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**SENSITIVE\***

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on nature restoration**

(Text with EEA relevance)

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## EXPLANATORY MEMORANDUM

### CONTEXT OF THE PROPOSAL

#### • **Reasons for and objectives of the proposal**

Despite efforts at European and international level, biodiversity loss and the degradation of ecosystems continue at an alarming rate in the European Union (EU) and globally with severe negative effects on people, the economy and the climate. This is widely documented, notably by IPCC reports<sup>1</sup>, the IPBES report<sup>2</sup>, the Aichi Targets progress report<sup>3</sup>, and the Dasgupta Review<sup>4</sup>. Healthy ecosystems provide food, clean water, carbon sinks, protection against growing disaster risks due to climate change, and ensuring healthy ecosystems is essential for our long-term survival, wellbeing, prosperity and security.

More decisive action is needed in the EU to protect and restore biodiversity – including through legal instruments – for the Union to achieve its climate and biodiversity objectives. The European Green Deal<sup>5</sup> underlined the commitment to protect and restore nature, stating that the Commission will identify measures, including legislation, to help Member States improve and restore damaged ecosystems to good ecological status, including carbon-rich ecosystems.

The EU biodiversity strategy for 2030<sup>6</sup> set voluntary targets to protect nature in the EU, but underlined that protection alone will not be enough, and that to reverse biodiversity loss, much more is needed to bring back nature to good health across the EU, in protected areas and beyond. Therefore, the Commission committed to put forward a proposal for legally binding EU nature restoration targets in 2021 to restore degraded ecosystems, and in particular those with the most potential to remove and store carbon and to prevent and reduce the impact of natural disasters.

To date, the EU has failed in its efforts to halt the loss of biodiversity. The evaluation<sup>7</sup> of the EU Biodiversity Strategy to 2020<sup>8</sup> shows that the EU did not manage to halt the loss of biodiversity in the EU in the 2011-2020 period. The voluntary target to restore by 2020 at least 15 % of degraded ecosystems, in line with the global commitment under the Convention on Biological Diversity, Aichi Target 15<sup>9</sup>, was equally not met. The overall picture for

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<sup>1</sup> Intergovernmental Panel on Climate Change (IPCC): Special Report on the impacts of global warming of 1.5°C, available at <https://www.ipcc.ch/sr15/>.

<sup>2</sup> Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services: 2019 Global assessment report on biodiversity and ecosystem services.

<sup>3</sup> Convention on Biological Diversity, available at <https://www.cbd.int/convention/text/>.

<sup>4</sup> Professor Sir Partha Dasgupta, final report of the independent review on [The Economics of Biodiversity](#), 2 February 2021.

<sup>5</sup> Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, *The European Green Deal*, [COM/2019/640 final](#).

<sup>6</sup> [https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030\\_en#the-business-case-for-biodiversity](https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030_en#the-business-case-for-biodiversity).

<sup>7</sup> It is ongoing, due to be published in autumn 2021. Summary of main relevant findings: see Annex IX.

<sup>8</sup> Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, *Our life insurance, our natural capital: an EU biodiversity strategy to 2020*, [COM/2011/244 final](#).

<sup>9</sup> The Strategic Plan for 2011-2020 of the Convention on Biological Diversity included 20 ‘Aichi Biodiversity Targets’. [Aichi Target 15](#) is: ‘By 2020, ecosystem resilience and the contribution of biodiversity to carbon stocks have been enhanced, through conservation and restoration, including restoration of at least 15 per cent of degraded ecosystems, thereby contributing to climate change mitigation and adaptation and to combating desertification.’.

biodiversity and ecosystems is bleak and points to the fact that the current approaches are not delivering.

The European Parliament and the Council have also insisted on stepping up efforts to restore ecosystems in the Council Conclusions of December 2019<sup>10</sup> and in the European Parliament's resolution of January 2020<sup>11</sup> which asked to "*move away from voluntary commitments and to propose an ambitious and inclusive Strategy that sets legally (and, consequently, enforceable) binding targets for the EU and its Member States*". In its resolution of 9 June 2021<sup>12</sup>, the European Parliament strongly welcomed the commitment to draw up a legislative proposal on the EU nature restoration plan, including on binding restoration targets.

Restoration of ecosystems also features high on the agenda at international level. The 2050 vision under the Convention on Biological Diversity<sup>13</sup>, the United Nations Convention to Combat Desertification (UNCCD)<sup>14</sup>, the 2030 Agenda for Sustainable Development<sup>15</sup> and the UN Decade for Restoration<sup>16</sup>, all call for the protection and restoration of ecosystems. Restoration will also help meet the EU's commitments under the United Nations Framework Convention on Climate Change (UNFCCC), and the Paris Agreement<sup>17</sup>. Ecosystems such as peatlands, wetlands, oceans and forests can - if in good condition - remove and store large amounts of carbon dioxide, and are also instrumental in contributing to climate change adaptation. To meet these international commitments, degraded ecosystems in the EU need to be restored.

In this context, the proposal for a regulation on nature restoration defines an overarching objective to contribute to 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, habitats and species and to contribute to achieving Union climate mitigation and climate adaptation objectives and to meeting EU international commitments.

To support achieving this overarching objective, the proposal establishes a number of ecosystem-specific binding restoration targets and obligations across a broad range of ecosystems. Together, these measures together should cover at least 20% of the Union's land

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<sup>10</sup> Conclusions of the Council on the Communication on the Preparation of the post-2020 global biodiversity framework Convention on Biological Diversity (CBD) – Council conclusions (15272/19 of 19 December 2019).

<sup>11</sup> [European Parliament resolution of 16 January 2020 on the 15th meeting of the Conference of Parties \(COP15\) to the Convention on Biological Diversity \(2019/2824\(RSP\), available at https://www.europarl.europa.eu/doceo/document/TA-9-2020-0015\\_EN.html.](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0015_EN.html)

<sup>12</sup> [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.](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0277_EN.pdf)

<sup>13</sup> [First Draft of the Post-2020 Global Biodiversity Framework, available at https://www.cbd.int/doc/c/914a/eca3/24ad42235033f031badf61b1/wg2020-03-03-en.pdf.](https://www.cbd.int/doc/c/914a/eca3/24ad42235033f031badf61b1/wg2020-03-03-en.pdf)

<sup>14</sup> United Nations Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa (UNCCD), available at [https://www.unccd.int/sites/default/files/relevant-links/2017-01/UNCCD\\_Convention\\_ENG\\_0.pdf.](https://www.unccd.int/sites/default/files/relevant-links/2017-01/UNCCD_Convention_ENG_0.pdf)

<sup>15</sup> [United Nations: Resolution adopted by the General Assembly on 25 September 2015 - Transforming our world: the 2030 Agenda for Sustainable Development, available at https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E.](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

<sup>16</sup> Resolution adopted by the General Assembly on 1 March 2019 - United Nations Decade on Ecosystem Restoration (2021–2030), available at [https://www.decadeonrestoration.org/about-un-decade.](https://www.decadeonrestoration.org/about-un-decade)

<sup>17</sup> Paris Agreement, available at [https://unfccc.int/sites/default/files/english\\_paris\\_agreement.pdf.](https://unfccc.int/sites/default/files/english_paris_agreement.pdf)

and sea areas by 2030 and all ecosystems in need of restoration by 2050. The proposal is further supported by an effective implementation framework that centres on the preparation and implementation of Nation Restoration Plans.

The proposal aims to enable the EU to act with urgency and to start restoring ecosystems based on binding targets and obligations that can be measured and monitored already now. This will ensure that a range of restoration actions can start quickly across Member States. Further and even more comprehensive coverage of the EU's ecosystems can be achieved at later stages, by developing common methods based upon which further targets may be set as amendments to the proposal. The proposal thus paves the way for a broad range of ecosystems in the EU to be restored and maintained by 2050, with measurable results by 2030 and 2040. It aims to act as a major enabler at EU level contributing to halting biodiversity loss and bringing nature back to good health and also gives the EU the necessary credibility to lead on the global scene on nature, in particular at the forthcoming Conference of the Parties on the Convention on Biological Diversity due to be held later in 2022.

- **Consistency with existing policy provisions in the policy area**

The proposal aims to complement the existing environmental policy framework, and is designed to work in synergy with and add value to the existing environmental acquis, and in particular, the Birds<sup>18</sup> and Habitats Directives<sup>19</sup> (BHD), the Marine Strategy Framework Directive<sup>20</sup> (MSFD), the Water Framework Directive<sup>21</sup> (WFD), the Maritime Spatial Planning Directive<sup>22</sup> (MSP), the Common Fisheries Policy (CFP) and the Invasive Alien Species Regulation<sup>23</sup>, and will also give impetus to the improved coordination and improved implementation of this acquis. Specifically, it will complement the BHD coverage with time-bound targets and by requiring restoration action across the territory of the Member States (including outside Natura 2000). It provides specific supplementary restoration requirements to complement the WFD in relation to river continuity and ensuring the good condition of floodplains. It complements the Marine Strategy Framework Directive with specific measures and fine-grained targets aimed at specific key marine habitats in need of restoration, and will work hand-in-hand to a detailed level with the CFP.

The proposal has direct links with and contributions to the EU Forest Strategy<sup>24</sup>, by proposing restoration measures that will enhance forest biodiversity and resilience. This is based on specific targets for forest habitats, and more broadly across EU forests based on evidence of

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<sup>18</sup> 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. 7–25).

<sup>19</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206 of 22.7.1992, p. 7).

