. In some cases, rewetting may go against the achievement of Latvia's LULUCF climate goals, especially in the short term.

Availability of additional funding is an essential prerequisite for achieving targets set by this regulation.

When setting environmental and climate targets - all sustainability aspects of land management, agriculture and forestry have to be taken into account in a balanced way.

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 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).