



Annex II to Presidency Steering note

Meeting of the Working Party on the Environment - 2 March 2023 – Nature Restoration Regulation

With a view to the meeting of the Working Party on Environment of 2 March 2023, delegations will find in this Annex II to the steering note a Presidency compromise text on select Articles of the Commission proposal for a regulation on nature restoration (COM(2022) 304 final).

New changes build upon and are made to the CZ Presidency's compromise text (Rev 1, document 14884/22, of 18 November 2022) and are identified in track-changes.

Please note that text sections marked as grey will be subject of further work and will not be addressed at this stage.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on nature restoration

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) It is necessary to lay down rules at Union level on the restoration of ecosystems to ensure the recovery to biodiverse and resilient nature across the Union territory. Restoring ecosystems also contributes to the Union climate change mitigation and climate change adaptation objectives.
- (2) The European Green Deal² has set out an ambitious roadmap to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, aiming to protect, conserve and enhance the Union's natural capital, and to protect the health and well-being of citizens from environment-related risks and impacts. As part of the European Green Deal, the

¹ OJ C , , p. .

² Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal, 11.12.2019 (COM (2019) 640 final).

Commission has adopted an EU Biodiversity Strategy for 2030³.

- (3) The Union and its Member States, as parties to the Convention on Biological Diversity, approved by Council Decision 93/626/EEC⁴, are committed to the long-term strategic vision adopted by the Conference of the Parties in 2010 by Decision X/2 Strategic Plan for Biodiversity 2011-2020⁵ that, by 2050, biodiversity is to be valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people.
- (4) [placeholder for the restoration target of the new Global Biodiversity Framework to be agreed at CBD COP 15]
- (5) The UN Sustainable Development Goals⁶, in particular goals 14.2, 15.1, 15.2 and 15.3, refer to the need to ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands.
- (6) The United Nations General Assembly, in a resolution of 1 March 2019⁷, proclaimed 2021–2030 the UN decade on ecosystem restoration, with the aim of supporting and scaling-up efforts to prevent, halt and reverse the degradation of ecosystems worldwide and raise awareness of the importance of ecosystem restoration.
- (7) The EU Biodiversity Strategy for 2030 aims to ensure that Europe's biodiversity will be put on the path to recovery by 2030 for the benefits of people, the planet, the climate and our economy. It sets out an ambitious EU nature restoration plan with a number of key commitments, including a commitment to put forward a proposal for legally binding EU nature restoration targets to restore degraded ecosystems, in particular those with the most potential to capture and store carbon, and to prevent and reduce the impact of natural disasters.

3 Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030, Bringing nature back into our lives, 20.5.2020, COM(2020) 380 final.

4 Council Decision 93/626/EEC of 25 October 1993 concerning the conclusion of the Convention on Biological Diversity (OJ L 309, 13.12.1993, p. 1).

5 <https://www.cbd.int/decision/cop/?id=12268>.

6 [United Nations Sustainable Development – 17 Goals to Transform Our World](#).

7 Resolution 73/284 of 1 March 2019 on the United Nations Decade on Ecosystem Restoration (2021–2030).

- (8) In its resolution of 9 June 2021⁸, the European Parliament strongly welcomed the commitment to draw up a legislative proposal with binding nature restoration targets, and furthermore considered that in addition to an overall restoration target, ecosystem-, habitat- and species-specific restoration targets should be included, covering forests, grasslands, wetlands, peatlands, pollinators, free-flowing rivers, coastal areas and marine ecosystems.
- (9) In its conclusions of 23 October 2020⁹, the Council acknowledged that preventing further decline of the current state of biodiversity and nature will be essential, but not sufficient to bring nature back into our lives. The Council reaffirmed that more ambition on nature restoration is needed as proposed with the new EU Nature Restoration Plan, which includes measures to protect and restore biodiversity beyond protected areas. The Council also stated that it awaited a proposal for legally binding nature restoration targets, subject to an impact assessment.

8 European Parliament resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives (2020/2273(INI)).

9 Council Conclusions on Biodiversity - the need for urgent action, 12210/20.

- (10) The EU Biodiversity Strategy for 2030 sets out a commitment to legally protect a minimum of 30 % of the land, including inland waters, and 30 % of the sea in the Union, of which at least one third should be under strict protection, including all remaining primary and old-growth forests. The criteria and guidance for the designation of additional protected areas by Member States¹⁰ (the ‘Criteria and guidance’), developed by the Commission in cooperation with Member States and stakeholders, highlight that if the restored areas comply or are expected to comply, once restoration produces its full effect, with the criteria for protected areas, those restored areas should also contribute towards the Union targets on protected areas. The Criteria and guidance also highlight that protected areas can provide an important contribution to the restoration targets in the EU Biodiversity Strategy for 2030, by creating the conditions for restoration efforts to be successful. This is particularly the case for areas which can recover naturally by stopping or limiting some of the pressures from human activities. Placing such areas, including in the marine environment, under strict protection, will, in some cases, be sufficient to lead to the recovery of the natural values they host. Moreover, it is emphasised in the Criteria and guidance that all Member States are expected to contribute towards reaching the Union targets on protected areas set out in the EU Biodiversity Strategy for 2030, to an extent that is proportionate to the natural values they host and to the potential they have for nature restoration.
- (11) The EU Biodiversity Strategy for 2030 sets out a target to ensure that there is no deterioration in conservation trends or in the status of protected habitats and species and that at least 30 % of species and habitats not currently in favourable status will fall into that category or show a strong positive trend towards falling into that category by 2030. The guidance¹¹ developed by the Commission in cooperation with Member States and stakeholders to support the achievement of these targets highlights that maintenance and restoration efforts are likely to be required for most of those habitats and species, either by halting their current negative trends by 2030 or by maintaining current stable or improving trends, or by preventing the decline of habitats and species with a favourable conservation status. The guidance further emphasises that those restoration efforts primarily need to

10 Commission Staff Working Document Criteria and guidance for protected areas designations (SWD(2022) 23 final).

11 Available at [Circabc \(europa.eu\)](https://circabc.europa.eu) [Reference to be completed]

be planned, implemented and coordinated at national or regional levels and that, in selecting and prioritising the species and habitats to be improved by 2030, synergies with other Union and international targets, in particular environmental or climate policy targets, are to be sought.

- (12) The Commission's State of Nature Report from 2020¹² noted that the Union has not yet managed to stem the decline of protected habitat types and species whose conservation is of concern to the Union. That decline is caused mostly by abandonment of extensive agriculture, intensifying management practices, the modification of hydrological regimes, urbanisation and pollution as well as unsustainable forestry activities and species exploitation. Furthermore, invasive alien species and climate change represent major and growing threats to native Union flora and fauna.
- (13) It is appropriate to set an overarching objective for ecosystem restoration to foster economic and societal transformation, the creation of high-quality jobs and sustainable growth. Biodiverse ecosystems such as wetland, freshwater, forest as well as agricultural, sparsely vegetated, marine, coastal and urban ecosystems deliver, if in good condition, a range of essential ecosystem services, and the benefits of restoring degraded ecosystems to good condition in all land and sea areas far outweigh the costs of restoration. Those services contribute to a broad range of socio-economic benefits, depending on the economic, social, cultural, regional and local characteristics.
- (14) The United Nations Statistical Commission adopted the System of Environmental Economic Accounting - Ecosystem Accounting (SEEA EA)¹³ at its 52nd session in March 2021. SEEA EA constitutes an integrated and comprehensive statistical framework for organising data about habitats and landscapes, measuring the extent, condition and services of ecosystems, tracking changes in ecosystem assets, and linking this information to economic and other human activity.
- (15) Securing biodiverse ecosystems and tackling climate change are intrinsically linked. Nature and nature-based solutions, including natural carbon stocks and sinks, are

12 Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee "The state of nature in the European Union Report on the status and trends in 2013 - 2018 of species and habitat types protected by the Birds and Habitats Directives", COM/2020/635 final.

13 https://seea.un.org/sites/seea.un.org/files/documents/EA/seea_ea_white_cover_final.pdf.

fundamental for fighting the climate crisis. At the same time, the climate crisis is already a driver of terrestrial and marine ecosystem change, and the Union must prepare for the increasing intensity, frequency and pervasiveness of its effects. The Special Report of the Intergovernmental Panel on Climate Change (IPCC)¹⁴ on the impacts of global warming of 1.5°C pointed out that some impacts may be long-lasting or irreversible. The Sixth IPCC Assessment Report¹⁵ states that restoring ecosystems will be fundamental in helping to combat climate change and also in reducing risks to food security. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in its 2019 Global Assessment Report on Biodiversity and Ecosystem Services¹⁶ considered climate change a key driver of change in nature, and it expected its impacts to increase over the coming decades, in some cases surpassing the impact of other drivers of ecosystem change such as changed land and sea use.

- (16) Regulation (EU) 2021/1119 of the European Parliament and of the Council¹⁷ sets out a binding objective of climate neutrality in the Union by 2050 and negative emissions thereafter, and to prioritise swift and predictable emission reductions and, at the same time, enhance removals by natural sinks. The restoration of ecosystems can make an important contribution to maintaining, managing and enhancing natural sinks and to increasing biodiversity while fighting climate change. Regulation (EU) 2021/1119 also requires relevant Union institutions and the Member States to ensure continuous progress in enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change. It also requires that

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- 14 Intergovernmental Panel on Climate Change (IPCC): Special Report on the impacts of global warming of 1.5°C and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)] <https://www.ipcc.ch/sr15/>
- 15 Climate Change 2022: Impacts, Adaptation and Vulnerability | Climate Change 2022: Impacts, Adaptation and Vulnerability (ipcc.ch).
- 16 IPBES (2019): Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. E. S. Brondizio, J. Settele, S. Díaz, and H. T. Ngo (editors). IPBES secretariat, Bonn, Germany. 1148 pages. <https://doi.org/10.5281/zenodo.3831673>.
- 17 Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).

Member States integrate adaptation in all policy areas and promote nature-based solutions¹⁸ and ecosystem-based adaptation.

- (17) The Commission's Communication on adaptation to climate change from 2021¹⁹ emphasises the need to promote nature-based solutions and recognises that cost-effective adaptation to climate change can be achieved by protecting and restoring wetlands and peatlands as well as coastal and marine ecosystems, by developing urban green spaces and installing green roofs and walls and by promoting and sustainably managing forests and farmland. Having a greater number of biodiverse ecosystems leads to a higher resilience to climate change and provides more effective forms of disaster reduction and prevention.
- (18) Union climate policy is being revised in order to follow the pathway proposed in Regulation (EU) 2021/1119 to reduce net emissions by at least 55 % by 2030 compared to 1990. In particular, the proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2018/841 and (EU) 2018/1999²⁰ aims to strengthen the contribution of the land sector to the overall climate ambition for 2030 and aligns the objectives as regards accounting of emissions and removals from the land use, land use change and forestry ('LULUCF') sector with related policy initiatives on biodiversity. That proposal emphasises the need for the protection and enhancement of nature-based carbon removals, for the improvement of the resilience of ecosystems to climate change, for the restoration of degraded land and ecosystems, and for rewetting peatlands. It further aims to

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- 18 Nature-based solutions are solutions that are inspired and supported by nature, that are cost-effective, and that simultaneously provide environmental, social and economic benefits and help build resilience. Such solutions bring more, and more diverse, nature and natural features and processes into cities, landscapes and seascapes, through locally adapted, resource-efficient and systemic interventions. Nature-based solutions must therefore benefit biodiversity and support the delivery of a range of ecosystem services.
- 19 Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change (COM/2021/82 final).
- 20 Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2018/841 as regards the scope, simplifying the compliance rules, setting out the targets of the Member States for 2030 and committing to the collective achievement of climate neutrality by 2035 in the land use, forestry and agriculture sector, and (EU) 2018/1999 as regards improvement in monitoring, reporting, tracking of progress and review (COM/2021/554 final).

improve the monitoring and reporting of greenhouse gas emissions and removals of land subject to protection and restoration. In this context, it is important that ecosystems in all land categories, including forests, grasslands, croplands and wetlands, are in good condition in order to be able to effectively capture and store carbon.

- (19) Geo-political developments have further underlined the need to safeguard the resilience of food systems.²¹ Evidence shows that restoring agro-ecosystems has positive impacts on food productivity in the long-term, and that the restoration of nature acts as an insurance policy to ensure the EU's long-term sustainability and resilience.
- (20) In the final report of the Conference on the Future of Europe, citizens call on the Union to protect and restore biodiversity, the landscape and oceans, eliminate pollution and to foster knowledge, awareness, education, and dialogues on environment, climate change, energy use, and sustainability.²²
- (21) The restoration of ecosystems, coupled with efforts to reduce wildlife trade and consumption, will also help prevent and build up resilience to possible future communicable diseases with zoonotic potential, therefore decreasing the risks of outbreaks and pandemics, and contribute to support EU and global efforts to apply the One Health approach, which recognises the intrinsic connection between human health, animal health and healthy resilient nature.
- (22) Soils are an integral part of terrestrial ecosystems. The Commission's 2021 Communication 'EU Soil Strategy for 2030'²³ outlines the need to restore degraded soils and enhance soil biodiversity.
- (23) Council Directive 92/43/EEC²⁴ and Directive 2009/147/EC of the European Parliament and of the

21 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Safeguarding food security and reinforcing the resilience of food systems, COM (2022) 133 final.

22 *Conference on the Future of Europe – Report on the Final Outcome*, May 2022, Proposal 2 (1, 4, 5) p. 44, Proposal 6 (6) p. 48.

23 Communication from the Commission to the European Parliament, Council, the European Economic and Social Committee and the Committee of the Regions. EU Soil Strategy for 2030 Reaping the benefits of healthy soils for people, food, nature and climate (COM/2021/699 final).