<sup>20</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (OJ L 164, 25.6.2008, p. 19–40).

<sup>21</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1–73).

<sup>22</sup> Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning (OJ L 257, 28.8.2014, p. 135–145).

<sup>23</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35–55).

<sup>24</sup> 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.

improvement of a set of indicators that enhance biodiversity. Interactions with the Common Agricultural Policy build on specific targets for Annex I grassland habitats, and more broadly across EU agroecosystems based on evidence of improvement of a set of indicators that enhance biodiversity. Given that many terrestrial ecosystems depend on and interact with the underlying soils, the proposal has clear synergies with the EU Soil Strategy, and any future soil-related targets that will be considered as part of future soil legislation. Furthermore, the proposed objective of reversing pollinator decline will be a key enabler aiding the implementation of the EU Pollinators Initiative<sup>25</sup>, and targets in the proposal on increasing green spaces in urban areas will have direct bearing on, and assist the implementation of, the Green Infrastructure Strategy<sup>26</sup>.

Policy measures taken under other environmental strategies, such as the Circular Economy Action Plan for a cleaner and more competitive Europe<sup>27</sup>, and the Zero Pollution Action Plan for air, water and soil<sup>28</sup> will contribute to the reduction of pressures on ecosystems by reducing various forms of pollutants.

- **Consistency with other Union policies**

Restoring ecosystems and enhancing biodiversity is a cornerstone of the Green Deal, and can provide important contributions to its implementation.

Securing healthy ecosystem and tackling climate change are intrinsically linked. The impacts of global warming have direct impacts on ecosystems, and some impacts can have long-lasting or irreversible effects, such as the loss of ecosystems. EU climate policy such as the “Fit for 55 Package”, and in particular the LULUCF Regulation Proposal<sup>29</sup> and the European Climate Law<sup>30</sup> rely on natural sinks to capture and store carbon. At the same time, ecosystems, such as wetlands or forests, need to be in good condition in order to be able to effectively capture and store carbon. Therefore significant contributions to climate policies can be expected from the implementation of this Regulation.

Restoring ecosystems to good condition corresponds to providing nature-based solutions that not only contribute to climate change mitigation, but also to the objectives of the EU Strategy

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<sup>25</sup> 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.

<sup>26</sup> Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, *Green Infrastructure (GI) — Enhancing Europe’s Natural Capital*, COM/2013/0249 final.

<sup>27</sup> Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, *A new Circular Economy Action Plan For a cleaner and more competitive Europe*, COM/2020/98 final.

<sup>28</sup> Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, *Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil*, COM/2021/400 final.

<sup>29</sup> [Land use and forestry regulation for 2021-2030 \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021R1119).

<sup>30</sup> 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.

for Adaptation to Climate Change<sup>31</sup>. More biodiverse and healthy ecosystems are more resilient to climate change and also provide more effective forms of disaster reduction and prevention. Under the ‘European Climate Law’ Member States shall adopt and implement national adaptation strategies promoting nature-based solutions and ecosystem-based adaptation. Specific synergies between restoration and adaptation will be achieved by ensuring that the Nature Restoration Plans under this Regulation of the NRL work in tandem with the national adaptation strategies of the Climate Law.

Agriculture, forestry and fisheries are each sectors that depend on ecosystems in good condition. Agroecosystems in good condition provide safe, sustainable, nutritious and affordable food, and also increase agriculture’s resilience to climate change and environmental risks, while also creating jobs, for example linked to organic farming, rural tourism and recreation. Forest ecosystems in good condition provide many benefits: for instance the provision of timber and food, carbon sequestration and storage, soil stabilisation and the purification of air and water. Similarly, ensuring the good condition of marine ecosystems has significant benefits for biodiversity as well as mitigating climate change, reducing the impact of natural disasters along coastlines and providing important fish spawning and nursery areas. Synergies with several policies, such as the new Common Agricultural Policy<sup>32</sup> and its provisions aimed at enhancing the environment in agriculture, the Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system<sup>33</sup>, the Common Fisheries Policy, and others have been integrated into the proposal, in particular through some of the targets set and indicators selected. The proposal also has interlinkages with EU Regional Policy, which can finance ecosystem restoration through the European Regional Development Fund (ERDF)<sup>34</sup>, and Horizon Europe<sup>35</sup> that supports investments in research and innovation on biodiversity and ecosystems.

The proposal can also help the EU take leadership on the global stage, to mobilise the international community and take action to halt the loss of biodiversity. The Conference of the Parties (COP15) of the Convention on Biological Diversity is expected to conclude with a new Global Biodiversity Framework including ambitious restoration targets. The Union’s Biodiversity Strategy for 2030 is a blueprint to make this a reality in the EU and to project EU’s commitment to global level. This proposal will send a strong signal to the global community that the EU is taking its commitment seriously and aims to enshrine ecosystem restoration targets into law.

## 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

The legal basis for this proposal is Article 192(1) of the Treaty on the Functioning of the European Union that effectively sets the manner in which Article 191 of the Treaty should be implemented. Article 191 of the Treaty addresses EU policy on the environment that must contribute to pursue the following objectives:

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<sup>31</sup> Communication from the 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.

<sup>32</sup> [CAP strategic plans | European Commission \(europa.eu\)](https://ec.europa.eu/euro-observatory/en/cap-strategic-plans)

<sup>33</sup> Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, *A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, COM/2020/381 final.

<sup>34</sup> [European Regional Development Fund - Regional Policy - European Commission \(europa.eu\)](https://ec.europa.eu/euro-observatory/en/european-regional-development-fund)

<sup>35</sup> [Biodiversity research policy | European Commission \(europa.eu\)](https://ec.europa.eu/euro-observatory/en/biodiversity-research-policy)

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- utilising natural resources prudently and rationally;
- promoting measures at international level to deal with regional or worldwide environmental problems, in particular to combat climate change.
- **Subsidiarity (for non-exclusive competence)**

Intervention at EU level is justified in view of the scale and transboundary nature of biodiversity loss and ecosystem degradation, the impacts of this degradation on citizens across the Union as well as the risks to its economy. Common rules and obligations are necessary to achieve significant levels of biodiversity and ecosystem restoration in the EU. The lack of implementation of the Biodiversity Strategy to 2020 has shown that the voluntary commitments of Member States are not sufficiently conducive to reaching EU objectives for restoring ecosystems.

Coordinated action at a sufficiently large scale is needed to address biodiversity loss and degradation and to benefit from synergies. Working at European scale is essential, for instance, for the recovery of pollinators which is a problem across the EU and cannot be solved by only working in some Member States. Likewise, addressing problems at European scale is essential given the extent of mobility of many terrestrial, aquatic and marine species. In terms of synergies, restoring one ecosystem has positive effects on other neighbouring or connected ecosystems and their biodiversity, since many species thrive better in connected networks of ecosystems on a large geographical scale. Intervention at EU level is furthermore needed to complement existing legal requirements and support the effective achievement of the objectives of existing environmental and climate legislation.

- **Proportionality**

The proposal complies with the proportionality principle because it does not go beyond what is necessary for achieving the objective of ensuring that that Europe's biodiversity is on the path to recovery by 2030.

Setting legally binding targets and obligations for ecosystem restoration at EU level would steer coherent action across the EU and at level that is necessary to reach the overall objectives. Ensuring monitoring and reporting on progress and assessment by the Commission will further bring synergies and more effective joint action at EU and national level.

In summary, the proposal sets an overarching goal and ecosystem-specific targets and obligations in a way that is commensurate to the scale and extent of the objectives to be achieved, and proposes implementing measures, assessments, reviews and controls, to ensure that these objectives are reached.

- **Choice of the instrument**

A legislative rather than a non-legislative approach is needed to enshrine the long-term objective into EU law. The objectives of the present proposal can best be pursued through a Regulation. This will ensure direct applicability of the provisions. Requirements are placed on Member States to contribute to the long-term objective by putting in place the necessary restoration measures to reach the ecosystem specific targets, based on national restoration

plans. Since a Regulation does not require transposition into national laws, it will result into restoration measures being taken on the ground sooner as compared to a Directive.

In this regard, a Regulation is more precise and detailed and would frame the action to be taken by the Member States much more exactly, and hence it would bring about a higher level of coherence across the EU. Regulations, contrary to directives, do not only indicate the goal to be achieved by the Member States, but also identify more precisely the legal requirements and means to be implemented to achieve that goal.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Ex-post evaluations/fitness checks of existing legislation**

The evaluation study of the Biodiversity Strategy to 2020 identified, among the reasons for the failure in ecosystem restoration, the voluntary rather than legally binding nature of the targets. The subsequent lack of commitment and political priority for restoration activities is regarded as a key barrier leading to a lack of financing and resources being allocated to restoration.

Moreover, the Habitat Directive and the Bird Directive do not set time-bound objectives to maintain or restore to favourable conservation status natural habitats and species of Community interest and they also lack explicit requirements to restore ecosystems outside the Natura 2000 network. The proposal creates explicit restoration obligations for species and habitats of EU conservation concern also outside the Natura 2000 network with clear deadlines.

Concerning the Marine Strategy Framework Directive, the 2020 report from the Commission on the first implementation cycle of the Directive concludes that the broad goal of the Marine Strategy Framework Directive has proven very difficult to achieve because of the lack of specific measures, lack of sufficiently fine-grained monitoring of specific habitats or species, coupled with a lack of specific focussed targets. The establishment of restoration targets under the present proposal will reinforce the objectives of the Marine Strategy Framework Directive and its implementation.

