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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
Subject:	Nature Restoration Regulation: WPE meeting on 30 September 2022: Preliminary questions on Chapters III and IV and related Annexes - Comments from a delegation

With a view to facilitate discussions at the WPE meeting of 30 September 2022, on the Nature Restoration Regulation, the Presidency invited delegations to submit preliminary questions on Chapters III and IV and related Annexes.

Delegations will find attached preliminary questions and comments by IT on Chapter III and IV and related Annexes.

ITALY

Observations on Chapters III and IV of the Regulation on nature restoration.

Art. 11 (1)

We believe that the timing defined in Art. 13 for the preparation of the national plans (two years after the entry into force of the Regulation) is too short to carry out preparatory monitoring and research provided for by Art. 11 (1), especially if we consider the time required for the public consultation under Art. 11 (11). Different MS have proposed to postpone the production of national plans, but this could compromise the achievement of the targets set for 2030.

Alternatively, we suggest to modify Art. 11 (1) as follow, in order to highlight that restauration plans will be prepared taking into account the available latest scientific evidence:

Member States shall prepare national restoration plans identifying, based on the available latest scientific evidence, ~~and carry out the preparatory monitoring and research needed to identify~~ the restoration measures that are necessary to meet the targets and obligations set out in Articles 4 to 10, ~~taking into account the latest scientific evidence.~~

Art. 11 (2)

“a) for each habitat type:

*(i) the total habitat area and **a map** of its current distribution;”*

Is there a specific scale required for the map of habitat distribution or any scale is fine?

(b) the sufficient quality and quantity of the habitats of the species required for achieving their favourable conservation status, taking into account the areas most suitable for re-establishment of those habitats, and the connectivity needed between habitats in order for the species populations to thrive, as well as ongoing and projected changes to environmental conditions due to climate change.

Is this point applicable also to the species that are not listed in the Habitat and Bird Directive, i.e. species of annex III? To assess the conservation status of these species should we use the same parameters and arguments used for the assessment of conservation status of the Habitat Directive species?

Art. 11 (4)

*Member States shall identify and **map** the agricultural and forest areas in need of restoration, in particular the areas that, due to intensification or other management factors, are in need of enhanced connectivity and landscape diversity.*

Is there a specific scale required for the map of the agricultural and forest areas in need of restoration or any scale is fine?

Art. 11 (5)

Modify the text as follows

«Member States shall identify synergies with climate change mitigation, ~~climate change~~ and adaptation and disaster prevention **and risk reduction** and prioritise restoration measures accordingly.

Art. 11 (7)

Regarding the list of references to be taken into account in drafting the national restoration plan, Italy suggests to add the followings:

- Directive 2009/147 / EC and to the measures contained in the management plans of protected areas established on the basis of national law and of Ramsar Zone
- Action programs for vulnerable zones under Council Nitrates Directive (91/676 / EEC)
- National Action Plans for Sustainable use of pesticides (Directive 2009/128 / EEC)
- Measures implemented under the EU Regulation 1143/2014 on Invasive Alien Species
- UE Forest Strategy 2030 and the related national programming tools (this should be included in the context of the more generic strategies and national plans in the field of biodiversity cited in Art.11 (7f).
- measures envisaged by the Flood risk management plans according to EU Directive 2007/60 / CE
- Agro-climatic environmental measures envisaged in the national strategic plans for the implementation of the CAP and in other plans that provide for measures for the protection of biodiversity (e.g. on pesticides)

Art. 11 (11)

When defining the national restoration plans it's important to highlight the need to share these plans also with the local/territorial authorities, in line with the organization of each MS, and to involve them even in their preparation phase.

Art. 12 (2)

We suggest to include in the list of Art. 12 (2) the following points:

- references to the current laws related to forest reproductive materials and to the need that the European financial support can be destined also to the strengthening of the nursery of forestry sector, functional to the restoration activities;
- references to specific methods to avoid that the activities carried out for restoration are nullified by the excessive presence of wild animals, in particular ungulates;
- references to current laws related to forest fire prevention; in Italy the Art. 10 of the 353 laws of 2000 forbid the afforestation in areas affected by fire, unless specific authorizations of the Ministry of Ecological Transition and of the Regions, in order to avoid fraudulent actions and favour subsequent afforestation activities, in their turn subjected to fire by malicious activities, that are even coordinated by mafia organizations.

Art. 12 (2 k) (ii)

Add the wording "or mitigate the effects of" after "prevent", as follows:

the potential of restoration measures to minimize climate change impacts on nature, to prevent or mitigate the effects of natural disasters and to support adaptation;

Art. 12 (2 k) (iii)

Modify as follows:

synergies with national adaptation strategies or plans, River Basin Management Plans (sensu Dir 2000/60 / EC), Flood risk management plans (as per Dir. 2007/60 / EC) and national disaster risk assessment reports;

Art. 17 (1)

After b) insert:

c) the conditions of river corridors and floodplains as referred to in art. 7
and change the enumeration consequently.

Art. 17 (5)

The monitoring in accordance with that paragraph, points (g) and (h), shall be carried out at least every six years and shall be coordinated with the reporting cycle under Article 17 of Directive 92/43/EEC.

Since the monitoring required under point b is related also to the birds listed in the Birds Directive, we suggest the following integration:

The monitoring in accordance with that paragraph, points (g) and (h), shall be carried out at least every six years and shall be coordinated with the reporting cycle under Article 17 of Directive 92/43/EEC and under Article 12 of Directive 2009/147/UE.

Art. 17 (9)

The Commission may adopt implementing acts to:

- (a) specify the methods for monitoring the indicators for agricultural ecosystems listed in Annex IV;*
- (b) specify the methods for monitoring the indicators for forest ecosystems listed in Annex VI;*
- (c) develop a framework for setting the satisfactory levels referred to in Article 11(3).*

We highlight the importance to define as soon as possible the monitoring methods and the framework for setting the satisfactory levels of point a, b and c, in order to ensure homogeneity of assessment between member states.

Art.18 (2)

According to the Proposal, the reporting commitments envisaged for the MS are: (i) every year, the numerical data and (ii) every 3 years (at least), starting from June 2031, the information reported in art. 18 point 2, according to the formats that the EC and EEA will have to establish. On this point, it will be helpful and practical to ensure that the reporting of the new Regulation is aligned with those envisaged by other EU directives.

*(b) the results of the monitoring carried out in accordance with Article 17. The reporting of the results of the monitoring carried out in accordance with Article 17(1)(g) and (h) should be submitted including in the form of **geographically referenced maps**;*

*c) the location and extent of the areas subject to restoration measures referred to in Article 4, Article 5, and Article 9(4), including a **geographically referenced map** of those areas;*

Can these maps be at any scale?