24 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

Council²⁵ aim to ensure the long-term protection, conservation and survival of Europe's most valuable and threatened species and habitats as well as the ecosystems of which they are part. Natura 2000, which was established in 1992 and is the largest coordinated network of protected areas in the world, is the key instrument implementing the objectives of those two Directives.

- (24) A framework and guidance²⁶ already exist to determine good condition of habitat types protected under Directive 92/43/EEC and to determine sufficient quality and quantity of the habitats of species falling within the scope of that Directive. Restoration targets for those habitat types and habitats of species can be set based on that framework and guidance. However, such restoration will not be enough to reverse biodiversity loss and recover all ecosystems. Therefore, additional obligations should be established based on specific indicators in order to enhance biodiversity at the scale of wider ecosystems.
- (25) Building on Directives 92/43/EEC and 2009/147/EC and in order to support the achievement of the objectives set out in those Directives, Member States should put in place restoration measures to ensure the recovery of protected habitats and species, including wild birds, across Union areas, also in areas that fall outside Natura 2000.
- (26) Directive 92/43/EEC aims to maintain and restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Union interest. However, it does not set a deadline for achieving that goal. Similarly, Directive 2009/147/EC does not establish a deadline for the recovery of bird populations in the Union.
- (27) Deadlines should therefore be established for putting in place restoration measures within and beyond Natura 2000 sites, in order to gradually improve the condition of protected habitat types across the Union as well as to re-establish them until the favourable reference area needed to achieve favourable conservation status of those habitat types in the Union is reached. In order to give the necessary flexibility to Member States to put in place large scale restoration efforts, it is appropriate to group habitat types according to the ecosystem to which they belong and set the time-bound and quantified area-based targets for

25 Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

26 DG Environment. 2017, "Reporting under Article 17 of the Habitats Directive: Explanatory notes and guidelines for the period 2013-2018" and DG Environment 2013, "Interpretation manual of European Union habitats Eur 28".

groups of habitat types. This will allow Member States to choose which habitats to restore first within the group.

- (28) Similar requirements should be set for the habitats of species that fall within the scope of Directive 92/43/EEC and habitats of wild birds that fall within the scope of Directive 2009/147/EC, having special regard to the connectivity needed between both of those habitats in order for the species populations to thrive.
- (29) It is necessary that the restoration measures for habitat types are adequate and suitable to reach good condition and the favourable reference areas as swiftly as possible, with a view to achieving their favourable conservation status. It is important that the restoration measures are those necessary to achieve the time-bound and quantified area-based targets. It is also necessary that the restoration measures for the habitats of the species are adequate and suitable to reach their sufficient quality and quantity as swiftly as possible with a view to achieving the favourable conservation status of the species.
- (30) It is important to ensure that the restoration measures put in place under this Regulation deliver concrete and measurable improvement in the condition of the ecosystems, both at the level of the individual areas subject to restoration and at national and Union levels.
- (31) In order to ensure that the restoration measures are efficient and that their results can be measured over time, it is essential that the areas that are subject to such restoration measures, with a view to improving the condition of habitats that fall within the scope of Annex I to Directive 92/43/EEC, to re-establish those habitats and to improve their connectivity, show a continuous improvement until good condition is reached.
- (32) It is also essential that the areas that are subject to restoration measures with a view to improving the quality and quantity of the habitats of species that fall within the scope of Directive 92/43/EEC, as well as habitats of wild birds falling within the scope of Directive 2009/147/EC, show a continuous improvement to contribute to the achievement of a sufficient quantity and quality of the habitats of such species.
- (33) It is important to ensure a gradual increase of the areas covered by habitat types that fall within the scope of Directive 92/43/EEC that are in good condition across the territory of Member States and of the Union as a whole, until the favourable reference area for each habitat type is reached and at least 90 % at Member State level of that area is in good condition, so as to allow those habitat types in the Union to achieve favourable conservation status.

- (34) It is important to ensure a gradual increase of the quality and quantity of the habitats of species that fall within the scope of Directive 92/43/EEC, as well as habitats of wild birds falling within the scope of Directive 2009/147/EC, across the territory of Member States and ultimately of the Union, until it is sufficient to ensure the long-term survival of those species.
- (35) It is important that the areas covered by habitat types falling within the scope of this Regulation do not deteriorate as compared to the current situation, considering the current restoration needs and the necessity not to further increase the restoration needs in the future. It is, however, appropriate to consider the possibility of force majeure, which may result in the deterioration of areas covered by those habitat types, as well as unavoidable habitat transformations which are directly caused by climate change, or as a result of a plan or project of overriding public interest, for which no less damaging alternative solutions are available, to be determined on a case by case basis, or of a plan or project authorised in accordance with Article 6(4) of Directive 92/43/EEC.
- (36) The EU Biodiversity Strategy for 2030 emphasises the need for stronger action to restore degraded marine ecosystems, including carbon-rich ecosystems and important fish spawning and nursery areas. The Strategy also announces that the Commission is to propose a new action plan to conserve fisheries resources and protect marine ecosystems.
- (37) The marine habitat types listed in Annex I to Directive 92/43/EEC are defined broadly and comprise many ecologically different sub-types with different restoration potential, which makes it difficult for Member States to establish appropriate restoration measures at the level of those habitat types. The marine habitat types should therefore be further specified by using relevant levels of the European nature information system (EUNIS) classification of marine habitats. Member States should establish favourable reference areas for reaching the favourable conservation status of each of those habitat types, in so far as those reference areas are not already addressed in other Union legislation.
- (38) Where the protection coastal and marine habitats requires that fishing or aquaculture activities are regulated, the common fisheries policy applies. Regulation (EU) No 1380/2013 of the European Parliament and of the

Council²⁷ provides, in particular, that the common fisheries policy is to implement the ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. That Regulation also provides that that policy is to endeavour to ensure that aquaculture and fisheries activities avoid the degradation of the marine environment.

- (39) In order to achieve the objective of continuous, long-term and sustained recovery of biodiverse and resilient nature, Member States should make full use of the possibilities provided under the common fisheries policy. Within the scope of the exclusive competence of the Union with regard to conservation of marine biological resources, Member States have the possibility to take non-discriminatory measures for the conservation and management of fish stocks and the maintenance or improvement of the conservation status of marine ecosystems within the limit of 12 nautical miles. In addition, Member States that have a direct management interest have the possibility to agree to submit joint recommendations for conservation measures necessary for compliance with obligations under Union law on the environment. Such measures will be assessed and adopted according to the rules and procedures provided for under the common fisheries policy.
- (40) Directive 2008/56/EC requires Member States to cooperate bilaterally and within regional and sub-regional cooperation mechanisms, including through regional sea conventions²⁸, as well as, where fisheries measures are concerned, in the context of the regional groups established under the common fisheries policy.
- (41) It is important that restoration measures are also put in place for the habitats of certain marine species, such as sharks and rays, that fall within the scope of the Convention on the Conservation of Migratory Species of Wild Animals, but outside the scope of Directive

27 Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

28 The Convention for the Protection of the Marine Environment in the North-East Atlantic of 1992 – the OSPAR Convention (OSPAR), the Convention on the Protection of the Marine Environment in the Baltic Sea Area of 1992 – the Helsinki Convention (HELCOM), the Convention for the Protection of Marine Environment and the Coastal Region of the Mediterranean of 1995 – the Barcelona Convention (UNEP-MAP) and the Convention for the Protection of the Black Sea of 1992 – the Bucharest Convention.

92/43/EEC, as they have an important function in the ecosystem.

- (42) To support the restoration and non-deterioration of terrestrial, freshwater, coastal and marine habitats, Member States have the possibility to designate additional areas as 'protected areas' or 'strictly protected areas', to implement other effective area-based conservation measures, and to promote private land conservation measures.
- (43) Urban ecosystems represent around 22 % of the land surface of the Union, and constitute the area in which a majority of the citizens of the Union live. Urban green spaces include urban forests, parks and gardens, urban farms, tree-lined streets, urban meadows and urban hedges, and provide important habitats for biodiversity, in particular plants, birds and insects, including pollinators. They also provide vital ecosystem services, including natural disaster risk reduction and control (e.g. floods, heat island effects), cooling, recreation, water and air filtration, as well as climate change mitigation and adaptation.
- (44) Actions to ensure that urban green spaces will no longer be at risk of being degraded need to be strongly enhanced. In order to ensure that urban green spaces continue to provide the necessary ecosystem services, their loss should be stopped and they should be restored and increased, inter alia by better integrating green infrastructure and nature-based solutions into urban planning and by integrating green infrastructure, such as green roofs and green walls, in the design of buildings.
- (45) The EU Biodiversity Strategy for 2030 requires greater efforts to restore freshwater ecosystems and the natural functions of rivers. The restoration of freshwater ecosystems should include efforts to restore the natural longitudinal and lateral connectivity of rivers as well as their riparian areas and floodplains, including through the removal of barriers with a view to supporting the achievement of favourable conservation status for rivers, lakes and alluvial habitats and species living in those habitats protected by Directives 92/43/EEC and 2009/147/EC, and the achievement of one of the key objectives of the EU Biodiversity Strategy for 2030, namely, the restoration of at least 25 000 km of free-flowing rivers. When removing barriers, Member States should primarily address obsolete barriers, which are those that are no longer needed for renewable energy generation, inland navigation, water supply or other uses.
- (46) In the Union, pollinators have dramatically declined in recent decades, with one in three bee species and butterfly

species in decline, and one in ten such species on the verge of extinction. Pollinators are essential for the functioning of terrestrial ecosystems, human wellbeing and food security, by pollinating wild and cultivated plants. Almost EUR 5 000 000 000 of the EU's annual agricultural output is directly attributed to insect pollinators²⁹.

(47) The Commission launched the EU Pollinators Initiative³⁰ on 1 June 2018 in response to calls from the European Parliament and from the Council to address the decline of pollinators. The progress report on the implementation of the initiative³¹ showed that significant challenges remain in tackling the drivers of pollinator decline, including the use of pesticides. The European Parliament³² and the Council³³ called for stronger actions to tackle pollinator decline and for the establishment of a Union-wide monitoring framework for pollinators, and clear objectives and indicators regarding the commitment to reverse the decline of pollinators. The European Court of Auditors has recommended that the Commission set up appropriate governance and monitoring mechanisms for actions to address threats to pollinators³⁴.

(48) The proposal for a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products [*for adoption on 22 June 2022, include title and number of the adopted act when available*] aims to regulate one of the drivers of pollinator decline by prohibiting the use of pesticides in ecologically

29 Vysna, V., Maes, J., Petersen, J.E., La Notte, A., Vallecillo, S., Aizpurua, N., Ivits, E., Teller, A., Accounting for ecosystems and their services in the European Union (INCA). Final report from phase II of the INCA project aiming to develop a pilot for an integrated system of ecosystem accounts for the EU. Statistical report. Publications office of the European Union, Luxembourg, 2021.

30 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. EU Pollinators Initiative (COM/2018/395 final).

31 Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Progress in the implementation of the EU Pollinators Initiative (COM/2021/261 final).

32 European Parliament resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives (2020/2273(INI), available at https://www.europarl.europa.eu/doceo/document/TA-9-2021-0277_EN.pdf.

33 Council Conclusions of 17 December 2020 on European Court of Auditors' Special Report No 15/2020 entitled "Protection of wild pollinators in the EU: Commission initiatives have not borne fruit(14168/20).

34 Special Report 15/2020, https://www.eca.europa.eu/Lists/ECADocuments/SR20_15/SR_Pollinators_EN.pdf

sensitive areas, many of which are covered by this Regulation, for example areas sustaining pollinator species which the European Red Lists³⁵ classify as being threatened with extinction.

- (49) Sustainable, resilient and biodiverse agricultural ecosystems are needed to provide safe, sustainable, nutritious and affordable food. Biodiversity-rich agricultural ecosystems also increase agriculture's resilience to climate change and environmental risks, while ensuring food safety and security and creating new jobs in rural areas, in particular jobs linked to organic farming as well as rural tourism and recreation. Therefore, the Union needs to improve the biodiversity in its agricultural lands, through a variety of existing practices beneficial to or compatible with the biodiversity enhancement, including extensive agriculture. Extensive agriculture is vital for the maintenance of many species and habitats in biodiversity rich areas. There are many extensive agricultural practices which have multiple and significant benefits on the protection of biodiversity, ecosystem services and landscape features such as precision agriculture, organic farming, agro-ecology, agroforestry and low intensity permanent grassland.
- (50) Restoration measures need to be put in place to enhance the biodiversity of agricultural ecosystems across the Union, including in the areas not covered by habitat types that fall within the scope of Directive 92/43/EEC. In the absence of a common method for assessing the condition of agricultural ecosystems that would allow setting specific restoration targets for agricultural ecosystems, it is appropriate to set a general obligation to improve biodiversity in agricultural ecosystems and measure the fulfilment of that obligation on the basis of existing indicators.
- (51) Since farmland birds are well-known and widely recognised key indicators of the health of agricultural ecosystems, it is appropriate to set targets for their recovery. The obligation to achieve such targets would apply to Member States, not to individual farmers. Member States should achieve those targets by putting in place effective restoration measures on farmland, working with and supporting farmers and other stakeholders for their design and implementation on the ground.
- (52) High-diversity landscape features on agricultural land, including buffer strips, rotational or non-rotational fallow

35 European Redlist - Environment - European Commission (europa.eu)

land, hedgerows, individual or groups of trees, tree rows, field margins, patches, ditches, streams, small wetlands, terraces, cairns, stonewalls, small ponds and cultural features, provide space for wild plants and animals, including pollinators, prevent soil erosion and depletion, filter air and water, support climate change mitigation and adaptation and agricultural productivity of pollination-dependent crops. Productive trees that are part of arable land agroforestry systems and productive elements in non-productive hedges can also be considered as high biodiversity landscape features provided that they do not receive fertilizers or pesticide treatment and if harvest takes place only at moments where it would not compromise high biodiversity levels. Therefore, a requirement to ensure an increasing trend for the share of agricultural land with high-diversity landscape features should be set out. Such a requirement would enable the Union to achieve one of the other key commitments of the EU Biodiversity Strategy for 2030, namely, to cover at least 10 % of agricultural area with high-diversity landscape features. Increasing trends should also be achieved for other existing indicators, such as the grassland butterfly index and the stock of organic carbon in cropland mineral soils.