The Fitness Check of the Water Framework Directive concluded that the difficulty in implementation is in part due to the fact the water body condition is affected by diffused pollution coming from surrounding habitats. The Water Framework Directive does not necessarily require the removal of barriers that may disrupt the natural connectivity of a river/lake system, but many terrestrial ecosystems, and several habitats and species protected by the Birds and Habitats Directives, directly depend on the aquatic ecosystems being in near natural conditions. The present proposal, through the establishment of restoration targets and other specific requirements, complements the Water Framework Directive. Furthermore, this proposal's requirement of non-deterioration would match the existing requirement to take measures to prevent deterioration of the status of all bodies of water.

- **Stakeholder consultations**

In accordance with the Better Regulation Guidelines, the present proposal and the accompanying impact assessment are supported by a wide consultation with stakeholders. The Commission collected the views of all relevant stakeholder groups, in particular representatives of Member States, environmental organisations, research institutes, associations representing the agriculture and forest sectors, business representatives, and other stakeholders. Consultations were carried out as part of an Open Public Consultation, through

five stakeholder workshops and through specific meetings with stakeholder groups or Member States. The different stakeholder views provided important information and insights to help prepare the impact assessment and the proposal.

### **Inception Impact Assessment**

The Inception Impact Assessment concerning the proposed Regulation was published on 4 November 2020 and the period to provide feedback was closed on 2 December 2020. It collected feedback from stakeholders and the public on the main elements of the initiative. From this consultation 132 responses were received, mainly from NGOs, businesses associations and organisations, environmental organisations and citizens.

### **Public consultation**

An online public consultation was carried out between 11 January and 5 April 2021 with 111 842 replies received. In particular, the consultation served to collect views on the main elements and approach to devising the Commission's proposal for binding restoration targets. The Open Public Consultation results overwhelmingly supported the establishment of legally binding restoration targets (97 % in favour of general EU-level restoration targets across all ecosystems, 96 % for targets per ecosystem or habitat). Considering all responses, there was close to full support both for an overarching restoration goal and for EU wide specific targets for ecosystems.

### **Stakeholder workshops**

Five separate workshops were held with representatives of Member States and the most relevant stakeholders from the end of 2020 through to September 2021. These discussed policy options and collected views on the options for restoration targets, how these targets should be implemented, as well as the potential social, economic and wider environmental impacts that need to be considered, and preliminary findings of the impact assessment support study.

- **Collection and use of expertise**

The impact assessment accompanying this proposal was supported by a study prepared by a team of external experts. The team of experts worked in close consultation with the Commission through the different phases of the study. The Commission also used numerous other sources of information to prepare this proposal, notably published international reports, such as those cited in section 1.

Specific expertise was also gained through the European Environment Agency and the Joint Research Center, which were closely involved in the development of this legal proposal and its impact assessment. For example, the EEA developed information regarding restoration needs based on the official data reported by Member States under Article 17 of the Habitats Directive.

- **Impact assessment**

The proposal is based on an impact assessment. After having addressed the Regulatory Scrutiny Board's comments issued in its negative opinion of 16 July 2021, the impact assessment received a positive opinion on 28 October 2021.

The Impact Assessment considered the following policy options:

- (1) **Baseline scenario:** This policy option assumes the realistic implementation of policies in the Green Deal and Biodiversity Strategy for 2030 and other relevant existing policies – with the exception of the legally binding restoration targets.
- (2) **An overarching legally binding target for ecosystem restoration:** This option assumes putting in a place a clearly defined legally binding overarching target to restore ecosystems. Such an overarching target was defined as: By 2050, a percentage of ecosystems in the EU are restored to and maintained in good condition, complemented by legally binding milestones for 2030, and 2040.
- (3) **Legally binding ecosystem-specific targets:** The policy option sets legally binding ecosystem-specific targets and obligations for a range of ecosystems, habitats and groups of species that should be restored by 2030, 2040 and 2050. Targets and obligations are established for each of the EU’s main ecosystem types that would be directly applicable at Member State level.
- (4) **Legally binding ecosystem-specific targets with an overarching objective:** This policy option is a hybrid of the ecosystem-specific targets of option 3 and a variant of option 2, namely an overarching objective “to contribute to 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, habitats and species...”. This provides an overarching objective that all Member States should strive towards, coupled with a set of ecosystem specific targets and obligations that together should lead to restoration measures covering specific percentages of the Union’s land and sea areas by the milestone dates.

Option 4 was considered to be the best policy option as it is the most effective, efficient and policy coherent option. Having an overarching objective makes the specific targets more achievable and the risk of not acting at all is the lowest of all options. In addition, the option reduces the risks of delaying action across all of the ecosystems types, by acting as much as possible where it is possible to act now. This reduces potentially postponed action, increasing negative impacts on the environment, economy and society.

The preferred option thus allows to EU to act with urgency and start restoring ecosystems based on targets that can be measured and monitored already now. In the future, once a common method for assessing the good condition of the Union’s ecosystems for which methods do not yet exist are developed, additional targets based on these common methods may be established by way of amendment to the Regulation.

This preferred option for the legal proposal will ensure that the objectives of ecosystem restoration can be reached in the timescales proposed in a cost-efficient manner, with benefits outweighing the costs for each of the main ecosystem types. For example, for inland and coastal wetlands it is estimated that the monetised benefits for carbon storage alone already exceed the estimated costs of ecosystem restoration, and if one includes estimates of other services then the benefit to cost ratios are even higher. Overall, the benefits of restoring Annex I peatlands, marshlands, forests, heathland and scrub, grasslands, rivers, lakes and alluvial habitats, and coastal wetlands can be estimated as up to EUR 1 860 billion (with costs estimated at EUR 154 billion). Significant benefits are also estimated for the ecosystem types marine, urban, and for pollinator restoration, as well as for forests and agroecosystems, for

which specific indicators are used to provide evidence of enhancement of biodiversity. For example, the value of crop pollination was estimated at around EUR 5 billion per year for the service of insect pollinators in the EU. Beyond that a range of other benefits include the biological control of pests and overall enhancement of biodiversity.

The proposal deviates slightly from option 4 as assessed in that some potential targets on soil will be considered in a separate legal instrument on soils health at a later stage as announced in the EU Soil Strategy.

- **Regulatory fitness and simplification**

In line with the Commission's commitment to Better Regulation, the proposal has been prepared inclusively, based on transparency and continuous engagement with stakeholders. In line with the one-in-one-out approach, administrative impacts have been analysed. The administrative costs will be mainly be for the EU and Member State public administrations, and could include costs for the surveying of ecosystems, development of national restoration plans, administration and monitoring of ecosystems to be chosen for restoration, as well as for reporting.

- **Fundamental rights**

The proposal respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, it contributes to the objective of a high level of environmental protection and the improvement of the quality of the environment in accordance with the principle of sustainable development as laid down in Article 37 of the Charter of Fundamental Rights of the European Union<sup>36</sup>.

#### **4. BUDGETARY IMPLICATIONS**

Resources will be needed from Member States for taking the measures necessary to achieve the targets and obligations of the implementing the Regulation. The impact on Member States' budget of the present proposal will depend on the restoration needs and the implementation of the associated restoration measures. Resources would also be needed for the development of national restoration plans, including consultation phases and for monitoring. Concerning reporting, the proposal minimises unnecessary administrative burden thanks to making full use of existing reporting requirements and their resulting data and digitalisation opportunities. Furthermore, significant improvements in efficiency and cost-reduction can be made by maximising the use of new technologies such as remote sensing, Copernicus services and products, geographic information systems, in situ sensors and devices, data analysis and processing, such as artificial intelligence. These technologies increase the speed, effectiveness and coherence of various monitoring and reporting methods.

The implementation of the proposal will require some deployment of human resources within the Commission, which are represented in the attached legislative financial statement. The human resources implications for the Commission are expected to be implemented under the existing allocations for the Commission.

The implementation will also require support from the European Environment Agency for which additional resources will be needed as outlined in the financial statement.

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<sup>36</sup> Charter of Fundamental Rights of the European Union, (OJ C 326, 26.10.2012, p. 391).

The present proposal includes articles that detail further work streams that will need to be carried out to implement the Regulation, including an empowerment to adopt implementing acts such as developing a uniform format for the national restoration plans or revising the Annexes.

The financial statement included in this proposal, shows the detailed budgetary implications and the human and administrative resources required.

## 5. OTHER ELEMENTS

### • **Implementation plans and monitoring, evaluation and reporting arrangements**

Potential problems with compliance and enforcement would be monitored through the Member States' information on progress made towards achieving the targets and obligations set out in the proposal, the implementation of restoration measures set out in their national restoration plans and the trends in the restored areas. Progress reports will be drawn up by the Commission based on the information made available by the Member States as well as other data collected by the Commission (e.g. from Copernicus).

The application of the Regulation would be reviewed by 2035 to ensure that its objectives are being met and its impact is ensured and justified.

The Regulation would be amended when necessary, for example in order to complement the Regulation with additional legally binding restoration targets on ecosystems based on new methods to assess the condition of such ecosystems.

