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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
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Subject:	Nature Restoration Regulation - Comments from a delegation on Chapters I and II

Following the call for comments (WK 17354/2022), delegations will find attached comments by ES on Chapters I and II of the proposal.



**Nature Restoration Regulation: Follow-up to the WPE meeting on
9 December 2022: Call for comments
Drafting suggestions on elements discussed under Chapters 2, 5 and 6**

- Based on the steering note prepared by the Czech Presidency with a view to the meeting of the Working Party on the Environment on 9 December 2022, the following suggestions are made:

**Article 6 - Restoration of urban ecosystems
Should the connectivity of greenery be addressed?**

Spain considers that the objectives set by in article 6 for urban ecosystems are merely quantitative and focused on increasing the extent of green spaces and urban trees. However, the level of provision of ecosystem services and therefore of the benefits provided by urban spaces is derived from the quality of these spaces and their condition. Furthermore, ecological connectivity is essential for the maintenance and enhancement of biodiversity when the habitat of species is reduced to fragments that are not physically connected. This is the case of urban ecosystems, which, by definition, will be more or less isolated in a matrix of urban infrastructures unsuitable for most species. Populations of species living in urban ecosystems will be more resilient to disturbances if individuals can move from one habitat fragment to another, as they will be able to colonize new spaces, recover lost habitats and avoid genetic isolation. In conclusion Spain considers that urban ecosystem commitments should be increased. This means including qualitative, connectivity and green infrastructure objectives.

**Article 9 - Restoration of agricultural ecosystems
Should butterfly index be considered as suitable indicator for agricultural
ecosystems evaluation?**

This is an index that has been used in Europe and Spain for some years through the Butterfly Monitoring Scheme. It has shown that one of the main drivers behind the decline of grassland butterflies is agricultural intensification.

Spain supports the consideration of the grassland butterfly index as a suitable indicator for evaluation



- Based on the document of amendments to the proposed regulation circulated by the Czech presidency on November 18, 2022 (Interinstitutional File: 2022/0195 (COD)), the following suggestions are made:

CHAPTER II

RESTORATION TARGETS AND OBLIGATIONS

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 combatting desertification and degradation neutrality**;

Article 3

Definitions

Add

(3b) Restoration of the natural connectivity of rivers and natural functions of the related floodplains' must be understood according to the definitions set in 2.1 section of the Guidance on Barrier Removal for River Restoration (European Commission, December 2021)'.
~~(3b) Restoration of the natural connectivity of rivers and natural functions of the related floodplains' must be understood according to the definitions set in 2.1 section of the Guidance on Barrier Removal for River Restoration (European Commission, December 2021)'.
(3c) Passive restoration: Holistic process which allows the long-term natural recovery or re-establishment of whole ecosystems with their underlying ecological processes, letting nature restore itself by reducing or eliminating disturbances created by human pressures or threats and contributing to the area's overall ecological structure and functioning.~~

- (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** 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 and/or maintaining favourable conservation status according to Article 1, point (e) of Directive 92/43/EEC, where habitat type concerned is listed in Annex I of that Directive** and considering marine habitats, it should also ensure “that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected” according to the definition of Good Environmental Status for descriptor 6 of the MSFD.

(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 **Member States or, in their absence, by the** Copernicus Land Monitoring Service as established by Regulation (EU) 2021/696 of the European Parliament and of the Council

Article 5

Restoration of marine ecosystems

1. Member States shall put in place restoration measures to improve to good condition areas **of groups of habitat types** listed in Annex II which are not in good condition. Such measures shall be in place on at least 30 % of the **current** area of each group of habitat types listed in Annex II that is not in good condition, as quantified in the national restoration plan referred to in Article 12, by 2030, on at least 60 % by 2040, and on at least 90 % by 2050.

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, 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 use information reported under Article 17 of Directive 92/43/EEC, Article 12 of Directive 2009/147/EC and Article 18 of Directive 2008/56/EC.** ~~Areas where the habitat types listed in Annex I are in unknown condition shall be~~ **The identification of areas for restoration measures should be based on the assessments referred in the Directive 92/43/EEC and Directive 2008/56/EC.**

~~considered as not being in good condition.~~



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;~~ **so that these areas do not cease to be in good condition** ~~do not deteriorate.~~ **Those areas where habitat types or habitats of the species are affected by natural disasters are not to be considered in this evaluation**

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~~ **so that these areas do not cease to be in good condition.**

Article 6

Restoration of urban ecosystems

1. Member States shall ensure that there is no net loss of urban green space, of urban tree canopy cover **and green infrastructure** 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 **and green infrastructure** 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.
 - (c) **a net gain of urban blue infrastructure (rivers, wadis, naturalized canals, ditch systems, urban wetlands, urban coastal areas, etc.), and other elements linked to building elements such as green roofs and terraces, green walls and permeable pavements. Livestock trails, historic routes and other periurban paths (pedestrian and bicycle paths), as well as green rings, should be taken into account as elements on a supra-municipal scale.**

Article 10

Restoration of forest ecosystems



1. Member States shall put in place the restoration measures necessary to enhance biodiversity, **the natural processes and the ecological integrity** 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 years thereafter, until the satisfactory levels identified in accordance with Article 11(3) are reached:

- (a) *study reservation*;
- (b) *study reservation*;
- (c) share of forests with uneven-aged structure;
- (d) forest connectivity;
- (e) common forest bird index;
- (f) stock of organic carbon;