- (53) The Common Agricultural Policy (CAP) aims to support and strengthen environmental protection, including biodiversity. The policy has among its specific objectives to contribute to halting and reversing biodiversity loss, enhance ecosystem services and preserve habitats and landscapes. The new CAP conditionality standard Nr. 8 on Good Agricultural and Environmental Conditions (GAEC 8)³⁶, requires beneficiaries of area related payments to have at least 4% of arable land at farm level devoted to non-productive areas and features, including land lying fallow and to retain existing landscape features. The 4% share to be attributed to compliance with that GAEC standard can be reduced to 3 % if certain pre-requisites are met³⁷. That obligation will contribute to Member States

36 Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013, OJ L 435, 6.12.2021, p. 1,

37 Where a farmer commits to devote at least 7% of his/her arable land to non-productive areas or features, including land lying fallow, under an enhanced eco-scheme or if there is a minimum share of at least 7 % of arable land at farm level that includes also catch crops or nitrogen fixing crops, cultivated without the use of plant protection products.

reaching a positive trend in high-diversity landscape features on agricultural land. In addition, under the CAP, Member States have the possibility to set up eco-schemes for agricultural practices carried out by farmers on agricultural areas that may include maintenance and creation of landscape features or non-productive areas. Similarly, in their CAP strategic plans, Member States can also include agri-environment-climate commitments including the enhanced management of landscape features going beyond conditionality GAEC 8 and/or eco-schemes. LIFE nature and biodiversity projects will also help to put Europe's biodiversity on agricultural land on a path to recovery by 2030, by supporting the implementation of Directive 92/43/EEC and Directive 2009/147/EC as well as the EU Biodiversity Strategy for 2030.

- (54) Restoration and rewetting³⁸ of organic soils³⁹ in agricultural use (i.e. under grassland and cropland use) constituting drained peatlands help achieve significant biodiversity benefits, an important reduction of greenhouse gas emissions and other environmental benefits, while at the same time contributing to a diverse agricultural landscape. Member States can choose from a wide range of restoration measures for drained peatlands in agricultural use spanning from converting cropland to permanent grassland and extensification measures accompanied by reduced drainage, to full rewetting with the opportunity of paludicultural use, or the establishment of peat-forming vegetation. The most significant climate benefits are created by restoring and rewetting cropland followed by the restoration of intensive grassland. To allow for a flexible implementation of the restoration target for drained peatlands under agricultural use Member States may count the restoration measures and rewetting of drained peatlands in areas of peat extraction sites as well as, to a certain extent, the restoration and rewetting of drained peatlands under other land uses (for example forest) as contributing to the achievement of the targets for drained peatlands under agricultural use.
- (55) In order to reap the full biodiversity benefits, restoration and rewetting of areas of drained peatland should extend

38 Rewetting is the process of changing a drained soil into a wet soil. Chapter 1 of IPCC 2014, 2013 and Supplement to the 2006 IPCC Guidelines for National Greenhouse Gas Inventories: Wetlands, Hiraishi, T., Krug, T., Tanabe, K., Srivastava, N., Baasansuren, J., Fukuda, M. and Troxler, T.G. (eds).

39 The term 'organic soil' is defined in IPCC 2006, 2006 IPCC Guidelines for National Greenhouse Gas Inventories, Prepared by the National Greenhouse Gas Inventories Programme, Eggleston H.S., Buendia L., Miwa K., Ngara T. and Tanabe K. (eds).

beyond the areas of wetlands habitat types listed in Annex I of Directive 92/43/EEC that are to be restored and re-established. Data about the extent of organic soils as well as their greenhouse gas emissions and removals are monitored and made available by LULUCF sector reporting in national greenhouse gas inventories by Member States, submitted to the UNFCCC. Restored and rewetted peatlands can continue to be used productively in alternative ways. For example, paludiculture, the practice of farming on wet peatlands, can include cultivation of various types of reeds, certain forms of timber, blueberry and cranberry cultivation, sphagnum farming, and grazing with water buffaloes. Such practices should be based on the principles of sustainable management and aimed at enhancing biodiversity so that they can have a high value both financially and ecologically. Paludiculture can also be beneficial to several species which are endangered in the Union and can also facilitate the connectivity of wetland areas and of associated species populations in the Union. Funding for measures to restore and rewet drained peatlands and to compensate possible losses of income can come from a wide range of sources, including expenditure under the Union budget and Union financing programmes.

- (56) The new EU Forest Strategy for 2030⁴⁰ outlined the need to restore forest biodiversity. Forests and other wooded land cover over 43,5 % of the EU's land space. Forest ecosystems that host rich biodiversity are vulnerable to climate change but are also a natural ally in adapting to and fighting climate change and climate-related risks, including through their carbon-stock and carbon-sink functions, and provide many other vital ecosystem services and benefits, such as the provision of timber and wood, food and other non-wood products, climate regulation, soil stabilisation and erosion control and the purification of air and water.
- (57) Restoration measures need to be put in place to enhance the biodiversity of forest ecosystems across the Union, including in the areas not covered by habitat types falling within the scope of Directive 92/43/EEC. In the absence of a common method for assessing the condition of forest ecosystems that would allow for the setting of specific restoration targets for forest ecosystems, it is appropriate

40 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. New EU Forest Strategy for 2030 (COM/2021/572 final).

to set a general obligation to improve biodiversity in forest ecosystems and measure the fulfilment of that obligation on the basis of existing indicators, such as standing and lying deadwood, the share of forests with uneven-aged structure, forest connectivity, the common forest bird index⁴¹, and the stock of organic carbon.

- (58) Restoration targets and obligations for habitats and species protected under Directives 92/43/EEC and 2009/147/EC, for pollinators and for freshwater, urban, agricultural and forest ecosystems should be complementary and work in synergy, with a view to achieving the overarching objective of restoring ecosystems across the Union's land and sea areas. The restoration measures required to achieve one specific target will in many cases contribute to the achievement of other targets or obligations. Member States should therefore plan restoration measures strategically with a view to maximising their effectiveness in contributing to the recovery of nature across the Union. Restoration measures should also be planned in such manner that they address climate change mitigation and climate change adaptation and the prevention and control of the impact of natural disasters, **as well as land degradation**. They should aim at optimising the ecological, economic and social functions of ecosystems, including their productivity potential, taking into account their contribution to the sustainable development of the relevant regions and communities. It is important that Member States prepare detailed national restoration plans based on the best available scientific evidence. **Documented records on historic distribution and area, as well as on the projected changes to environmental conditions due to climate change, should inform judgements on favourable reference area of habitat types. Furthermore, it is important** that the public is given early and effective opportunities to participate in the preparation of the plans. Member States should take account of the specific conditions and needs in their territory, in order for the plans to respond to the relevant pressures, threats and drivers of biodiversity loss, and should cooperate to ensure restoration and connectivity across borders.
- (59) To ensure synergies between the different measures that have been, and are to be put in place to protect, conserve and restore nature in the Union, Member States should take into account, when preparing their national restoration plans: the conservation measures established

41 Common bird index (EU aggregate) - Products Datasets - Eurostat (europa.eu).

for Natura 2000 sites and the prioritised action frameworks prepared in accordance with Directives 92/43/EEC and 2009/147/EC; measures for achieving good ecological and chemical status of water bodies included in river basin management plans prepared in accordance with Directive 2000/60/EC; marine strategies for achieving good environmental status for all Union marine regions prepared in accordance with Directive 2008/56/EC; national air pollution control programmes prepared under Directive (EU) 2016/2284; national biodiversity strategies and action plans developed in accordance with Article 6 of the Convention on Biological Diversity, as well as conservation measures adopted in accordance with Regulation 1380/2013 and technical measures adopted in accordance with Regulation (EU) 2019/1241 of the European Parliament and of the Council⁴².

- (60) In order to ensure coherence between the objectives of this Regulation and Directive (EU) 2018/2001⁴³, Regulation (EU) 2018/1999⁴⁴ and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources⁴⁵, in particular, during the preparation of national restoration plans, Member States should take account of the potential for renewable energy projects to make contributions towards meeting nature restoration objectives.

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- 42 Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).
- 43 Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).
- 44 Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).
- 45 Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58).

- (61) Considering the importance of addressing consistently the dual challenges of biodiversity loss and climate change, the restoration of biodiversity should take into account the deployment of renewable energy and vice versa. The Communication on REPowerEU: Joint European Action for more affordable, secure and sustainable energy⁴⁶ states that Member States should swiftly map, assess and ensure suitable land and sea areas that are available for renewable energy projects, commensurate with their national energy and climate plans, the contributions towards the revised 2030 renewable energy target and other factors such as the availability of resources, grid infrastructure and the targets of the EU Biodiversity Strategy. The Commission proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency⁴⁷ and the Commission recommendation on accelerating permitting for renewable energy projects and facilitating Power Purchase Agreements⁴⁸, both adopted on 18 May 2022, also provide for the identification of renewables go-to areas. Those are specific locations, whether on land or sea, particularly suitable for the installation of plants for the production of energy from renewable sources, other than biomass combustion plants, where the deployment of a specific type of renewable energy is not expected to have significant environmental impacts, in view of the particularities of the selected territory. Member States should give priority to artificial and built surfaces, such as rooftops, transport infrastructure areas, parking areas, waste sites, industrial sites, mines, artificial inland water bodies, lakes or reservoirs, and, where appropriate, urban waste water treatment sites, as well as degraded land not usable for agriculture. In the designation of renewables go-to areas, Member States should avoid protected areas and consider their national nature restoration plans. Member States

46 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions REPowerEU: Joint European Action for more affordable, secure and sustainable energy (COM/2022/108 final).

47 Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency, COM/2022/222 final.

48 Commission recommendation on speeding up permit-granting procedures for renewable energy projects and facilitating Power Purchase Agreements, C(2022) 3219 final.

should coordinate the development of national restoration plans with the designation of the renewables go-to areas. During the preparation of the nature restoration plans, Member States should ensure synergies with the already designated renewables go-to areas and ensure that the functioning of the renewables go-to areas, including the permitting procedures applicable in the renewables go-to areas foreseen by Directive (EU) 2018/2001, remain unchanged.

- (62) In order to ensure synergies with restoration measures that have already been planned or put in place in Member States, the national restoration plans should recognise those restoration measures and take them into account. In light of the urgency signalled by the 2022 IPCC report for taking actions on restoration of degraded ecosystems, Member States should implement those measures in parallel with the preparation of the restoration plans.
- (63) The national restoration plans should also take into account the results of research projects relevant for assessing the condition of ecosystems, identifying and putting in place restoration measures, and monitoring purposes.
- (64) It is appropriate to take into account the specific situation of the Union's outermost regions, as listed in Article 349 of the Treaty on the Functioning of the European Union (TFEU), which provides for specific measures to support those regions. As envisaged in the EU Biodiversity Strategy for 2030, particular focus should be placed on protecting and restoring the outermost regions' ecosystems, given their exceptionally rich biodiversity value.
- (65) The European Environment Agency (the 'EEA') should support Member States in preparing the national restoration plans, as well as in monitoring progress towards meeting the restoration targets and obligations. The Commission should assess whether the national restoration plans are adequate for achieving those targets and obligations.
- (66) The Commission's State of Nature Report from 2020 has shown that a substantial share of the information reported by Member States in accordance with Article 17 of Council Directive 92/43/EEC⁴⁹ 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

49 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

partial surveys or is based only on expert judgment. That Report also showed that the status of several habitat types and species protected under Directive 92/43/EEC is still unknown. Filling in those knowledge gaps and investing in monitoring and surveillance are necessary in order to underpin robust and science-based national restoration plans. In order to increase the timeliness, effectiveness and coherence of various monitoring methods, the monitoring and surveillance should make best possible use of the results of Union-funded research and innovation projects, new technologies, such as in-situ monitoring and remote sensing using space data and services delivered under the Union's Space programme (EGNOS/Galileo and Copernicus). The EU missions 'Restore Our Ocean and Waters', 'Adaptation to Climate Change', and 'A Soil Deal for Europe' will support the implementation of the restoration targets⁵⁰.

- (67) In order to monitor the progress in implementing the national restoration plans, the restoration measures put in place, the areas subject to restoration measures, and the data on the inventory of barriers to river continuity, a system should be introduced requiring Member States to set up, keep up-to-date and make accessible relevant data on results from such monitoring. The electronic reporting of data to the Commission should make use of EEA's Reportnet system and should aim to keep the administrative burden on all entities as limited as possible. To ensure an appropriate infrastructure for public access, reporting and data-sharing between public authorities, Member States should, where relevant, base the data specifications on those referred to in Directive 2003/4/EC of the European Parliament and of the Council⁵¹, Directive 2007/2/EC of the European Parliament and of the Council⁵² and Directive (EU) 2019/1024 of the European Parliament and of the Council⁵³.

50 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on European Missions COM(2021) 609 final).

51 Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

52 Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

53 Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

- (68) In order to ensure an effective implementation of this Regulation, the Commission should support Member States upon request through the Technical Support Instrument⁵⁴, which provides tailor-made technical support to design and implement reforms. The technical support involves, for example, strengthening the administrative capacity, harmonising the legislative frameworks, and sharing relevant best practices.
- (69) The Commission should report on the progress made by Member States towards meeting the restoration targets and obligations of this Regulation on the basis of Union-wide progress reports drawn up by the EEA as well as other analysis and reports made available by Member States in relevant policy areas such as nature, marine and water policy.
- (70) To ensure the achievement of the targets and obligations set out in this Regulation, it is of utmost importance that adequate private and public investments are made in restoration, Member States should integrate expenditure for biodiversity objectives, including in relation to opportunity and transition costs resulting from the implementation of the national restoration plans, in their national budgets and reflect how Union funding is used. Regarding the Union funding, expenditure under the Union budget and Union financing programmes, such as the Programme for the Environment and Climate Action (LIFE)⁵⁵, the European Maritime Fisheries and Aquaculture Fund (EMFAF)⁵⁶, the European Agricultural Fund for Rural Development (EAFRD)⁵⁷, the European Agricultural Guarantee Fund (EAGF), the European

54 Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p. 1).