### • **Detailed explanation of the specific provisions of the proposal**

The overall objective to contribute to 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, habitats and species, as described in **Article 1**. This establishes a framework within which Member State shall put in place, as soon as possible, restoration measures which together shall cover at least 20% of the Union's land and sea areas by 2030 and all ecosystems in need of restoration by 2050. This builds on the objectives specifically spelled out in the Biodiversity Strategy to ensure that that Europe's biodiversity is on the path to recovery by 2030 and that by 2050 all ecosystems are restored, resilient, and adequately protected. It is recognised that restoring nature would significantly contribute to the EU's climate mitigation and adaptation objectives, and to the EU's international commitments.

The approach used for the framework described in Article 1, is to first build on the habitat types protected under Habitats Directive, for which methods already exist to determine good condition. Restoration targets can therefore be established for those habitats on the basis of those methods.

**Article 4** sets out restoration targets for terrestrial, coastal and freshwater ecosystems, and **Article 5** sets out restoration targets for marine ecosystems (which also includes other marine areas than those covered by the Habitats Directive). Those targets address restoration and re-establishment of areas, as well as the restoration of habitats of species. Furthermore, restoration works hand in hand with protection and maintenance and an obligation is therefore set out in both Article 4 and 5 to ensure that the condition of ecosystems does deteriorate before or after restoration.

For the habitat types or ecosystems not covered by the Habitats Directive, good condition is not yet defined, however further specific targets and obligations are established to require additional restoration measures in **Articles 6-8**.

Article 6 sets targets for ensuring no net loss, and subsequently the increase, in green urban spaces in national local administrative units (LAUs) containing cities, towns and suburbs. Ensuring a minimum tree cover and ensuring that green spaces are integrated into existing and new buildings and infrastructure developments form contributions to these targets. Ensuring green spaces and tree cover are an essential element of urban green infrastructure providing multiple benefits for the people living in cities, towns and suburbs. Article 7 sets obligations on the removal of river barriers that will contribute to the natural longitudinal and lateral connectivity of rivers and the EU objective of 25,000 km of free flowing river, as well as to the restoration of riparian areas and floodplains. **Article 8** sets the obligation to reverse the decline of pollinators and achieve a continuously improving trend of pollinator populations until satisfactory levels are achieved, as based on a method for monitoring pollinators that shall be established.

To provide evidence of improvements of agroecosystems and forest ecosystems, **Articles 9 and 10** set obligations for Member States to achieve a continuously increasing trend at national level for a set of indicators which are of particular importance for the biodiversity of those ecosystems.

The restoration targets and obligations set out in Articles 6-10 act as a complement to the targets set out in Article 4 and 5, and will therefore also have an effect on areas covered by the habitat types protected under Habitats Directive.

Article 11 sets out that additional restoration targets that may be established by way of amendment to the Regulation, based on common methods for assessing the condition of ecosystems not covered by Articles 4 and 5. This will then allow for a more complete and comprehensive coverage of ecosystems in the longer term.

**Articles 12 and 13** concern the requirements for Member States to prepare national restoration plans. Restoration measures should be planned strategically, in view of maximising their effectiveness in contributing to the recovery of nature across EU land and sea areas as well as in contributing to climate change mitigation and adaptation. It is important that Member States prepare their national restoration plans based on the best available and most recent scientific evidence.

**Articles 14 and 15** set out that the national restoration plans will need to be submitted to the European Commission for assessment and Member States will have to take into account the Commission's comments before adoption of the plans. A process for review and periodical revision of the national restoration plans is also foreseen.

**Articles 16 and 17** contains provisions on monitoring and reporting requirements for Member States.

**Article 18** provides for a review of the Regulation by 31 December 2035.

**Article 20** contains provisions on the amendment of the Annexes to the Regulation.

**Articles 21 and 22** set out the conditions for the Commission's adoption of delegated and implementing acts.

**Article 23** provides for the entry into force and application of this Regulation.

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 Committee<sup>37</sup>,

[Having regard to the opinion of / After consulting] 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 of a biodiverse and resilient nature across the Union territory. Restoring ecosystems also contributes to the Union climate change mitigation and climate change adaptation objectives. [Ref. Art. 1]
- (2) The European Green Deal<sup>38</sup> 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 protect the health and well-being of citizens from environment-related risks and impacts. As part of the European Green Deal, the Commission has adopted an EU Biodiversity Strategy for 2030<sup>39</sup>.
- (3) The Union and its Member States, as parties to the UN Convention on Biological Diversity, approved by Council Decision 93/626/EEC<sup>40</sup>, are committed to the long-term strategic vision adopted by the Conference of the Parties by decision X/2 in 2010<sup>41</sup> that, by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people.

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<sup>37</sup> OJ C , , p. .

<sup>38</sup> 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)

<sup>39</sup> 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.

<sup>40</sup> 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).

<sup>41</sup> [COP 10 Decision X/2, Strategic Plan for Biodiversity 2011-2020.](#)

- (4) [placeholder for the restoration target of the new Global Biodiversity Framework to be agreed at CBD COP 15]
- (5) The United Nations General Assembly proclaimed 2021–2030 the United Nations 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 successful ecosystem restoration<sup>42</sup>;
- (6) The EU Biodiversity Strategy for 2030 aims to put Europe’s biodiversity on the path to recovery by 2030 for the benefit of people, the planet, the climate and our economy, and 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.
- (7) In its resolution of 9 June 2021<sup>43</sup>, the European Parliament strongly welcomed the commitment to draw up a legislative proposal with binding nature restoration targets, including an overall target and ecosystem-, habitat- and species- specific targets, which should include forests, grasslands, wetlands, peatlands, pollinators, free-flowing rivers, coastal areas and marine ecosystems.
- (8) In its conclusions of 23 October 2020<sup>44</sup>, 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.
- (9) The Biodiversity Strategy for 2030 committed to legally protect at least 30% of the land, including inland waters, and 30% of the sea in the EU, of which at least one third to be under strict protection, including all remaining EU primary and old-growth forests. The note on criteria and guidance for the designation of additional protected areas by Member States<sup>45</sup> developed by the Commission in cooperation with Member States and stakeholders aims at supporting the achievement of this target. It highlights that if the restored areas comply or are expected to comply, once restoration produces its full effect, with the criteria for protected areas, these restored areas should also contribute towards the EU targets on protected areas. It highlights that protected areas can provide an important contribution to the restoration targets in the strategy, by creating the conditions for restoration efforts to be successful. This is particularly the case for areas which can be restored naturally by stopping or limiting some of the existing pressures from human activities. Placing such areas under strict protection, including in the marine environment, will in some cases be sufficient to lead to the restoration of the natural values they host. The note highlights that all Member States are expected to contribute towards reaching the strategy protected areas targets, to an

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<sup>42</sup> Resolution 73/284 on the United Nations Decade on Ecosystem Restoration (2021–2030) adopted on 1 March 2019

<sup>43</sup> European Parliament resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives (2020/2273(INI)).

<sup>44</sup> Conclusions on Biodiversity - the need for urgent action, 12210/20.

<sup>45</sup> Commission Staff Working Document Criteria and guidance for protected areas designations (SWD(2022) 23 final)

extent that is proportionate to the natural values they host and to the potential they have for nature restoration.

- (10) The Biodiversity Strategy for 2030 committed to ensure no deterioration in conservation trends and status of all protected habitats and species by 2030 and that at least 30% of species and habitats not currently in favourable status are in that category or show a strong positive trend. The guidance<sup>46</sup> developed by the Commission in cooperation with Member States and stakeholders to support the achievement of this target highlights that maintenance and restoration efforts are likely to be required for most of these habitats and species, be it to halt their current negative trends by 2030, to maintain current stable or improving trends, or to avoid habitats and species in favourable conservation status to decline. The guidance highlights that these measures primarily need to be planned, implemented and coordinated at national or regional levels as well as that in selecting and prioritizing those species and habitats to be improved by 2030, synergies with other EU and international targets, in particular environmental or climate policy targets are to be sought.
- (11) The Commission's State of Nature Report 2020<sup>47</sup> noted that the EU has not yet managed to stem the decline of protected habitats types and species of EU conservation concern, caused mostly by intensification and abandonment of extensive agriculture, 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 European flora and fauna.
- (12) 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, agricultural, sparsely vegetated, marine, coastal and urban ecosystems and their components (including species populations, habitat types and habitats of species) 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. [Ref. Art.1]
- (13) Such overarching objective will also contribute to the achievement of the UN Sustainable Development Goals<sup>48</sup>, notably goals 14 and 15, in particular targets 14.2 and 15.1, which refers 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, in line with obligations under international agreement. [Ref. Art. 1]
- (14) The United Nations Statistical Commission adopted the System of Environmental Economic Accounting - Ecosystem Accounting (SEEA EA) at its 52<sup>nd</sup> session in March 2021. SEEA EA constitutes an integrated and comprehensive statistical framework for organizing data about habitats and landscapes, measuring the ecosystem extent, condition and services, tracking changes in ecosystem assets, and linking this information to economic and other human activity.[Ref. Art. 3]

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<sup>46</sup> Available at [Circabc \(europa.eu\)](https://circabc.europa.eu) [Reference to be completed]

<sup>47</sup> 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.