55 Regulation (EU) 2021/783 of the European Parliament and of the Council of 29 April 2021 establishing a Programme for the Environment and Climate Action (LIFE), and repealing Regulation (EU) No 1293/2013 (OJ L 172, 17.5.2021, p. 53).

56 Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (OJ L 247, 13.7.2021, p. 1).

57 Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022 (OJ L 437, 28.12.2020, p. 1).

Regional Development Fund (ERDF), the Cohesion Fund⁵⁸ and the Just Transition Fund⁵⁹, as well as the Union framework programme for research and innovation, Horizon Europe⁶⁰, contributes to biodiversity objectives with the ambition to dedicate 7,5 % in 2024, and 10 % in 2026 and in 2027 of annual spending under the 2021-2027 Multiannual Financial Framework⁶¹ to biodiversity objectives. The Recovery and Resilience Facility (RRF)⁶² is a further source of funding for the protection and restoration of biodiversity and ecosystems. With reference to the LIFE Programme, special attention should be given to the appropriate use of the Strategic Nature Projects (SNaPs) as a specific tool that could support the implementation of this Regulation, by way of mainstreaming available financial resources in an effective and efficient way.

- (71) A range of EU, national and private initiatives are available to stimulate private financing, such as the InvestEU Programme⁶³, which offers opportunities to mobilise public and private finance to support inter alia the enhancement of nature and biodiversity by means of green and blue infrastructure projects, and carbon farming as a green business-model⁶⁴.
- (72) Member States should promote a fair and cross-society approach in the preparation and implementation of their national restoration plans, by including processes for

58 Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (OJ L 231, 30.6.2021, p. 60).

59 Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund (OJ L 231 30.06.2021, p. 1).

60 Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

61 Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433I, 22.12.2020, p. 11).

62 Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

63 Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ L 107, 26.3.2021, p. 30).

64 Communication from the Commission to the European Parliament And the Council Sustainable Carbon Cycles (COM(2021) 800 final).

participation of the public and by considering the needs of local communities and stakeholders.

- (73) Pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council⁶⁵, CAP Strategic Plans are meant to contribute to the achievement of, and be consistent with, the long-term national targets set out in, or deriving from, the legislative acts listed in Annex XIII to that Regulation. This Regulation on nature restoration should be taken into account when, in accordance with Article 159 of Regulation (EU) 2021/2115, the Commission reviews, by 31 December 2025, the list set out in Annex XIII to that Regulation.
- (74) In line with the commitment in the 8th Environment Action Programme to 2030⁶⁶, Member States should phase out environmentally harmful subsidies at national level, making the best use of market-based instruments and green budgeting tools, including those required to ensure a socially fair transition, and supporting businesses and other stakeholders in developing standardised natural capital accounting practices.
- (75) In order to ensure the necessary adaptation of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending Annexes I to VII to adapt the group of habitats, to update the information on the common farmland bird index, as well as to adapt the list of biodiversity indicators for agricultural ecosystems, the list of biodiversity indicators for forest ecosystems and the list of marine species to the latest scientific evidence and the examples of restoration measures. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁵². In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission

65 Regulation (EU) 2021/2115 of the European Parliament and of the Council (EU) of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013.

66 [Reference to be added when the 8th EAP has been published].

expert groups dealing with the preparation of delegated acts.

- (76) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to specify the method for monitoring pollinators, to specify the methods for monitoring the indicators for agricultural ecosystems listed in Annex IV to this Regulation and the indicators for forest ecosystems listed in Annex VI to this Regulation, to develop a framework for setting the satisfactory levels of pollinators, of indicators for agricultural ecosystems listed in Annex IV to this Regulation and of indicators for forest ecosystems listed in Annex VI to this Regulation, to set out a uniform format for the national restoration plans, to set out the format, structure and detailed arrangements for reporting data and information electronically to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council⁶⁷.
- (77) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. In addition, the Commission should assess the need to establish additional restoration targets, based on common methods for assessing the condition of ecosystems not covered by Articles 4 and 5, taking into account the most recent scientific evidence.
- (78) Since the objectives of this Regulation cannot be sufficiently achieved by Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

67 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

PUBLIC

HAVE ADOPTED THIS REGULATION:

CHAPTER I GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation lays down rules to contribute to:
 - (a) the continuous, long-term and sustained recovery of biodiverse and resilient nature across the Union's land and sea areas through the restoration of ecosystems;
 - (b) achieving the Union's overarching objectives concerning climate change mitigation, ~~and~~ climate change adaptation **and land degradation neutrality**;
 - (c) meeting the Union's international commitments.
2. This Regulation establishes a framework within which Member States shall put in place, ~~without delay~~, effective and area-based restoration measures ~~which together shall~~ **with the aim to jointly** cover, by 2030, at least 20 % of the Union's land and **20 % of the Union's** sea areas and, by 2050, all ecosystems in need of restoration.

Article 2

Geographical scope

This Regulation applies to ecosystems referred to in Articles 4 to 10:

- (a) in the territory of Member States;
- (b) in waters, the seabed and subsoil on the seaward side of the baseline from which the extent of the territorial waters is measured extending to the outmost reach of the area where a Member State **has** sovereign rights **and jurisdiction**, in accordance with the 1982 United Nations Convention on the Law of the Sea.

Article 3 Definitions

The following definitions apply:

- (1) ‘ecosystem’ means a dynamic complex of plant, animal, **funghi** and microorganism communities and their non-living environment, interacting as a functional unit, and includes habitat types, habitats of species and species populations;
- (2) ‘habitat of a species’ ~~means an environment defined by specific abiotic and biotic factors, in which the species lives at any stage of its biological cycle~~ **means habitat of a species as defined in point (f) of Article 1 of Directive 92/43/EEC;**
- (3) ‘restoration’ means the process of actively or passively assisting the recovery of an ecosystem ~~towards or to good condition~~ **in order to improve its structure and functions with the aim of conserving or enhancing biodiversity and ecosystem resilience; the restoration of ecosystems for the purposes of this Regulation is done through improving to good condition** of a habitat type, ~~to the highest level of condition attainable and to its re-establishing to~~ **re-establishing to** favourable reference area, ~~and improving to sufficient quality and quantity of a habitat of a species to a sufficient quality and quantity in accordance with Article 4, paragraphs 1, 2 and 3 and Article 5, paragraphs 1, 2 and 3; and fulfilling targets and obligations under Articles 6 to 10 including reaching or of species populations to satisfactory levels of indicators referred to in Articles 8(1), 9(2) and 10(2) as a means of conserving or enhancing biodiversity and ecosystem resilience;~~
- (4) ‘good condition’ **of a habitat type** means a state where ~~the its~~ key characteristics of an ecosystem, namely, **in particular** its ~~physical, chemical, compositional, structural~~ and functions **and its typical species or typical species composition** al state, and its landscape and ~~seascape~~ characteristics, reflect the high level of ecological integrity, stability and resilience necessary to ensure its long-term maintenance **and thus contribute to reaching or maintaining favourable conservation status according to Article 1, point (e) of Directive 92/43/EEC, where the habitat type concerned is listed in Annex I of that Directive, and, in marine ecosystems, contribute to achieving or maintaining good environmental status according to Article 3(5) of Directive 2008/56/EC;**

- (5) 'favourable reference area' means the total area of a habitat type in a given biogeographical region or marine region at national level that is considered the minimum necessary to ensure the long-term viability of the habitat type and its typical species or typical species composition, and all its significant ecological variations in its natural range, and which is composed of the area of the habitat type and, if that area is not sufficient, the area necessary for the re-establishment of the habitat type; where the habitat type concerned is listed in Annex I of Directive 92/43/EEC, such re-establishment contributes to reaching favourable conservation status according to Article 1, point (e) of that Directive and, in marine ecosystems, such re-establishment contributes to achieving or maintaining good environmental status according to Art 3(5) of Directive 2008/56/EC;
- (6) 'sufficient quality of habitat' means the quality of a habitat of a species which allows the ecological requirements of a species to be met at any stage of its biological cycle so that it is maintaining itself on a long-term basis as a viable component of its habitat in its natural range, contributing to reaching or maintaining favourable conservation status of species according to the Article 1, point (i) of Directive 92/43/EEC for species listed in Annex II, IV or V of that Directive and securing populations of wild bird species covered by Directive 2009/147/EC and, in addition, in marine ecosystems, contributing to achieving or maintaining good environmental status according to Article 3(5) of Directive 2008/56/EC;
- (7) 'sufficient quantity of habitat' means the quantity of a habitat of a species which allows the ecological requirements of a species to be met at any stage of its biological cycle so that it is maintaining itself on a long-term basis as a viable component of its habitat in its natural range, contributing to reaching or maintaining favourable conservation status of species according to the Article 1, point (i) of Directive 92/43/EEC for species listed in Annex II, IV or V of that Directive and securing populations of wild bird species covered by Directive 2009/147/EC and, in addition, in marine ecosystems, contributing to achieving or maintaining good environmental status according to Article 3(5) of Directive 2008/56/EC;
- (8) 'pollinator' means a wild-~~animal~~ insect which transports pollen from the anther of a plant to the stigma of a plant, enabling fertilisation and the production of seeds;
- (9) 'decline of pollinator populations' means a decrease in abundance or diversity, or both, of pollinators;

(10) ‘local administrative unit’ or ‘LAU’ means a low-level administrative division of a Member State below that of a province, region or state, established in accordance with Article 4 of Regulation (EC) No 1059/2003 of the European Parliament and of the Council⁶⁸;

(10bis) ‘urban centres’ and ‘urban clusters’ means territorial units classified in cities and towns and suburbs using the grid-based typology established in accordance with Article 4b.2 of Regulation (EU) No 1059/2003;

(11) ‘cities’ means LAUs where at least 50 % of the population lives in one or more urban centres, measured using the degree of urbanisation established in accordance with Article 4b.3, point (a), of Regulation (EC) No 1059/2003;

(12) ‘towns and suburbs’ means LAUs where less than 50 % of the population lives in an urban centre, but at least 50 % of the population lives in an urban cluster, measured using the degree of urbanisation established in accordance with Article 4b.3, point (a) of Regulation (EC) No 1059/2003;

(13) ‘urban green space’ means all **trees, bushes, shrubs, permanent herbaceous vegetation, lichens and mosses** green urban areas; broad-leaved forests; coniferous forests; mixed forests; natural grasslands; moors and heathlands; transitional woodland shrubs and sparsely vegetated areas—as found within cities or towns and suburbs calculated on the basis of data provided by the Copernicus Land Monitoring Service as established by Regulation (EU) 2021/696 of the European Parliament and of the Council⁶⁹;

(14) ‘urban tree canopy cover’ means the total area of tree cover within cities and towns and suburbs, calculated on the basis of the Tree Cover Density data provided by the Copernicus Land Monitoring Service as established by Regulation (EU) 2021/696 of the European Parliament and of the Council.

(14bis) ‘free flowing river’ means a river or a stretch of river whose longitudinal and lateral connectivity is not hindered by artificial structures forming a

68 Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

69 Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p. 69).

barrier and whose natural functions are largely unaffected.

(14ter) ‘rewetting peatland’ means a deliberate action that aims to bring the water table of a drained peatland back to that of the peat-forming peatland; the peatland is rewetted when the mean annual water table is near or at the soil surface.

(15) ‘renewables go-to area’ means renewables go-to area as defined in point 9(a) of Article 2 of Directive 2018/2001/EU of the European Parliament and of the Council⁷⁰.

70 Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency, COM(2022)222 final.

CHAPTER II

RESTORATION TARGETS AND OBLIGATIONS

Article 4

Restoration of terrestrial, coastal and freshwater ecosystems

1. Member States shall put in place the restoration measures that are necessary to improve to good condition areas of habitat types listed in Annex I which are not in good condition. Such measures shall be in place **on the following area as quantified in the national restoration plan referred to in Article 12:**
(a) on at least 30 % by 2030 of the total area of all habitat types listed in Annex I that is not in good condition;
(b) on at least 60 % by 2040 and on at least 90 % by 2050 of the area of each group of habitat types listed in Annex I that is not in good condition;
2. Member States shall put in place the restoration measures that are necessary to re-establish the habitat types listed in Annex I in areas not covered by those habitat types **with the aim to reach their favourable reference area.** Such measures shall be in place on areas representing at least 30 % of the additional overall surface needed to reach the total favourable reference area of each group of habitat types listed in Annex I, as quantified in the national restoration plan referred to in Article 12, by 2030, at least 60 % of that surface by 2040, and 100 % of that surface by 2050.
3. Member States shall put in place the restoration measures for the terrestrial, coastal and freshwater habitats of the species listed in Annexes II, IV and V to Directive 92/43/EEC and of the terrestrial, coastal and freshwater habitats of wild birds covered by Directive 2009/147/EC that are, **in addition to the restoration measures in accordance with paragraphs 1 and 2 of this Article,** necessary to improve the quality and quantity of those habitats, including by re-establishing them, and to enhance connectivity, until sufficient quality and quantity of those habitats is achieved.
4. The determination of the most suitable areas for restoration measures in accordance with paragraphs 1, 2 and 3 of this Article shall be based on the best available knowledge and the latest scientific evidence of the condition of the habitat types listed in Annex I, measured by the structure and functions which are necessary for

their long-term maintenance including their typical species, as referred to in Article 1(e) of Directive 92/43/EEC, and of the quality and quantity of the habitats of the species referred to in paragraph 3 of this Article, **making use of information reported under Article 17 of Directive 92/43/EEC and Article 12 of Directive 2009/147/EC.** ~~Areas where the habitat types listed in Annex I are in unknown condition shall be considered as not being in good condition.~~

4bis. Member States shall ensure, by 2030 at the latest, that the condition is known for all areas of habitat types listed in Annex I.