<sup>48</sup> [United Nations Sustainable Development – 17 Goals to Transform Our World.](https://www.un.org/sustainabledevelopment/)

- (15) Securing biodiverse ecosystems and tackling climate change are intrinsically linked. Nature and nature-based solutions, including natural carbon stocks and sinks, are fundamental for fighting the climate crisis. At the same time, the climate crisis is a driver of terrestrial and marine ecosystem change already today, and Europe must prepare for the increasing intensity, frequency and pervasiveness of its effects. The Special Report of the Intergovernmental Panel on Climate Change (IPCC)<sup>49</sup> on the impacts of global warming of 1.5°C pointed out that some impacts may be long-lasting or irreversible. The IPBES Global Assessment Report on Biodiversity and Ecosystem Services<sup>50</sup> 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 land and sea use change and other drivers.
- (16) To minimise climate risks, Regulation (EU) 2021/1119 of the European Parliament and of the Council<sup>51</sup> 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 demands Member States' adaptation policies to integrate adaptation in all policy areas and to promote nature-based solutions and ecosystem-based adaptation.
- (17) The Commission's Communication, 'Forging a climate-resilient Europe – the new EU Strategy on Adaptation to Climate Change'<sup>52</sup> also 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, peatlands, 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, to achieve EU's climate neutrality by 2050 and to generate negative emissions thereafter. In particular, [the proposal for a Regulation *[This recital will need to be adapted to refer to the adopted amendment (or deleted if the proposal is not adopted)]* of the European Parliament and of the Council amending Regulations (EU) 2018/841 and (EU) 2018/1999<sup>53</sup>] strengthen the contribution of the land sector to the overall climate ambition for 2030 and aligns the objectives with related policy initiatives on biodiversity. This Regulation emphasizes activities such as protecting

<sup>49</sup> 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/>

<sup>50</sup> Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services: 2019 Global assessment report on biodiversity and ecosystem services.

<sup>51</sup> 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)

<sup>52</sup> 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).

<sup>53</sup> 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).

and enhancing nature-based carbon removals, improving the resilience of ecosystems to climate change, restoring degraded land and ecosystems and rewetting peatlands. It improves the monitoring and reporting of greenhouse gas emissions and removals of land subject to protection and restoration. On all land categories, including forests, grasslands, croplands and wetlands, ecosystems need therefore also to be in a good condition in order to be able to effectively capture and store carbon.

- (19) In order to reach the Union's climate-neutrality objective, Regulation (EU) 2021/1119 provides that the relevant Union institutions and the Member States are 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.
- (20) Soils are an integral part of terrestrial ecosystems. The EU Soil Strategy for 2030 outlines the need to restore degraded soils and enhance soil biodiversity.
- (21) Council Directive 92/43/EEC<sup>54</sup> and Directive 2009/147/EC of the European Parliament and of the Council<sup>55</sup> 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 they underpin. Natura 2000, which was established in 1992 and is the largest coordinated network of protected areas in the world, is the key instrument to implement the objectives of those two Directives. [Ref. Art. 4 and Art.5]
- (22) A framework and guidance 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 under the scope of Directive 92/43/EEC, and restoration targets for these habitat types and habitats of species can be set based on that guidance. However, the restoration of those habitats will not be enough to reverse biodiversity loss and restore ecosystems. Therefore additional obligations should be established based on specific indicators in order to enhance biodiversity at the scale of wider ecosystems. Once common methods for assessing the good condition of the Union's ecosystems are developed, additional targets based on these common methods may be established by way of amendment to this Regulation. [Ref Art 4-11]
- (23) Building on the provisions set out in Directives 92/43/EEC and 2009/147/EC and supporting the achievement of the objectives of 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 the scope of Natura 2000. [Ref. Art. 4 and Art.5]
- (24) Directive 92/43/EEC aims at maintaining and restoring, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest, however, it does not set a deadline for achieving this goal. Similarly, Directive 2009/147/EC aims at the recovery of bird populations in the EU, without establishing a timeline.
- (25) Deadlines should therefore be established for putting in place restoration measures within and outside Natura 2000 sites, in order to gradually improve the condition of protected habitat types across Union areas, as well as to re-establish habitats and

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<sup>54</sup> 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).

<sup>55</sup> 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).

thereby reach the favourable reference area needed to achieve favourable conservation status of those habitat types in the Union. [Ref. Art. 4 and 5]

- (26) Similar requirements should be set for the habitats of species under the scope of Directive 92/43/EEC and habitats of wild birds under the scope of Directive 2009/147/EC, having special regard to the connectivity needs for the species populations to thrive. It is also important to set restoration obligations beyond what is explicitly required under Directive 92/43/EEC and Directive 2009/147/EC. [Ref. Art. 4 and 5]
- (27) It is important to ensure that the restoration measures put in place deliver concrete and measurable results, both at the level of the individual areas subject to restoration and at national and Union levels. [Ref to art 4(2-3-4), 5(2-3-4), further explained below but also applying more widely, beyond Art 4 and 5]
- (28) It is essential to ensure that the areas that are subject to restoration measures for improving the condition of habitats under the scope of Directive 92/43/EEC as well as for re-establishing them and for improving their connectivity show a continuous improvement until good condition is reached in these areas. [Ref. Art 4(4) and 5(4)]
- (29) It is essential to ensure that the areas that are subject to restoration measures with a view to improving the quality and quantity of the habitats of species under the scope of Directive 92/43/EEC as well as habitats of wild birds under the scope of Directive 2009/147/EC show a continuous improvement until the sufficient quantity and quality of the habitats of such species is reached in these areas.[Ref. Art 4(4) and 5(4)]
- (30) It is important to ensure that the restoration measures put in place to restore habitats under the scope of Directive 92/43/EEC lead to a gradual increase of habitat area in good condition across the territory of the Member States and ultimately of the Union, until the favourable reference area for each habitat type is reached and at least 90% of it is in good condition, so as to allow achieving favourable conservation status of these habitat types in the Union. [Ref. Art 4(5) and 5(5)]
- (31) It is important to ensure that the restoration measures put in place to restore habitats of species under the scope of Directive 92/43/EEC as well as habitats of wild birds under the scope of Directive 2009/147/EC lead to a gradual increase of the quality and quantity of these habitats across the territory of the Member States and ultimately of the Union, until it is sufficient to ensure the long-term survival of the species. [Ref. Art 4(5) and 5(5)]
- (32) It is important that the areas covered by habitat types under the scope of Directive 92/43/EEC as well as the habitats of species under the scope of Directive 92/43/EEC as well as habitats of wild birds under the scope of Directive 2009/147/EC do not deteriorate as compared to the situation present at the entry into force of this Regulation, considering the restoration needs which exist already at this date and the need not to increase them further in future. It is, however, appropriate to consider that there might be circumstances of force majeure that could not be prevented. [Ref. Art 4(6) and 5(6)]
- (33) The Biodiversity Strategy for 2030 emphasizes the need for stronger action to restore degraded marine ecosystems, including carbon-rich ecosystems and important fish spawning and nursery areas and announces that the Commission will propose a new action plan to conserve fisheries resources and protect marine ecosystems.
- (34) 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 defined by using relevant levels of the European nature information system (EUNIS) classification of marine habitats and Member States should establish reference values for determining the favourable conservation status of each of those habitat types, in so far as these reference values are not already addressed through other Union legislation. [Ref. Art. 5]

- (35) Where the measures to protect coastal and marine habitats require regulating fishing or aquaculture activities, the common fisheries policy applies. Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>56</sup> provides in particular that the common fisheries policy should implement the ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, and shall endeavour to ensure that aquaculture and fisheries activities avoid the degradation of the marine environment. [Ref Art 5 and 13] In order to achieve the objectives of this Regulation, Member States should make full use of the possibilities provided under the common fisheries policy. Within the scope of the EU exclusive competence for the conservation of marine biological resources, Member States may for instance 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 12 nautical miles. In addition, Member States having a direct management interest may agree to submit joint recommendations for conservation measures necessary for compliance with obligations under Union environmental legislation. Such measures may subsequently be adopted by the Commission by way of delegated or implementing acts. [Ref Art. 5 and para in Art. 13]
- (36) Regulation (EU) No 1380/2013 provides that the common fisheries policy is to be coherent with the Union environmental legislation, in particular with the objective of achieving a good environmental status in the marine environment by 2020 as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council<sup>57</sup>, as well as with other Union policies. [Ref Art. 5 and para in Art. 13]
- (37) The distribution range of marine ecosystems extends beyond the waters under the sovereignty of any one Member State, Directive 92/43/EEC provides for shared responsibility of Member States for the implementation of that Directive. Moreover, Article 6, of Directive 2008/56/EC requires Member States to cooperate within regional and sub-regional cooperation mechanisms, including through the regional sea conventions as well as, where fisheries measures are concerned, in the context of the regional groups established under the common fisheries policy [Art 5 and 13].
- (38) It is important that restoration measures are also put in place for the habitats of the species such as sharks and rays, which are under the scope of the Convention on the Conservation of Migratory Species of Wild Animals, concluded by the Union by

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<sup>56</sup> 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)

<sup>57</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

Council Decision 82/461/EEC<sup>58</sup>, but which are not under the scope of Directive 92/43/EEC. [Art 5 and Annex VII]

- (39) To support the restoration and non-deterioration of terrestrial, freshwater, coastal and marine habitats Member States may designate additional areas as protected areas or strictly protected areas or implement other effective area-based conservation measures, including by promoting private land conservation measures.
- (40) Green urban spaces provide an important habitat for biodiversity, in particular plants, birds and insects, including pollinators. They also provide vital ecosystem services, including flood-risk reduction, cooling, recreation, water and air filtration, as well as climate change mitigation and adaptation. [Ref. Art. 6]
- (41) Urban ecosystems represent more than 22% of the land surface of the Union, and make up the area where a majority of the Union citizens live. Actions to ensure that green urban spaces, including urban forests, parks and gardens, urban farms, tree-lined streets, urban meadows and urban hedges, will not continue to degrade need to be strongly enhanced. In order to ensure that green urban spaces continue to provide the necessary services, the loss of such space should be stopped and green urban spaces should be protected, restored and increased inter alia through better integrating green infrastructure and nature-based solutions into urban planning and integrating green infrastructure, such as green roofs and green walls, in the design of buildings.
- (42) The 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 river, lakes and alluvial habitats and their species communities, protected by Directives 92/43/EEC and 2009/147/EC, and the achievement of the EU Biodiversity Strategy for 2030 key commitment of restoring at least 25 000 km of free-flowing rivers. [Ref. Art. 7]
- (43) In the EU, pollinators have dramatically declined in recent decades, with one in three bee 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 Union's annual agricultural output is directly attributed to insect pollinators<sup>59</sup>. [Ref. Art. 8]
- (44) The Commission launched the EU Pollinators Initiative <sup>60</sup> 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 initiative<sup>61</sup> showed that

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<sup>58</sup> Council Decision of 24 June 1982 on the conclusion of the Convention on the conservation of migratory species of wild animals (OJ L 210, 19.7.1982, p. 10).

<sup>59</sup> 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.

<sup>60</sup> 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).

<sup>61</sup> 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.

significant challenges remain in tackling the drivers of pollinator decline. The European Parliament<sup>62</sup> and the Council<sup>63</sup> subsequently called for stronger actions to tackle pollinator decline and for the establishment of an EU-wide monitoring framework for pollinators, and clear objectives and indicators regarding the commitment to reverse the decline of pollinators. The European Court of Auditors recommended that the Commission set up appropriate governance and monitoring mechanisms for actions to address threats to pollinators<sup>64</sup>. [Ref. Art. 8]

- (45) Biodiverse agricultural ecosystems are needed to provide safe, sustainable, nutritious and affordable food. The Union needs to improve the biodiversity in its agricultural lands. This will also increase agriculture's resilience to climate change and environmental risks, while ensuring food security and creating new jobs, in particular jobs linked to organic farming, rural tourism and recreation. [Ref. Art. 9]
- (46) Restoration measures need to be put into place to enhance the biodiversity of agricultural ecosystems across the Union, including in the areas not covered by habitat types under the scope of Directive 92/43/EEC. Until a common method for assessing the condition of agricultural ecosystems is developed and until, on this basis, additional restoration targets for agricultural ecosystems are potentially proposed, it is appropriate to set a general obligation to improve biodiversity in agricultural ecosystems and measure the fulfilment of this obligation on the basis of existing indicators. Since farmland birds are well-known and widely recognized key indicators of the health of agricultural ecosystems, it is appropriate to set restoration targets for their recovery. [Ref Art 9]
- (47) Similarly, high-diversity landscape features on agricultural land, including buffer strips, rotational or non-rotational fallow land, hedges, non-productive trees, terrace walls and ponds, provide space for wild plants and animals, including pollinators, enhance carbon sequestration, prevent soil erosion and depletion, filter air and water, support climate change mitigation and adaptation and agricultural productivity of pollination-dependent crops. Therefore, a requirement to ensure improving trends for high-diversity landscape features on agricultural land should be set out. Such a requirement should achieve the EU Biodiversity Strategy for 2030 key commitment to cover at least 10 % of agricultural area with high-diversity landscape features. Positive trends should also be achieved for other existing indicators such as the grassland butterfly index and the organic carbon content in cropland mineral soils. [Ref Art 9]
- (48) Restoring and rewetting of drained peatlands under agricultural use helps achieve significant biodiversity benefits as well as significant reduction of greenhouse gas emissions and other environmental benefits while at the same time contributing to a diverse agricultural landscape. In order to reap its full benefits, restoring and rewetting of drained peatland under agricultural use should extend beyond the areas required for the re-establishment of wetlands habitat types protected under Directive 92/43/EEC. [Ref Art 9]
- (49) 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 the cultivation of various types of reeds, certain forms of timber, grazing with water buffaloes, blueberry and cranberry cultivation, and sphagnum farming. Such

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<sup>62</sup> European Parliament resolution of 9 June 2021 on [...](#), 2020/2273(INI).

<sup>63</sup> Council conclusions of 17 December 2020 on [...](#) (14168/20).

<sup>64</sup> Special Report 15/2020, [https://www.eca.europa.eu/Lists/ECADocuments/SR20\\_15/SR\\_Pollinators\\_EN.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR20_15/SR_Pollinators_EN.pdf)

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 EU. and can also facilitate the connectivity of wetland areas and of populations of associated species populations in the EU. [Ref Art 9]

- (50) The New EU Forest Strategy for 2030<sup>65</sup> outlined the need to restore forest biodiversity. Forests and other wooded land cover over 43,5% of the Union's land territory. Forest ecosystems that host rich biodiversity are vulnerable to climate change but are also a natural ally in adapting to and fighting against climate change, including through their carbon stock and carbon sink function, and provide many other vital services and benefits, such as the provision of timber and food, soil stabilisation and the purification of air and water. [Ref. Art. 10]
- (51) Restoration measures need to be put into place to enhance the biodiversity of forest ecosystems across the Union, including in the areas not covered by habitat types under Directive 92/43/EEC. Until a common method for assessing the condition of forest ecosystems is developed and until, on this basis, additional restoration targets for forest ecosystems are potentially proposed, it is appropriate to set a general obligation to improve biodiversity in forest ecosystems and measure the fulfilment of this obligation on the basis of existing indicators, such as deadwood, age structure, forest connectivity, tree cover density, abundance of common forest birds, and soil organic carbon in forest land. [Ref. Art 10]
- (52) Restoration measures should be planned strategically, in view of maximising their effectiveness in contributing to the recovery of nature across the Union areas as well as in contributing to climate change mitigation and climate change adaptation. To ensure strategic planning, it is important that Member States prepare detailed national restoration plans based on the best available and most recent scientific evidence and through a thorough and inclusive stakeholder and public engagement process, taking account of the specific conditions and needs in their territory, responding to the relevant pressures, threats and drivers of biodiversity loss, while cooperating to ensure restoration and connectivity across borders. [Ref. Art. 12]
- (53) To ensure synergies between the different measures that are 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 for Natura 2000 sites and prioritized 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 EU marine regions prepared in accordance with Directive 2008/56/EC, national air pollution control programmes prepared under Directive (EU) 2016/2284, as well as national biodiversity strategies and action plans developed in accordance with Article 6 of the Convention on Biological Diversity. Measures taken to ensure compliance with the objectives set in particular under Directives 92/43/EEC, 2009/147/EC, 2000/60/EC and 2008/56/EC will contribute to and, where not yet achieved irrespective of applicable deadlines, benefit from the measures taken under this Regulation.

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<sup>65</sup> 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).

- (54) The national restoration plans should recognise and take into account restoration measures that have already been planned or implemented in Member States before the entry into force of this Regulation. [Ref. Art. 13]
- (55) In pursuing the objectives of this Regulation, 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 these regions. As envisaged in the EU Biodiversity Strategy for 2030, a particular focus should be placed on protecting and restoring the outermost regions' ecosystems, given their exceptionally rich biodiversity value. [Ref. para. in Art. 13]
- (56) The Member States should ensure that national restoration plans address sufficiently and appropriately the restoration needs of the Union. The European Environment Agency (the 'EEA') should support Member States in that task, 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 the targets and obligations set out in this Regulation. [Ref. Art. 15]
- (57) The Commission's State of Nature Report 2020 showed that a substantial share of the information reported by Member States comes from partial surveys or is based on expert judgment only. 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 is necessary in order to underpin robust and science-based national restoration plans. The monitoring and surveillance should make best possible use of new technologies such as remote sensing using space data and services delivered under the Union's Space programme (EGNOS/Galileo and Copernicus). [Ref. Art. 16]
- (58) A system should be introduced requiring Member States to set up, keep up-to-date and make accessible relevant data on restoration activities and outcomes. The electronic reporting of data to the Commission should make use of EEA's reportnet system and should aim at keeping the administrative burden on all entities as limited as possible. To ensure that the appropriate infrastructure for public access, reporting and data-sharing between public authorities exists, Member States should base where relevant the data specifications on Directive 2007/2/EC of the European Parliament and of the Council<sup>66</sup> and its implementing acts. [Ref. Art. 17]
- (59) Member States should provide to the Commission and to the public up-to-date information under this Regulation on results from monitoring, the progress in implementing the national restoration plan and the restoration measures, the areas subject to restoration measures and the data on the inventory of barriers to river connectivity. [Ref. Art. 17]
- (60) By 31 December 2035, the Commission should review this Regulation in order to assess its overall functioning and the progress made towards meeting its objectives, targets and obligations. The review should be made 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. [Ref. Art. 17 and 19]

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<sup>66</sup> 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).