5. The restoration measures referred to in paragraphs 1 and 2 shall consider the need for improved connectivity between the habitat types listed in Annex I and take into account the ecological requirements of the species referred to in paragraph 3 that occur in those habitat types.
6. Member States shall ensure that the areas that are subject to restoration measures in accordance with paragraphs 1, 2 and 3 show a continuous improvement in the condition of the habitat types listed in Annex I until good condition is reached, and a continuous improvement of the quality of the habitats of the species referred to in paragraph 3, until the sufficient quality of those habitats is reached. **Member States shall put in place necessary measures to prevent deterioration of** ~~ensure that areas in which good condition has been reached, and in which the sufficient quality of the habitats of the species has been reached, do not deteriorate.~~
7. **Member States shall put in place necessary measures to prevent deterioration of** ~~ensure that areas where the habitat types listed in Annex I occur do not deteriorate.~~
8. Outside Natura 2000 sites, the non-fulfilment of the obligations set out in paragraphs 6 and 7 is justified if it is caused by:
 - (a) force majeure **including natural disasters, in particular unplanned and uncontrolled wildfire;** **or;**
 - (b) unavoidable habitat transformations which are directly caused by climate change; or
 - (c) a project of overriding public interest for which no less damaging alternative solutions are available, to be determined on a case by case basis.
9. For Natura 2000 sites, the non-fulfilment of the obligations set out in paragraphs 6 and 7, is justified if it is caused by:

- (a) force majeure **including natural disasters**;
- (b) unavoidable habitat transformations which are directly caused by climate change; or
- (c) a plan or project authorised in accordance with Article 6(4) of the Directive 92/43/EEC.

10. Member States shall ensure that there is:

- (a) an increase of habitat area in good condition for habitat types listed in Annex I until at least 90 % is in good condition and until the favourable reference area for each habitat type in each biogeographic region of the **Member State concerned** is reached;
- (b) an increasing trend towards the sufficient quality and quantity of the terrestrial, coastal and freshwater habitats of the species referred to in Annexes II, IV and V to Directive 92/43/EEC and of the species covered by Directive 2009/147/EC.

Article 5

Restoration of marine ecosystems

1. Member States shall put in place the restoration measures that are necessary to improve to good condition areas of habitat types listed in Annex II which are not in good condition. Such measures shall be in place **on the following area as quantified in the national restoration plan referred to in Article 12**

(a) on at least 30 % by 2030 of the total area of all habitat types listed in Annex II that is not in good condition;

(b) on at least 60 % by 2040 and on at least 90 % by 2050 of the area of each group of habitat types listed in Annex II that is not in good condition;

- .
2. Member States shall put in place the restoration measures that are necessary to re-establish the habitat types listed in Annex II in areas not covered by those habitat types **with the aim to reach their favourable reference area**. Such measures shall be in place on areas representing at least 30 % of the additional overall surface needed to reach the total favourable reference area of each group of habitat types, as quantified in the national restoration plan referred to in Article 12, by 2030, at least 60 % of that surface by 2040, and 100 % of that surface by 2050.
3. Member States shall put in place the restoration measures for the marine habitats of species listed in Annex III and in

Annexes II, IV and V to Directive 92/43/EEC and for the marine habitats of wild birds covered under Directive 2009/147/EC, that are, **in addition to the restoration measures put in place in accordance with paragraphs 1 and 2 of this Article,** necessary in order to improve the quality and quantity of those habitats, including by re-establishing them, and to enhance connectivity, until sufficient quality and quantity of those habitats is achieved.

4. The determination of the most suitable areas for restoration measures in accordance with paragraphs 1, 2 and 3 of this Article shall be based on the best available knowledge and the latest scientific evidence of the condition of the habitat types listed in Annex II, and of the quality and quantity of the habitats of the species referred to in paragraph 3 of this Article, **making use of use information reported under Article 17 of Directive 92/43/EEC, Article 12 of Directive 2009/147/EC and Article 17 of Directive 2008/56/EC.** Areas where the habitat types listed in Annex I are in unknown condition shall be considered as not being in good condition.

4bis. Member States shall ensure, by [2030] at the latest, that the condition is known for all areas of habitat types listed in Annex II.

5. The restoration measures referred to in paragraphs 1 and 2 shall consider the need for improved connectivity between the habitat types listed in Annex II and take into account the ecological requirements of the species referred to in paragraph 3 that occur in those habitat types.
6. Member States shall ensure that the areas that are subject to restoration measures in accordance with paragraphs 1, 2 and 3 show a continuous improvement in the condition of the habitat types listed in Annex I until good condition is reached, and a continuous improvement of the quality of the habitats of the species referred to in paragraph 3, until the sufficient quality of those habitats is reached. [Member States shall **put in place necessary measures to prevent deterioration of** ensure that areas in which good condition has been reached, and in which the sufficient quality of the habitats of the species has been reached, ~~do not deteriorate.~~]
7. [Member States shall **put in place necessary measures to prevent deterioration of** ensure that areas where the habitat types listed in Annex II occur ~~do not deteriorate.~~]
8. Outside Natura 2000 sites, the non-fulfilment of the obligations set out in paragraphs 6 and 7 is justified if caused by:

- (a) force majeure **including natural disasters**;
- (b) unavoidable habitat transformations which are directly caused by climate change; or
- (c) a project of overriding public interest for which no less damaging alternative solutions are available, to be determined on a case by case basis.
- (d) **action or inaction for which the Member State concerned is not responsible.**

9. For Natura 2000 sites, the non-fulfilment of the obligation set out in paragraphs 6 and 7, is justified if caused by:

- (a) force majeure **including natural disasters**;
- (b) unavoidable habitat transformations which are directly caused by climate change; or
- (c) a plan or project authorised in accordance with Article 6(4) of the Directive 92/43/EEC.

10. Member States shall ensure that there is:

- (a) an increase of habitat area in good condition for habitat types listed in Annex II until at least 90 % is in good condition and until the favourable reference area for each habitat type in each biogeographic region of the **Member State concerned** is reached;
- (b) a positive trend towards the sufficient quality and quantity of the marine habitats of the species listed in Annex III and in Annexes II, IV and V to Directive 92/43/EEC and of the species covered by Directive 2009/147/EC.

Article 6

Restoration of urban ecosystems

1. Member States shall ensure that there is no net loss of urban green space, and of urban tree canopy cover by 2030, compared to 2021, in all cities and in towns and suburbs.
2. Member States shall ensure that there is an increase in the total national area of urban green space in cities and in towns and suburbs of at least **[3 %]** of the total **land** area of **urban centres and urban clusters in** cities and of towns and suburbs in 2021, by 2040, and at least **[5 %]** by 2050. In addition Member States shall ensure:
 - (a) a minimum of 10 % urban tree canopy cover **in urban centres and urban clusters** in all cities and in towns and suburbs by 2050; and

- (b) a net gain of urban green space that is integrated into existing and new buildings and infrastructure developments, including through renovations and renewals, in all cities and in towns and suburbs.

Article 7

Restoration of the natural connectivity of rivers and natural functions of the related floodplains

1. Member States shall make an inventory of barriers to longitudinal and lateral connectivity of surface waters and, **taking into account their socio-economic functions,** identify the barriers that need to be removed to contribute to the achievement of the restoration targets set out in Article 4 of this Regulation and of 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, in particular Articles 4(3), 4(5) and 4(7) thereof, and Regulation 1315/2013, in particular Article 15 thereof.
2. Member States shall remove the barriers to longitudinal and lateral connectivity of surface waters ~~identified~~ **based on the inventory** under paragraph 1 of this Article, in accordance with the plan for their removal referred to in Article 12(2), point (f). When removing barriers, Member States shall primarily address obsolete barriers, which are those that are no longer needed for renewable energy generation, inland navigation, water supply, **flood protection**, or other uses.
3. Member States shall complement the removal of the barriers referred to in paragraph 2, by the measures necessary to improve the natural functions of the related floodplains.
4. **Member States shall ensure that natural connectivity of rivers and natural functions of the related floodplains restored in accordance with paragraphs 2 and 3 are maintained.**

Article 8

Restoration of pollinator populations

1. Member States shall reverse the decline of pollinator populations by 2030 and achieve thereafter an increasing trend of pollinator populations, measured every ~~three~~ **six** years after 2030, until satisfactory levels are achieved, as set out in accordance with Article 11(3).

2. The Commission shall adopt implementing acts to establish a method for monitoring pollinator populations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).
3. The method referred to in the paragraph 2 shall provide a standardised approach for collecting annual data on the abundance and diversity of pollinator species and for assessing pollinator population trends.

Article 9

Restoration of agricultural ecosystems

1. Member States shall put in place the restoration measures necessary to enhance biodiversity in agricultural ecosystems, in addition to the areas that are subject to restoration measures under Article 4(1), (2) and (3).
2. Member States shall achieve an increasing trend at national level of each of the following indicators in agricultural ecosystems, as further specified in Annex IV, measured in the period from the date of entry into force of this Regulation until 31 December 2030, and every ~~three~~ **five** years thereafter, until the satisfactory levels, identified in accordance with Article 11(3), are reached:
 - (a) grassland butterfly index;
 - (b) stock of organic carbon in cropland mineral soils;
 - (c) share of agricultural land with high-diversity landscape features.
3. Member States shall put in place restoration measures to ensure that the common farmland bird index at national level based on the species specified in Annex V, indexed on ... *[OP please insert the date = the first day of the month following 12 months after the date of entry into force of this Regulation]* = 100, reaches the following levels:
 - (a) 110 by 2030, 120 by 2040 and 130 by 2050, for Member States listed in Annex V with historically more depleted populations of farmland birds;
 - (b) 105 by 2030, 110 by 2040 and 115 by 2050, for Member States listed in Annex IV with historically less depleted populations of farmland birds.
4. For organic soils in agricultural use constituting drained peatlands, Member States shall put in place restoration measures. Those measures shall be in place on at least:

- (a) 30 % of such areas by 2030, of which at least a quarter shall be rewetted;
- (b) 50 % of such areas by 2040, of which at least half shall be rewetted;
- (c) 70 % of such areas by 2050, of which at least half shall be rewetted.

Member States may put in place restoration measures, including rewetting, in areas of peat extraction sites and count those areas as contributing to achieving the respective targets referred to in the first subparagraph, points (a), (b) and (c).

In addition, Member States may put in place restoration measures to rewet organic soils that constitute drained peatlands under land uses other than agricultural use and peat extraction and count those rewetted areas as contributing, up to a maximum of 20%, to the achievement of the targets referred to in the first subparagraph, points (a), (b) and (c).

Article 10

Restoration of forest ecosystems

1. Member States shall put in place the restoration measures necessary to enhance biodiversity of forest ecosystems, in addition to the areas that are subject to restoration measures pursuant to Article 4(1), (2) and (3).
2. Member States shall achieve an increasing trend at national level of each of the following indicators in forest ecosystems, as further set out in Annex VI, measured in the period from the date of entry into force of this Regulation until 31 December 2030, and every ~~three~~ **five** years thereafter, until the satisfactory levels identified in accordance with Article 11(3) are reached:
 - (a) standing deadwood;
 - (b) lying deadwood;
 - (c) share of forests with uneven-aged structure;
 - (d) forest connectivity;
 - (e) common forest bird index;
 - (f) stock of organic carbon.
3. **The non-fulfilment of the obligation set out in paragraph 2 is justified if caused by:**
 - (a) **large-scale force majeure, including natural disasters, in particular unplanned and uncontrolled wildfire; or**

**(b) unavoidable habitat transformations which are
directly caused by climate change.**



CHAPTER III NATIONAL RESTORATION PLANS

Article 11

Preparation of the national restoration plans

1. Member States shall prepare national restoration plans 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.
 2. Member states shall quantify the area that needs to be restored to reach the restoration targets set out in Articles 4 and 5 taking into account the condition of the habitat types referred to in Articles 4(1), 4(2), 5(1) and 5(2) and the quality and quantity of the habitats of the species referred to in Article 4(3) and Article 5(3). The quantification shall be based, amongst others, on the following information:
 - (a) for each habitat type:
 - (i) the total habitat area and a map of its current distribution;
 - (ii) the habitat area not in good condition;
 - (iii) the favourable reference area taking into account **records of historical distribution** and the projected changes to environmental conditions due to climate change;
 - (iv) the areas most suitable for the re-establishment of habitat types in view of ongoing and projected changes to environmental conditions due to climate change;
 - (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.
- (ba) For the purpose of quantifying the area of each habitat type that needs to be restored to reach the restoration targets set out in Article 4(1), point (a), and Article 5(1), point (a), the habitat area not in good condition referred to in point (a)(ii) shall only include such areas for which the condition is known.**

3. Member States shall set, by 2030 at the latest, satisfactory levels for each of the indicators referred to in Articles 8(1), 9(2) and 10(2), through an open and effective process and assessment, based on the latest scientific evidence and, if available, the framework referred to in Article 17(9).
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.
5. Member States shall identify synergies with climate change mitigation, climate change adaptation, **land degradation neutrality** and disaster prevention and prioritise restoration measures accordingly. Member States shall also take into account:
- (a) their integrated national energy and climate plan referred to in Article 3 of Regulation (EU) 2018/1999;
 - (b) their long-term strategy referred to in Article 15 of Regulation (EU) 2018/1999;
 - (c) the Union binding target for 2030 set out in Article 3 of Directive 2018/2001/EU of the European Parliament and of the Council.
6. Member States shall coordinate the development of national restoration plans with the designation of the renewables go-to areas. During the preparation of the nature restoration plans, Member States shall ensure synergies with the already designated renewables go-to areas and ensure that the functioning of the renewables go-to areas, including the permitting procedures applicable in the renewables go-to areas foreseen by Directive (EU) 2018/2001 remain unchanged.
7. When preparing their national restoration plans, Member States shall **in particular** take the following into account:
- (a) the conservation measures established for Natura 2000 sites in accordance with Directive 92/43/EEC;
 - (b) prioritised action frameworks prepared in accordance with Directive 92/43/EEC;
 - (c) measures for achieving good **quantitative,** ecological and chemical status of water bodies included in **programmes of measures and** river basin management plans prepared in accordance with Directive 2000/60/EC;
 - (d) **where applicable,** marine strategies for achieving good environmental status for all Union marine

regions prepared in accordance with Directive 2008/56/EC;

- (e) national air pollution control programmes prepared under Directive (EU) 2016/2284;
- (f) national biodiversity strategies and action plans developed in accordance with Article 6 of the Convention on Biological Diversity;
- (g) **where applicable, conservation and management** measures adopted under the common fisheries policy;

(h) national CAP strategic plans referred to in Regulation (EU) 2021/2115.

- 8. Member States **may**, when preparing the national restoration plans, make use of the different examples of restoration measures listed in Annex VII, depending on specific national and local conditions, and the latest scientific evidence.
- 9. Member States shall, when preparing the national restoration plans, aim at optimising the ecological, economic and social functions of ecosystems as well as their contribution to the sustainable development of the relevant regions and communities.
- 10. Member States shall, where possible, foster synergies with the national restoration plans of other Member States, in particular for ecosystems that span across borders **or where Members States share a marine region or subregion within the meaning of Directive 2008/56/EC.**

10bis For the purpose of establishing and implementing national restoration plans, in relation to the restoration and re-establishment of transboundary habitats and habitats of species, Member States may, where practical and appropriate, use existing regional institutional cooperation structures, (such as regional sea conventions), or where relevant other relevant international fora or bilateral cooperation to coordinate actions, including with third countries.

- 11. Member States shall ensure that the preparation of the restoration plan is open, inclusive and effective and that the public is given early and effective opportunities to participate in its elaboration. Consultations shall comply with the requirements set out in Directive 2001/42/EC.

Article 12

Content of the national restoration plans

1. The national restoration plan shall cover the period up to 2050, with intermediate deadlines corresponding to the targets and obligations set out in Articles 4 to 10.

1bis. The national restoration plan to be submitted in accordance with Articles 13 and 14(6) may, with regard to the period beyond 2031, be limited to a strategic overview of:

(a) the elements referred to in paragraph 2, and;

(b) the contents referred to in paragraphs 3 and 3bis.

1ter. Paragraph 1bis shall not apply when the national restoration plan is reviewed in accordance with Article 15.

2. Member States shall include the following elements in their national restoration plan, using the uniform format established in accordance with paragraph 4 of this Article:

(a) the quantification of the areas to be restored to reach the restoration targets set out in Articles 4 to 10 based on the preparatory work undertaken in accordance with Article 11 and **indicative** maps of **potential** areas **to be restored**.

(b) a description of the restoration measures planned, or put in place, for achieving the targets and obligations set out in Articles 4 to 10 and a specification regarding which of those restoration measures are planned, or put in place, within the Natura 2000 network established in accordance with Directive 92/43/EEC;

(ba) a dedicated section setting out the measures for achieving the obligations in Articles 4(4bis) and 5(4bis);

(c) an indication of the measures to ~~ensure that~~ **prevent deterioration of** the areas covered by the habitat types listed in Annexes I and II ~~do not deteriorate in the areas in which good condition has been reached and that of the habitats of the species referred to in Articles 4(3) and 5(3) do not deteriorate]~~ in the areas in which the sufficient quality of the habitats of the species has been reached, in accordance with Articles 4(6) and 5(6);

(d) an indication of the measures to ~~ensure that~~ **prevent deterioration of** the areas covered by habitat types listed in Annexes I and II ~~do not deteriorate]~~, in accordance with Article 4(7) and Article 5(7);

- (e) the inventory of barriers and the barriers identified for removal in accordance with Article 7(1), the plan for their removal in accordance with Article 7(2) and an estimate of the length of free-flowing rivers to be achieved by the removal of those barriers by 2030 and by 2050, and any other measures to re-establish the natural functions of floodplains in accordance with Article 7(3);
- (f) the timing for putting in place the restoration measures in accordance with Articles 4 to 10;
- (g) a dedicated section setting out tailored restoration measures in their outermost regions, as applicable;
- (h) the monitoring of the areas subject to restoration in accordance with Articles 4 and 5, the process for assessing the effectiveness of the restoration measures put in place in accordance with Articles 4 to 10 and for revising those measures where needed to ensure that the targets and obligations set out in Articles 4 to 10 are met;
- (i) an indication of the provisions for ensuring the continuous, long-term and sustained effects of the restoration measures referred to in Articles 4 to 10;
- (j) the estimated co-benefits for climate change mitigation **and land degradation neutrality** associated with the restoration measures over time, as well as wider socio-economic benefits of those measures;
- (k) a dedicated section setting out how the national restoration plan considers:
- (i) the relevance of climate change scenarios for the planning of the type and location of restoration measures;
 - (ii) the potential of restoration measures to minimise climate change impacts on nature, to prevent **or mitigate the effects of** natural disasters and to support adaptation;
 - (iii) synergies with national adaptation strategies or plans and national disaster risk assessment reports;
 - (iv) an overview of the interplay between the measures included in the national restoration plan and the national energy and climate plan;
- (l) the estimated financing needs for the implementation of the restoration measures, which shall include the description of the support to stakeholders affected by restoration measures or

other new obligations arising from this Regulation, and the means of intended financing, public or private, including (co-) financing with Union funding instruments;

- (m) an indication of the subsidies which negatively affect the achievement of the targets and the fulfilment of the obligations set out in this Regulation;
- (n) a summary of the process for preparing and establishing the national restoration plan, including information on public participation and of how the needs of local communities and stakeholders have been considered;
- (o) a dedicated section indicating how observations from the Commission on the draft national restoration plan referred to in Article 14(4) have been taken into account in accordance with Article 14(5). If the Member State concerned does not address an observation from the Commission or a substantial part thereof, that Member State shall provide its reasons.

3. The national restoration plans shall, where applicable, include the conservation **and management** measures that a Member State intends to adopt under the common fisheries policy, including conservation measures in joint recommendations that a Member State intends to initiate in accordance with the procedure set out in Regulation (EU) No 1380/2013, and any relevant information on those measures.

- 3bis **The national restoration plans shall include an overview of the interplay between the measures included in the national restoration plan and the national strategic plan under the common agricultural policy.**

4. The Commission shall adopt implementing acts to establish a uniform format for the national restoration plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2). The Commission shall be assisted by the European Environmental Agency (EEA) when drawing up the uniform format. **By [date = the first day of the month following 3 months after the date of entry into force of this Regulation], the Commission shall submit the draft implementing acts to the committee referred to in Article 21(1).**

Article 13

Submission of the draft national restoration plan

Member States shall submit a draft of the national restoration plan referred to in Articles 11 and 12 to the Commission by...

[OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Regulation].

Article 14

Assessment of the national restoration plans

1. The Commission shall assess the draft national restoration plans within six months of the date of receipt. When carrying out that assessment, the Commission shall act in close cooperation with the Member State concerned.
2. When assessing the draft national restoration plan, the Commission shall evaluate
 - (a)** its compliance with Article 12;
 - (b)** its adequacy for meeting the targets and obligations set out in Articles 4 to 10;
 - (c) its contribution to** the Union's overarching objectives referred to in Article 1, the specific objectives referred to in Article 7(1) to restore at least 25 000 km of rivers into free-flowing rivers in the Union by 2030 and the 2030 objective of covering at least 10% of the Union's agricultural area with high-diversity landscape features.
3. For the purpose of the assessment of the draft national restoration plans, the Commission shall be assisted by experts or the EEA.
4. The Commission may address observations to Member States within six months of the date of receipt of the draft national restoration plan.
5. Member States shall take account of any observations from the Commission in its final national restoration plan.
6. Member States shall finalise, publish and submit to the Commission the national restoration plan within six months from the date of receipt of observations from the Commission.

Article 15

Review of the national restoration plans

1. Member States shall review, **and if necessary revise and include supplementary measures in,** their national restoration plan **by 2031, and** at least once every 10 years **thereafter**, in accordance with Articles 11 and 12, taking into account progress made in the implementation of the plans, the best available scientific evidence as well as available knowledge of changes or expected changes in environmental conditions due to climate change. **In the review by 2031, Member States shall take into account knowledge on the condition of habitat types listed in Annexes I and II gained in accordance with the obligations in Articles 4(4bis) and 5(4bis).**
2. **Where monitoring in accordance with Article 17 indicates** that the measures set out in the national restoration plan will not be sufficient to comply with the targets and obligations set out in Articles 4 to 10, **the** Member State shall **review** the national restoration plan, **and if necessary revise it** and include supplementary measures.
3. Based on the information referred to in Article 18(1) and (2) and the assessment referred to in Article 18(4) and (5), if the Commission considers that the progress made by a Member State is insufficient to comply with the targets and obligations set out in Articles 4 to 10, the Commission may, **after consultation with the Member State concerned,** request that Member State to submit a **revised** draft national restoration plan with supplementary measures. That **revised** national restoration plan with supplementary measures shall be published and submitted within six months from the date of receipt of the request from the Commission. **On request by the Member State concerned and where duly justified, the Commission may extend that deadline with an additional six months.**

Article 16

Access to justice

1. Member States shall ensure that members of the public, in accordance with national law, that have a sufficient interest or that maintain the impairment of a right, 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 have played during the process for preparing and establishing the national restoration plan.



2. Member States shall determine what constitutes a sufficient interest and impairment of a right, consistently with the objective of providing the public with wide access to justice. For the purposes of paragraph 1, any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed to have rights capable of being impaired and their interest shall be deemed sufficient.
3. Review procedures referred to in paragraph 1 shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.
4. Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article.

CHAPTER IV MONITORING AND REPORTING

Article 17 *Monitoring*

1. Member States shall monitor the following:
- (a) the condition and trend in condition of the habitat types and the quality and the trend in quality of the habitats of the species referred to in Articles 4 and 5 in the areas subject to restoration measures on the basis of the monitoring referred to in Article 12(2), point (h);
 - (b) the area of urban green space and tree canopy cover in cities and towns and suburbs **and in urban centres and urban clusters**, as referred to in Article 6;
 - (c) the indicators of biodiversity in agricultural ecosystems listed in Annex IV;
 - (d) the populations of the common farmland bird species listed in Annex V;
 - (e) the indicators of biodiversity in forest ecosystems listed in Annex VI;
 - (f) the abundance and diversity of pollinator species, according to the method established in accordance with Article 8(2);

- (g) the area and condition of the areas covered by the habitat types listed in Annexes I and II;
- (h) the area and the quality of the habitat of the species referred to in Article 4(3), and Article 5(3).
2. The monitoring in accordance with paragraph 1, point (a), shall start as soon as the restoration measures are put in place.
3. The monitoring in accordance with paragraph 1, points (b), (c), (d), (e) shall start on *[OP please insert the date of entry into force of this Regulation]*.
4. The monitoring in accordance with paragraph 1, point (f), of this Article shall start one year after the entry into force of the implementing act referred to in Article 8(2).
5. The monitoring in accordance with paragraph 1, points (a) **and (b) shall be carried out at least every ~~three~~ six years. The monitoring in accordance with that paragraph, point** (c), concerning the stock of organic carbon in cropland mineral soils and the share of agricultural land with high-diversity landscape features, and (e) concerning the standing deadwood, the lying deadwood, the share of forests with uneven-aged structure, the forest connectivity and the stock of organic carbon, shall be carried out at least every ~~three~~ **six** years, **or, where necessary to evaluate the achievement of increasing trends to 2030, with a shorter interval.** The monitoring in accordance with that paragraph, point (c) concerning the grassland butterfly index, that paragraph, points (d) and (e) concerning the common forest bird index, and that paragraph, point (f) concerning pollinator species shall be carried out every year. 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 the initial assessment under Article 17 of Directive 56/2008/EC.**
6. Member States shall ensure that the indicators for agricultural ecosystems referred to in Article 9(2), point (b), and the indicators for forest ecosystems referred to in Article 10 (2), points (a), (b) and (f), of this Regulation, are monitored in a manner consistent with the monitoring required under Regulations (EU) 2018/841 and (EU) 2018/1999.
7. Member States shall make public the data generated by the monitoring carried out under this Article, in accordance with Directive 2007/2/EC of the European Parliament and

of the Council⁷¹ and in accordance with the monitoring frequencies set out in paragraph 5.

8. Member State monitoring systems shall operate on the basis of electronic databases and geographic information systems, and shall maximise the access and use of data and services from remote sensing technologies, earth observation (Copernicus services), in-situ sensors and devices, or citizen science data, leveraging the opportunities offered by artificial intelligence, advanced data analysis and processing.
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).

Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).

Article 18

Reporting

1. Member States shall electronically report to the Commission the area subject to restoration measures referred to in Articles 4 to 10 and the barriers referred to in Article 7 that have been removed, **at least every three years** starting from *[OP please insert the date = the date of entry into force of this Regulation]*.
2. Member States shall electronically report the following data and information to the Commission, assisted by the EEA, at least every **six** years:
 - (a) the progress in implementing the national restoration plan, in putting in place the restoration measures and progress in achieving the targets and obligations set out in Articles 4 to 10;
 - (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

71 Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

with Article 17(1)(g) and (h) **shall** be submitted, **and include** 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;
- (d) the updated inventory of barriers referred to in Article 7(1);
- (e) information on the progress accomplished towards meeting financing needs, in accordance with Article 12(2)(l), including a review of actual investment against initial investment assumptions.