- (61) Expenditure under the Union budget and Union financing programmes, such as the Programme for the Environment and Climate Action (LIFE)<sup>67</sup>, the European Maritime Fisheries and Aquaculture Fund (EMFAF)<sup>68</sup>, the European Agricultural Fund for Rural Development (EAFRD)<sup>69</sup>, the European Agricultural Guarantee fund (EAGF), the European Regional Development Fund (ERDF) and the Cohesion Fund<sup>70</sup>, as well as the Recovery and Resilience Facility (RRF)<sup>71</sup> 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 Framework<sup>72</sup> to biodiversity objectives. It is of utmost importance that adequate private and public investments are made in restoration and Member States should integrate expenditure for biodiversity objectives in their national budgets and reflect how EU funding is used.
- (62) According to Regulation (EU) 2021/2115 of the European Parliament and of the Council<sup>73</sup>, 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 of the same Regulation and, in accordance with Article 159 of that Regulation, the Commission shall review, by 31 December 2025, the list in Annex XIII of that Regulation on the basis of the Union acquis in the area of environment and climate existing at that time and, where appropriate, make legislative proposals to add additional legislative acts to that list.
- (63) In line with the commitment in the General Union Environment Action Programme to 2030 (8th EAP)<sup>74</sup>, 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.
- (64) In order to amend this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of Article 21 of this Regulation. It is of particular importance

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<sup>67</sup> 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).

<sup>68</sup> 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).

<sup>69</sup> 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). [REFERENCE TO BE UPDATED]

<sup>70</sup> 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).

<sup>71</sup> 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).

<sup>72</sup> Reference to be included.

<sup>73</sup> 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

<sup>74</sup> Reference to be included.

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-Making<sup>52</sup>. 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 expert groups dealing with the preparation of delegated acts. [Ref. Art. 20]

- (65) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to provide for the method for monitoring pollinators, to set out a uniform format for the national restoration plans and to set out the format and the detailed arrangements for presenting the information on implementation of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council<sup>75</sup>. [Ref. Art. 21]
- (66) Since the objectives of this Regulation cannot be sufficiently achieved by the 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) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter'), including the right to equality before the law and non-discrimination and the right to an effective remedy.

HAVE ADOPTED THIS REGULATION:

## CHAPTER 1

### Objective, scope and definitions

#### *Article 1*

#### **Objective**

1. The objective of this Regulation is to contribute to 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 and to contribute to achieving Union climate mitigation and climate adaptation objectives and to meeting EU international commitments.
2. This Regulation establishes a framework within which Member States shall put in place, as soon as possible, restoration measures which together shall cover at least

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<sup>75</sup> 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).

20% of the Union's land and sea areas by 2030 and all ecosystems in need of restoration by 2050.

## *Article 2* **Scope**

This Regulation applies to ecosystems:

- (a) in the territory of Member States;
- (b) in the marine waters over which Member States have sovereignty and jurisdiction;
- (c) on the continental shelf over which Member States have jurisdiction.

## *Article 3* **Definitions**

The following definitions apply:

- (a) 'ecosystem' means a dynamic complex of plant, animal, and microorganism communities and their non-living environment, interacting as a functional unit and includes habitat types, habitats of species and species populations;
- (b) 'habitat type' means a sub-unit of ecosystems as defined by the European nature information system (EUNIS) habitat classification or Annex I to Directive 92/43/EEC;
- (c) 'habitat of species' means the environment defined by specific abiotic and biotic factors, in which the species lives at any stage of its biological cycle;

- (d) ‘restoration’ means the process of assisting the recovery of an ecosystem towards or to good condition, as a means of conserving and/or enhancing biodiversity and ecosystem resilience; for habitat types listed in Annexes I and II, restoration means the process of assisting their recovery to the highest level of condition attainable;
- (e) ‘restoration measure’ means any measure assisting ecosystem recovery actively or passively towards or to good condition and enhancing biodiversity, including measures taken for the improvement of the condition of an ecosystem or for the re-establishment of natural and semi-natural ecosystems, as well as measures to improve the connectivity of natural and semi-natural ecosystems, and to enhance species populations, also across national borders;
- (f) ‘good condition’ means a situation whereby key characteristics of an ecosystem (physical state, chemical state, compositional state, structural state, functional state, and landscape and seascape characteristics) reflect high ecological integrity, stability and resilience, and closely resemble those of the reference condition; for habitat types listed in Annex I and II condition is equivalent to the specific structure and functions, including its typical species as referred to in Article 1(e) of the Habitats Directive.
- (g) ‘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 species, including all its significant ecological variations in its natural range, and which includes the existing area of the habitat type and, if the existing area is not sufficient, the area necessary for the re-establishment of the habitat type;
- (h) ‘sufficient quality and quantity of a habitat of a species’ means the quality and quantity of a habitat of a species which allows that the ecological requirements of a species are fulfilled at any stage of its biological cycle so that it is maintaining itself on a long-term basis a viable component of its habitat in its natural range;
- (i) ‘biodiversity’ means the variability among living organisms arising from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and includes diversity within species, between species and of ecosystems;
- (j) ‘pollinator’ means an animal living in the wild, which transports pollen from the anther of a plant to the stigma of a plant, enabling fertilisation and the production of seeds;
- (k) ‘pollinator decline’ means a decrease in abundance or diversity, or both, of pollinators;
- (l) ‘local administrative unit’ (LAU) means low-level administrative divisions 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 Council<sup>76</sup>;
- (m) ‘cities’ means cities as defined in Article 4b(3)(a) of Regulation (EC) No 1059/2003;

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<sup>76</sup> 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*,

- (n) ‘towns and suburbs’ means towns and suburbs as defined in Article 4b(3)(a) of Regulation (EC) No 1059/2003;
- (o) ‘green urban space’ means groupings of 1) green urban areas, including trees and groups of trees, green roofs and green walls, 2) urban forests and 3) herbaceous vegetation associations, as defined according to the mapping guidance of the EU Urban Atlas<sup>77</sup>, found within the LAUs;
- (p) ‘urban tree canopy cover’ means the total area of trees in a city or town and suburb, expressed as a percentage, calculated according to Urban Atlas land cover mapping, specifically using the Tree Cover Density maps<sup>78</sup> representing ‘vertical projection of tree crowns to a horizontal earth’s surface’ data, based on open and free access to data as established by Regulation (EU) 2021/696 of the European Parliament and of the Council<sup>79</sup>.

## CHAPTER 2

### Restoration targets and obligations

#### *Article 4*

#### **Restoration of terrestrial, coastal and freshwater ecosystems**

1. Member States shall:
  - (a) put in place, without delay, for each group of habitat types listed in Annex I, the restoration measures necessary to improve to good condition all areas where the habitats are not in good condition, with measures put in place on at least 30 % of such areas by 2030, on at least 60 % of such areas by 2040, and on at least 90 % of such areas by 2050;
  - (b) put in place, without delay, for each group of habitat types listed in Annex I, the restoration measures necessary to re-establish them in areas not covered by those habitat types, with measures put in place on areas representing at least 30 % of the additional overall surface needed to reach the favourable reference area of each group of habitat types by 2030, at least 60 % of such areas by 2040, and 100 % of such areas by 2050;
  - (c) put in place, without delay, restoration measures for the habitats of terrestrial, coastal and freshwater species listed in Annexes II, IV and V to Directive 92/43/EEC and of wild birds covered under Directive 2009/147/EC, that are necessary in order to:

<sup>77</sup> [https://land.copernicus.eu/user-corner/technical-library/urban\\_atlas\\_2012\\_2018\\_mapping\\_guide](https://land.copernicus.eu/user-corner/technical-library/urban_atlas_2012_2018_mapping_guide)

<sup>78</sup> <https://land.copernicus.eu/pan-european/high-resolution-layers/forests/tree-cover-density/status-maps/tree-cover-density-2018?tab=metadata>

<sup>79</sup> 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).

- (1) improve the quality of those habitats, in addition to what is required under paragraph 1 point (a);
  - (2) re-establish those habitats, in addition to what is required under paragraph 1 point (b);
  - (3) create sufficient connectivity among those habitats corresponding to the ecological requirements of those species.
2. The determination of the most suitable areas to be subject to restoration measures in accordance with paragraph 1 shall be based on the best available knowledge on the condition of the habitat types listed in Annex I, measured by the structure and function parameter in accordance with the guidance issued under Article 17 of Directive 92/43/EEC, and on the quality and quantity of the habitats of the species referred to in paragraph 1, point (c), in accordance with the guidance issued under Article 17 of Directive 92/43/EEC. Areas where habitat types listed in Annex I are in unknown condition should be considered as not in good condition.
3. The restoration measures referred to in paragraph 1, points (a) and (b), shall take into account the need for improved connectivity between the habitat types listed in Annex I as well as the ecological requirements of the species referred to in paragraph 1, point (c), occurring in those habitat types to ensure that the habitats of those species are restored.
4. Member States shall ensure that the areas that are subject to restoration measures in accordance with paragraph 1 show a continuous improvement in the condition of habitats types targeted under paragraph 1, points (a) and (b) until good condition is reached and a continuous improvement of the quality and quantity of the habitats of species referred to in paragraph 1, point (c) until the sufficient quantity and quality of the habitats of such species is reached.
5. Member States shall ensure that the restoration measures put in place in accordance with paragraph 1 lead to:
  - (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 their territory are reached;
  - (b) a positive trend towards the sufficient quality and quantity of occupied habitats for species of Annexes II, IV and V to Directive 92/43/EEC and species covered by Directive 2009/147/EC.
6. Without prejudice to Articles 6(2), 6(3) and 6(4) of Directive 93/43/EEC, Member States shall ensure that the habitat types referred to in Annex I of this Regulation and the habitats of the species referred to in paragraph 1, point (c) do not deteriorate, unless the deterioration occurs as a result of circumstances of force majeure that could not have been prevented.
7. Measures taken in accordance with paragraph 1 shall aim to achieve, by 2050, favourable conservation status of the habitat types listed in Annex I to this Regulation and of the terrestrial, coastal and freshwater species listed in Annexes II, IV and V to Directive 92/43/EEC as well as wild birds protected under Directive 2009/147/EC, by establishing sufficient quality and quantity of their habitats.
8. Measures taken in accordance with paragraph 1 shall aim to achieve, by 2050, favourable conservation status of the habitat types listed in Annex I to this Regulation and of the terrestrial, coastal and freshwater species listed in Annexes II,

IV and V to Directive 92/43/EEC as well as wild birds protected under Directive 2009/147/EC, by establishing sufficient quality and quantity of their habitats.