The first reports shall be submitted in June 2031, covering the period up to 2030.

3. The Commission shall adopt implementing acts to establish the format, structure and detailed arrangements for the presentation of the information referred to in paragraphs 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2). The Commission shall be assisted by the EEA when drawing up the format, structure and detailed arrangements for the electronic reporting.
4. The EEA shall **every three years** provide to the Commission a technical overview of the progress towards the achievement of the targets and obligations set out in this Regulation, on the basis of the data made available by Member States in accordance with paragraph 1 of this Article and Article 17(7).
5. The EEA shall provide to the Commission a Union-wide technical report on the progress towards the achievement of the targets and obligations set out in this Regulation on the basis of the data made available by Member States in accordance with paragraphs 1, 2 and 3 of this Article. It may also use information reported under Article 17 of Directive 92/43/EEC, Article 15 of Directive 2000/60/EC, Article 12 of Directive 2009/147/EC, and Article **17** of Directive 2008/56/EC. The report shall be provided by June 2032 and subsequent reports shall be provided every **six** years thereafter.
6. The Commission shall, as from **[four years after the date of entry into force of this Regulation]**, report to the European Parliament and to the Council every **six** years on the implementation of this Regulation.
7. Member States shall ensure that the information referred to in paragraphs 1 and 2 is adequate and up-to-date and

that it is available to the public in accordance with Directives 2003/4/EC of the European Parliament and of the Council, Directive 2007/2/EC and (EU) 2019/1024 of the Parliament and of the Council.

CHAPTER V

DELEGATED POWERS AND COMMITTEE PROCEDURE

Article 19

Amendment of Annexes

1. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex I in order to adapt the groups of habitat types.
2. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex II in order to adapt the list of habitat types and the groups of habitat types.
3. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex III in order to adapt the list of marine species referred to in Article 5 in accordance with the latest scientific evidence.
4. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex IV, in order to adapt the description, unit and methodology of indicators for agricultural ecosystems in accordance with the latest scientific evidence.
5. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex V in order to update the list of species used for the common farmland bird index in the Member States.
6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex VI in order to adapt the description, unit and methodology of indicators for forest ecosystems in accordance with the latest scientific evidence.
7. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex VII in order to adapt the list of examples of restoration measures.

Article 20
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 19 shall be conferred on the Commission for a period of 5 years from *[OP please insert the date of entry into force of this Regulation]*. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 19 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁷².
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 19 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 2 months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

72 Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Article 21

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

CHAPTER VI FINAL PROVISIONS

Article 22

Review

1. The Commission shall evaluate the application of this Regulation by 31 December 2035.
2. The Commission shall present a report on the main findings of the evaluation to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of Regions. Where the Commission finds it appropriate, the report shall be accompanied by a legislative proposal for amendment of relevant provisions of this Regulation, taking into account the need to establish additional restoration targets, based on common methods for assessing the condition of ecosystems not covered by Articles 4 and 5, and the most recent scientific evidence.

Article 23

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President



ANNEX VII

LIST OF EXAMPLES OF RESTORATION MEASURES REFERRED TO IN ARTICLE 11(8)

- (1) Restore wetlands, by rewetting drained peatlands, removing peatland drainage structures or de-poldering and discontinuing peat excavation.
- (2) Improve hydrological conditions by increasing quantity, quality and dynamics of surface waters and groundwater levels for natural and semi-natural ecosystems.
- (3) Remove unwanted scrub encroachment or non-native plantations on grasslands, wetlands, forests and sparsely vegetated land.
- (4) Apply paludiculture.
- (5) Re-establish the meandering of rivers and reconnect artificially cut meanders or oxbow lakes.
- (6) Remove longitudinal and lateral barriers (such as dikes and dams), give more space to river dynamics and restore free-flowing river stretches.
- (7) Re-naturalise river beds and lakes and lowland watercourses by e.g. removing artificial bed fixation, optimising substrate composition, improving or developing habitat cover.
- (8) Restore natural sedimentation processes.
- (9) Establish riparian buffers, e.g. riparian forests, buffer strips, meadows or pastures.
- (10) Increase ecological features in forests, such as large, old and dying trees (habitat trees) and amounts of lying and standing deadwood.
- (11) Work towards a diversified forest structure in terms of vegetation and age, enable natural regeneration and succession of tree species.
- (12) Enhance forest diversity by creating mosaics of non-forest habitats such as open patches of grassland or heathland, ponds or rocky areas.
- (13) Make use of “close-to-nature” or “continuous cover” forestry approaches; introduce native tree species.
- (14) Enhance the development of old-growth native forests and mature stands (e.g. by abandonment of harvesting).
- (15) Introduce high-diversity landscape features in arable land and intensively used grassland, such as buffer strips, field margins with native flowers, hedgerows, trees, small forests, terrace walls, ponds, habitat corridors and stepping stones, etc.
- (16) Increase the agricultural area subject to agro-ecological management approaches such as organic agriculture or agro-forestry, multicropping and crop rotation, integrated pest and nutrient management.
- (17) Reduce grazing intensity or mowing regimes on grasslands where relevant and re-establish extensive grazing with domestic livestock and extensive mowing regimes where they were abandoned.
- (18) Stop or reduce the use of chemical pesticides as well as chemical and animal manure fertilizers.

- (19) Stop ploughing grassland and introducing seeds of productive grasses.
- (20) Remove plantations on former dynamic inland dune systems to re-enable natural wind dynamics in favour of open habitats.
- (21) Improve connectivity across habitats to enable the development of populations of species, and to allow for sufficient individual or genetic exchange as well as for species' migration and adaptation to climate change.
- (22) Allow ecosystems to develop their own natural dynamics for example by abandoning harvesting and promoting naturalness, wilderness.
- (23) Remove and control invasive alien species, and prevent or minimize new introductions.
- (24) Minimise negative impacts of fishing activities on the marine ecosystem, for example by using gear with less impact on seabed.
- (25) Restore important fish spawning and nursery areas.
- (26) Provide structures or substrates to encourage the return of marine life, for example coral/oyster/boulder reefs.
- (27) Restore seagrass meadows and kelp forests by actively stabilising the sea bottom, reducing and, where possible, eliminating pressures or by active propagation and planting.
- (28) Reduce various forms of marine pollution, such as nutrient loading, noise pollution and plastic waste.
- (29) Increase urban green spaces with ecological features, such as parks, trees and woodland patches with native species, green roofs, wildflower grasslands, gardens, city horticulture, tree-lined streets, urban meadows and hedges, ponds and watercourses.
- (30) Stop, reduce or remediate pollution from pharmaceuticals, hazardous chemicals, urban and industrial wastewater, and other waste including litter and plastics as well as light in all ecosystems.
- (31) Convert brownfield sites, former industrial areas and quarries into natural sites.
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Council of the European Union
General Secretariat

**Interinstitutional files:
2022/0195 (COD)**

Brussels, 24 February 2023

WK 2784/2023 INIT

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment

Subject:	Nature Restoration Regulation: WPE on 02 March 2023 – Presidency Steering Note
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Delegations will find attached a revised steering note prepared by the Presidency with a view to the meeting of the Working Party on the Environment on 02 March 2023.

Presidency Steering note

Meeting of the Working Party on the Environment - March 2023 – Nature Restoration Regulation

2

The Presidency has prepared this steering note to guide discussions at the WPE meeting on 2 March, focusing on Chapter I (Articles 1 and 2), Chapter II (Article 4, 5 and 8) Chapter III (Articles 11-15), Chapter IV (Articles 17-18) and Chapter VI (Article 22 and 23).

In Annex 2 to this Steering note, the presidency has included the full proposal, where new changes build upon and are made to the CZ Presidency's compromise text (Rev 1, document 14884/22, of 18 November 2022) and are identified in track-changes. **The sections of the text marked as grey in Annex 2, are not amended in comparison to Rev 1, and are not up for discussion at this WPE, The Presidency will return to these sections at a later stage.**

STEPWISE APPROACH TO DEVELOPING NRPs

During the discussion in WPE on 9 January and written comments thereafter, the Presidency perceives support for amendments to enable a stepwise approach to the preparation and implementation of the national restoration plans (NRPs), including amendments to handle habitats with unknown conditions to 2030.

The proposal for the stepwise approach should be assessed as a package and includes amendments to several articles, mainly Articles 4(1)/5(1), 4(4bis)/4(5bis), 11(2) new point (ba), 12(1), 12(2) new point (ba), 15(1). A general outline of the timelines of the proposal is found in Annex I to the steering note “Timeline: Targets, monitoring, reporting and NRPs”.

Stepwise approach – elements and proposed amendments

First version of NRP may focus on targets to 2030

Several delegations have indicated that a two-year time frame for preparing the draft NRP will pose a great challenge and have asked for flexibility regarding the preparation and content in the first draft NRP. Building on comments from Member States, the Presidency therefore proposes amendments to Article 12(1) to limit the obligations on what to include in the “first NRP” (submitted in accordance to Article 13 and 14(6)). With the proposed amendment, Member States may in this first NRP choose to focus on the period up until 2031 when presenting elements listed in Article 12(2), 12(3) and 12(3bis), and limit the description of elements necessary to reach the targets and obligations beyond 2031 to a strategic overview.

Furthermore, the proposal includes amendments to the obligations to present maps in the NRP (Article 12(2)(a)), since several Member States have indicated that they would find it challenging to produce and present detailed maps, especially in the draft NRP, in particular with regard to restoration areas on private land.

Some Member States have proposed that certain elements required to be included in the NRPs according to Article 12 could be optional add-ons, while several Member States have indicated support for keeping the list as presented in the Commission’s proposal to ensure a level playing field. In light of this, the Presidency does not propose to exclude any specific

elements listed in Article 12(2) as part of the stepwise approach, but instead proposes the amendments in Article 12(1) described above, enabling Member States to focus on the period up until 2031 when presenting elements in the NRP.

Flexibility between groups of habitats is introduced in Articles 4(1) and 5(1), for targets to 2030

In the steering note for WPE on 1 February, the Presidency proposed amendments to Articles 4(1) and 5(1) to provide increased flexibility for Member States between groups of habitats with regard to the 2030 targets. While comments from Member States regarding the proposed flexibility were mixed, in particular for Article 4, the Presidency still perceives a support for this flexibility. As part of a stepwise approach, the Presidency therefore proposes amendments to provide full flexibility between groups of habitats when Member States plan and put in place restoration measures to meet the 2030-targets in **Articles 4(1) and 5(1)**.

Restoration obligations to 2030 should be based in areas with known condition and knowledge gaps should be closed by 2030

Analysing the discussions in WPE on 1 February and written comments from Member States, the Presidency perceives support for excluding habitats that are in unknown condition when quantifying the areas to be subject of restoration measures by 2030 (the 30 %-target in Articles 4(1)(a)/5(1)(a)). As part of the stepwise approach, the Presidency therefore proposes that the area to be restored to 2030 in Articles 4(1)(a)/5(1)(a) shall only be based on habitat areas which are *known* not to be in good condition. To exclude areas of unknown condition from the quantification, the Presidency proposes amendments to **Article 11(2), new point (ba)**.

In line with the proposals put forward in the Steering note in front of WPE on 1 February, the Presidency proposes amendments to **Article 4(4bis) and 5(4bis)** to ensure that the condition for all areas of habitat types is known by 2030. To ensure a level playing field, any remaining knowledge gaps after that deadline should not alleviate the Member State concerned. Therefore, the Presidency proposes that the provision in Article 11(2), new point (ba), should only apply with regard to the 2030 target (which is achieved by referring to point (a) in Articles 4(1) and 5(1)).

The Presidency notes that several Member States have expressed general concerns that closing the knowledge gaps for marine habitats will be especially challenging, due to the current lack of knowledge about the condition of these habitats, as well as uncertainties regarding methodology and criteria. However, the Presidency has thus far not found an appropriate solution to increase the flexibility for marine areas without undermining the targets in Article 5.

The Presidency proposes further amendments in **Article 12(2)(ba)**, introduced by the CZ Presidency in Rev 1 and discussed in the WPE on 9 January, to align with the proposed amendments to Articles 4(4bis) and 5(4bis).

Member states should review NRPs in 2031

Several Member States have indicated that necessary restoration measures should be put in place as soon as knowledge gaps are removed. The Presidency notes that the restoration targets in Article 4(1)/5(1) are based on the quantification of areas to be restored presented in the NRPs. However, in WPE on 1 February, several Member States indicated a reluctance to enter into a revision of the NRP too soon after preparing the draft NRP.

The Presidency therefore finds it appropriate that Member States review and, if necessary, revise their NRPs by 2031, rather than (as previously indicated in the steering note in front of WPE on 1 February) before 2030. The proposed review of the NRP would be finalised in 2031, when Member States both have closed knowledge gaps (regarding status of habitats listed in Annex I and II), and have set satisfactory levels for indicators in Articles 8(1), 9(1) and 10(2) in accordance with Article 11(3). Furthermore, the reporting covering the period up to 2030 will be done in June 2031, which would make it possible for Member States to coordinate analysis of data from monitoring when reviewing the NRP.

To manage to finalize the revision of the NRPs in 2031, most Member States will likely have to start work on analysing the need for supplementary measures well before 2030. The Presidency notes that where knowledge on habitat condition is gained well before 2030 and this results in substantial additions to the restoration requirements, Member states will have incentives to start putting in place restoration measures before the NRPs are revised in 2031, if they are to reach the targets to 2040.

To conclude, the Presidency proposes an amendment to **Article 15(1)** to introduce an obligation for Member States to review, and if necessary, revise their NRPs by 2031, taking into account knowledge gained on the condition of habitat types listed in Annexes I and II.

Since the Presidency proposes a stepwise approach instead of prolonging the timeframe for submitting the draft NRP, the Presidency doesn't propose any amendments to **Article 13**.

To conclude, The Presidency proposes a stepwise approach including these main elements:

- The first version of the NRP may focus on targets and measures to 2030 and cover the period up to 2031.
- A flexibility between groups of habitats is introduced for the 2030-targets in Article 4(1) and 5(1).
- The restoration obligations to 2030 under Articles 4(1)(a) and 5(1)(a) will be based on the area of habitats where the condition is known.
- Knowledge gaps have to be closed by 2030.
- Member states are obliged to review and, if necessary, revise the NRP in 2031, when knowledge gaps are closed and satisfactory levels are set.

For discussion:

- Do you support the proposed package solution for a stepwise approach to the preparation and implementation of the NRPs?
- If not, what adjustments to the proposed approach do you see as necessary to achieve desired flexibility (especially for marine habitats), while still enabling the achievement of restoration targets in Chapter II?

CHAPTER III - NATIONAL RESTORATION PLANS

This section deals with amendments to the provisions in Chapter III regarding the preparation, content, assessment and revision of the NRPs, that are not directly linked to the stepwise approach described in the previous section.

Article 11

During the WPE on 9 January, the Presidency proposal to remove the reference to “the last 70 years” in relation to the concept of Favourable reference area in Article 11(2)(a)(iii) gained support, while several Member States commented on the proposed wording and called for a more generic reference to historic losses or distribution in the related Recital (58). Building on this discussion and the draft guidelines regarding favourable reference values under the Habitats Directive, the Presidency proposes amendments to both Article 11(2)(a)(iii) and Recital (58).

Article 11(7) was discussed on WPE 9 January. The Presidency proposes to keep the elements in the list with addition of a new point (h) referring to the national CAP strategic plan and an addition with regard to groundwater in Article 11(7)(d). Furthermore, amendments are proposed to clarify that the other elements than those listed in Article 11(7) may be taken into account by Member States, and that some elements only shall be taken into account if applicable in the Member State concerned.

Building on the discussion on WPE the 9 January and subsequent written comments, the Presidency proposes to keep the list of restoration measures in Annex VII, while amending Article 11(8) to clarify that the list in Annex VII is neither exhaustive nor mandatory. The Presidency does not propose any amendments to Annex VII at this point, but welcomes comments on the list in the Annex.

In line with the proposals put forward in the Steering note in front of WPE on 1 February, the Presidency proposes an amendment to Article 11(10), to address the relevance and possible procedure for consultations also with third parties in cross-border regions or subregions on a voluntary basis. The previously proposed new Article 11(10bis), also dealing with cross-border

cooperation, is also included in Annex II, but will be further discussed at a later WPE.

Article 12

The presidency proposes to include an amendment to Article 12(2)(k)(ii) presented in the CZ Presidency's Steering note in front of the WPE on 10 November, to clarify the need to not only prevent but also to *mitigate the effects of* natural disasters related to climate change

According to the terminology used in Regulation (EU) No 1380/2013 and in line with comments from Member States, the Presidency proposes an amendment to Article 12(3).

Following the proposed addition of Article 11(7)(h) and building on discussions in WPE on 9 January, the Presidency proposes a new **Article 12(3bis)** with obligation to give an overview in the NRP on how measures included in the NRP and the national strategic plan under the common agricultural policy interplay.

In the Steering note for WPE 9 January, the Presidency proposed to include a provision in Article 12(4) prescribing that the Commission shall submit the draft implementing acts to establish a uniform format for the NRPs within three months from the entry into force of the regulation. There was general support for such a deadline. The Presidency therefore proposes to add such a provision in **Article 12(4)**. However, unlike what was proposed in the Steering note for WPE 9 January, the Presidency now proposes to keep the rest of the Article unchanged and thereby maintaining the obligation for the Commission to actually adopt the implementing acts.

Article 14

While some Member States have expressed that it is not relevant to assess the NRPs against the EU-wide goals, other Member States have expressed support for the provision as originally proposed. To strike a balance, the Presidency proposes that the assessment shall include an evaluation of the draft NRP's *contribution* to the Union wide targets (**Article 14(2), new point (c)**), thereby, clarifying that point (c) is not intended to constitute an evaluation of the individual NRP's adequacy for meeting those targets. The other amendments to this article are editorial.

In line with proposals in the Steering note for WPE 10 November, the Presidency proposes to delete the word “due” in **Article 14(5)**.

Article 15

Some Member States have stressed the need to clarify the conditions under which the NRP has to be revised according to **Article 15(2)**, expressing that in particular the word “apparent” is an unclear criterion for revision. With a view to clarify this process, the Presidency considers it appropriate to replace the “apparent” criterion with a two-step review inspired by e.g. Article 11(5) of the Water Framework Directive. Where monitoring indicates that the measures in the NRP are insufficient, the Member State shall review its NRP. If the result of that review shows that a revision of the NRP is necessary, the Member State shall revise it. If supplementary measures are necessary, those should be included in the revision.

With a view to clarify the provisions in Article 15 and to eliminate unnecessary differences between its paragraphs, the Presidency proposes to use the phrase “review ... and if necessary, revise and include supplementary measures” in both paragraphs 1 and 2 and to use the word “revise” in all paragraphs (replacing “update” in Article 15(3)).

Some Member States have expressed the need for dialogue with the Member State concerned before the Commission may request an updated draft national restoration plan. Furthermore, several Member States have pointed out the need of a possibility to extend the timeframe for publishing and submitting updated national restoration plans in cases where more substantial revisions are necessary. Building on these comments, the Presidency proposes amendments to **Article 15(3)**.

The Presidency notes that while the revised NRP should be published and submitted to the Commission according to Article 15(3), there is no corresponding requirement when the NRP is revised according to Articles 15(1) or 15(2). The Presidency has not proposed any amendments to align the requirements in the different paragraphs in Article 15 but invites comments from Member States on this issue.

For discussion:

- Do you have any objections to the proposed amendments to Article 11(2)(a)(iii) and Recital (58)?
- Do you agree with the other proposed amendments to Article 11 (Paras (5), (7) and (10))
- Do you agree with the proposed amendments to Article 12 (Paras (2)(k)(iii), (3), (3bis) and (4))?
- Do you agree with the proposed amendments to Article 14 (Paras (2)(c) and (5))?
- Do you agree with the proposed amendments to Article 15 (Paras (2) and (3))?
- Do you see a need to amend Article 15 with a view to ensure that all revisions of the NRPs pursuant to Article 15(1)-(2) are published and submitted to the Commission?

CHAPTER IV – MONITORING AND REPORTING

A general outline of the timelines in the proposal is found in Annex 1 to the steering note “Timeline: Targets, monitoring, reporting and NRPs”, which also visualises the monitoring and reporting obligations in relation to the stepwise approach until the proposed review and, if necessary, revision of the NRPs in 2031.

Article 17 Monitoring

Analysing discussions in WPE on 10 November and 9 January and in subsequent written comments, the Presidency perceives support for a prolongation of the monitoring interval from 5 to 6 years for a majority of the indicators monitored according to Article 17(1). However, depending on the date of entry into force of the regulation, a 6-year monitoring interval may be too long to ensure that a trend can be established for all relevant indicators in Articles 9(2) and 10(2) between the entry into force of the regulation and the targets to 2030 in those provisions. To ensure that a

baseline is established and a trend up to 2030 can be measured, the Presidency proposes that a shorter monitoring interval is applied for those indicators before 2030, if necessary. As a consequence, the Presidency proposes amendments to Article 17(5).

The Presidency notes that indexes for pollinators, grassland butterflies and birds can be expected to be subject to substantial inter-year variation related to stochastic factors, such as weather. To allow adequate measurement of trends, the Presidency proposes to keep yearly monitoring for these indicators.

Many Member states have stressed the importance of streamlining monitoring and reporting under this regulation with other relevant EU-wide monitoring. The Presidency notes that monitoring of the area and condition of marine habitats and species not covered by the Habitats directive will partly overlap with the monitoring and assessment under the Marine strategy framework directive. The Presidency therefore proposes an amendment to Article 17(5) to ensure coordination between the monitoring under the Marine Strategy Framework Directive and this regulation.

Article 18 Reporting

A clear majority of Member States have indicated that yearly reporting on the area subject to restoration measures referred to in Articles 4 to 10 and the barriers referred to in Article 7 is not feasible. The Presidency therefore proposes an amendment in **Article 18(1)** to prolong the reporting cycle from every year to every three years.

Analysing discussions in WPE on 10 November and 9 January and subsequent written comments from Member States, the Presidency perceives that a majority of Member States prefer a six-year reporting cycle aligned with the reporting under the habitats directive for the reporting under Article 18(2). The Presidency therefore proposes an amendment in **Article 18(2)** to prolong the reporting cycle from every three years to every six years. The Presidency also proposes an editorial amendment to **Article 18(2)(b)**.

The proposed prolongation of reporting cycles according to Articles 18(1) and 18(2) means that the technical overview referred to in Article 18(4) can only be compiled with a three-year interval, and that the Union-wide technical report on the progress towards the achievement of the targets and

obligations in the regulation referred to in Article 18(5), as well as the commission report to the European parliament referred to in Article 18(6), can only be produced every six years. Furthermore, the first report from the commission to the European Parliament under Article 18(6) can only be submitted after the first reporting under Article 18(1) is done. Consequently, the Presidency proposes such amendments to **Article 18(4)-18(6)**.

In line with the proposals put forward in the Steering note in front of WPE on 1 February, the Presidency proposes a correction in the reference reporting under the MSFD in **Article 18(5)**

For discussion:

- Do you agree with the proposed changes in monitoring intervals in Article 17?
- Do you agree with the proposed changes in reporting intervals in Article 18?

ARTICLES WHERE NO OR ONLY EDITORIAL FURTHER AMENDMENTS ARE PROPOSED

For the articles/paragraphs in this section the Presidency does not propose any further or only editorial amendments. In the process of focusing the further discussions in WPE on the most pressing issues and elements in the proposed regulation, the Presidency seeks confirmation that our perception is correct that for this articles/paragraphs, the majority of Member States are supportive to the text as is in the Annex II to the steering note. This is with the full understanding that some Member States are still scrutinizing the full proposal and that Member States will need to assess the final amended proposal as a whole.

Article 1 Subject matter

In line with the proposal put forward in the Steering note in front of WPE on 13 February, the Presidency proposes no further amendments to Article 1.

Article 2 Geographical scope

In line with the proposals put forward in the Steering note in front of WPE on 1 February, the Presidency proposes amendments to **Article 2(2)(b)** to clarify the geographical scope of the regulation on the seaward side of the baseline.

Considering the specific meaning of “territory” in Article 2, point (a), the Presidency notes that the use of the word “territory” in other provisions may cause unclarity as to the geographical scope of those provisions. The Presidency considers the reference to “territory” in **Articles 11(2)** and **17(1)(g)–(h)** redundant and proposes to delete those references. By contrast, in Articles 4(10)(a) and 5(10)(a), the long-term targets (*90% in good condition and favourable reference area reached*) are to be reached by each Member State within its parts [(in accordance with Article 2)] of the biogeographic regions. Therefore, the Presidency proposes to replace “territory” with a reference to “of the Member State concerned” in **Articles 4(10)(a) and 5(10)(a)**. The Presidency notes that there is a potential need to amend the recitals accordingly but has not proposed any such amendments at this point.

Article 3 Definitions

The Presidency proposes editorial amendments to **Article 3(2)**, with a view to align the definition with the most common format for definitions referring to definitions in other pieces of EU legislation.

In line with the proposals put forward in the Steering note in front of WPE on 1 February, the Presidency proposes amendments to clarify linkages to the MSFD in definitions in **Article 3(4)–3(7)**. The Presidency doesn’t perceive the need for any further amendments to the definitions in 3(1), 3(8)-3(9) and 3(15).

Article 4 Restoration of terrestrial, coastal and freshwater ecosystems

The Presidency doesn’t perceive the need for any further amendments at this stage to Articles 4(2)-4(4) and 4(5).

Article 5 Restoration of marine ecosystems

The Presidency doesn’t perceive the need for any further amendments at this stage to Articles 5(2)-5(3) and 5(5).

In line with the proposals put forward in the Steering note in front of WPE on 1 February, the Presidency proposes a correction in the reference reporting under the MSFD in **Article 5(4)**. Furthermore, the Presidency notes that the reference in Article 5(4) to how condition of habitat types should be measured (i.e. by the structure, function, and typical species) does not take into account that Eunis-habitats that are not covered by the Habitats directive. As a reference to structure, function and typical species is already included in the definition of good condition (Article 3(5)), the presidency proposes to delete the reference in **Article 5(4)**.

Article 8 Restoration of pollinator populations

The Presidency perceives a general support for **Article 8** and only proposes to change the period under which a positive trend is to be demonstrated from 5 to 6 years, to align with the proposed prolongation of the reporting cycle (see Article 18 above).

The Presidency notes that Recital (47) should be updated with a reference to the New Pollinators initiative recently put forward by the Commission. The Presidency will come back with a proposal on a revised Recital (47) at a later time.

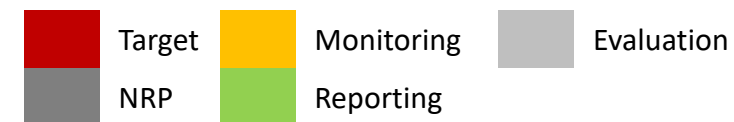
Articles 22 and 23 - Final Provisions

The Presidency does not propose any amendments to Article 22 and Article 23.

For discussion:

- Do you have any objections to the proposal not to further amend the articles in chapter I (Articles 1, 2, 3(2), 3(4)-3(7))
- Do you have any objections to the proposal not to further amend the articles in chapter II (Articles 4(2), 4(3), 4(5) 5(2), 5(3), 5(5) and 8)
- Do you have any objections to the proposal not to further amend the articles in chapter IV (Articles 22 and 23)?

2034	2035	2036	2037	2038	2039
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