#### *Article 5*

### **Restoration of marine ecosystems**

1. Member States shall:
  - (a) put in place, without delay, for each group of habitat types listed in Annex II, the restoration measures necessary to improve to good condition all areas where the habitats are not in good condition, with measures put in place on at least 30 % of such areas by 2030, on at least 60 % of such areas by 2040, and on at least 90 % of such areas by 2050;
  - (b) put in place, without delay, for each group of habitat types listed in Annex II, the restoration measures necessary to re-establish them in areas not covered by those habitat types, with measures put in place on areas representing at least 30 % of the additional overall surface needed to reach the favourable reference area of each group of habitat types by 2030, at least 60 % of such areas by 2040, and 100 % of such areas by 2050;
  - (c) put in place, without delay, restoration measures for the habitats of marine species listed in Annex VII and in Annexes II, IV and V to Directive 92/43/EEC and of wild birds covered under Directive 2009/147/EC, that are necessary in order to:
    - i. improve the quality of those habitats, in addition to what is required under point (a);
    - ii. re-establish those habitats, in addition to what is required under point (b);
    - iii. create sufficient connectivity among those habitats corresponding to the ecological requirements of those species.
2. The determination of the areas to be subject to restoration measures in accordance with paragraph 1 shall be based on the best available knowledge on the condition of the habitat types listed in Annex II and on the quality and quantity of the habitats of the species referred to in paragraph 1, point (c). Areas where habitat types listed in Annex II are in unknown condition should be considered as not in good condition.
3. The restoration measures referred to in paragraph 1, points (a) and (b), shall take into account the need for improved connectivity between the habitat types listed in Annex II as well as the ecological requirements of the species referred to in paragraph 1, point (c), occurring in those habitat types to ensure that the habitats of those species are restored.
4. Member States shall ensure that the areas that are subject to restoration measures in accordance with paragraph 1 show a continuous improvement in the condition of habitats types targeted under paragraph 1, points (a) and (b) until good condition is reached and a continuous improvement of the quality and quantity of the habitats of species referred to in paragraph 1, point (c) until the sufficient quantity and quality of the habitats of such species is reached.
5. Member States shall ensure that the restoration measures put in place in accordance with paragraph 1 lead to:

- (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 their territory are reached;
  - (b) a positive trend towards the sufficient quality and quantity of occupied habitats for species listed in Annex VII and in Annexes II, IV and V to Directive 92/43/EEC and species covered by Directive 2009/147/EC until the area of habitat is sufficiently large and the habitat quality is suitable for the long-term survival of the species.
6. Without prejudice to Articles 6(2), 6(3) and 6(4) of Directive 93/43/EEC, Member States shall ensure that the habitat types referred to in Annex II of this Regulation and the habitats of the species referred to in paragraph 1, point (c) do not deteriorate, unless the deterioration occurs as a result of circumstances of force majeure that could not have been prevented.
7. Measures taken in accordance with paragraph 1 shall aim to achieve by 2050:
- (a) favourable conservation status of marine habitat types listed in Annex I to Directive 92/43/EEC;
  - (b) favourable conservation status of the marine species listed in Annexes II, IV and V of Directive 92/43/EEC, of wild birds covered under Directive 2009/147/EC and of species listed in Annex VII, by establishing a sufficient quality and quantity of their habitats.

#### *Article 6*

#### **Restoration of urban ecosystems**

Member States shall put in place the restoration measures necessary to ensure:

- (a) no net loss of green urban space, including urban tree canopy cover, by 2030, compared to 2021, within each LAU classified as cities, towns and suburbs;
- (b) a national average increase in the area represented by green urban space, including urban tree canopy cover, across LAUs classified as cities, towns and suburbs, of at least 3% of the total area of these LAUs by 2040 and at least 5% of the total area of these LAUs by 2050, compared to 2021, part of which shall be delivered by:
  - i. a minimum of 10% urban tree canopy cover in each LAU classified as cities, towns and suburbs by 2050; and
  - ii. net gain of green urban space that is integrated into existing and new buildings and infrastructure developments, including through renovations and renewals, in LAUs classified as cities, 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 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, without prejudice to the provisions of Directive 2000/60/EC, in particular Articles 4(3), 4(5) and 4(7) thereof, and of the EU objective of restoring at least 25000 km of rivers into free-flowing rivers in the Union by 2030.
2. Member States shall remove the barriers to longitudinal and lateral connectivity of surface waters identified under paragraph 1 of this Article, by the deadlines as set out in the national restoration plan referred to in Article 13.
3. Member States shall complement the removal of barriers referred to in paragraph 2 by the measures necessary to improve the natural functions of the related floodplains.

#### *Article 8*

### **Restoration of pollinator populations**

1. Member States shall reverse the decline of pollinator populations by 2030 and achieve thereafter a continuously increasing trend of pollinator populations until satisfactory levels are achieved, as set out in accordance with Article 12(3).
2. By [OP please insert the date = one year after the entry into force of this Regulation], the Commission shall adopt implementing acts in accordance with Article 22(2) to establish a method for monitoring pollinators. That method 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, without delay, the restoration measures necessary to enhance biodiversity in agricultural ecosystems beyond to the areas that are restored under Article 4(1)(a), (b) and (c).
2. Member States shall achieve a continuously increasing trend at national level of each of the following indicators, as further defined in Annex III, until satisfactory levels are achieved, as set out in the national restoration plan in accordance with Article 12(3) or until the new targets referred to in Article 11 are in place:
  - (a) grassland butterfly index;
  - (b) stock of organic carbon in cropland mineral soils.
3. Member States shall achieve a continuously increasing trend at national level of each of the following indicators, as further defined in Annex III:
  - (a) the share of agricultural land with high-diversity landscape features until 2030, with the view to achieving the EU commitment to cover at least 10% of the Union's agricultural area with high-diversity landscape features by 2030;

- (b) percentage of species and habitats listed in the annexes of Directive 92/43/EEC related to agricultural ecosystems with stable or increasing trends of their conservation status, until 100% is reached at the latest by 2050.
4. Member States shall increase the populations of farmland birds as measured by the common farmland bird index at national level set out in Annex IV indexed on  $YYYY = 100$  [one year after the entry into force of this Regulation] to:
    - (a) 110 by 2030, 120 by 2040 and 130 by 2050, for Member States listed in Annex IV with historically depleted populations of farmland birds;
    - (b) 105 by 2030, 110 by 2040 and 115 by 2050, for Member States listed in Annex IV that do not have historically depleted populations of farmland birds.
  5. For drained peatlands under agricultural use, Member States shall put in place, without delay, restoration measures, including rewetting, on at least:
    - (a) 30% of such areas by 2030 of which at least a quarter is rewetted;
    - (b) 50% of such areas by 2040 of which at least half is rewetted;
    - (c) 70% of such areas by 2050 of which at least half is rewetted.

#### *Article 10*

#### **Restoration of forest ecosystems**

1. Member States shall put in place without delay the restoration measures necessary to enhance biodiversity of forest ecosystems beyond the areas that are restored pursuant to Article 4(1), points (a), (b) and (c).
2. Member States shall achieve a continuously improving trend at national level of each of the following indicators, as further set out in Annex V, until satisfactory levels are achieved, as set out in accordance with Article 12(3) or until new targets referred to Article 11 are in place:
  - (a) deadwood;
  - (b) age structure;
  - (c) forest connectivity;
  - (d) tree cover density;
  - (e) abundance of common forest birds;
  - (f) stock of soil organic carbon in forest land.

#### *Article 11*

#### ***Additional restoration targets***

Additional restoration targets may be established by way of amendment to this Regulation, based on common methods for assessing the condition of ecosystems not covered by Articles 4 and 5, taking into account the latest scientific evidence.

## CHAPTER 3

### National restoration plans

#### *Article 12*

#### **Preparation of the national restoration plans**

1. Member States shall prepare a national restoration plan and carry out the preparatory monitoring and research necessary to identify the restoration measures, that respond to the relevant pressures and threats, and are required to meet the targets and obligations set out in Articles 4 - 10.
2. To quantify the areas that need to be restored to reach the restoration targets set out in Articles 4 and 5, Member States shall acquire knowledge on the condition of the habitats and the quality and quantity of the habitats of the species referred therein present on their territory. The quantification of the areas to be restored shall be based in particular on the following information:
  - (a) for each habitat type listed in Annexes I and II:
    - i. the total area and a map of its current distribution;
    - ii. the area not in good condition;
    - iii. the favourable reference area taking into account the losses over at least the last 70 years;
    - iv. the areas most suitable for re-establishment of habitat types in view of ongoing and predicted environmental conditions due to climate change.
  - (b) for the species referred to in Article 4(1), point (c), and Article 5(1), point (c), the quantity and quality of their habitats required for achieving favourable conservation status for those species.
3. Member States shall identify, by 2030, satisfactory levels for each of the indicators referred to in Articles 8, 9 and 10, based on an open and inclusive science-based process and assessment.
4. Member States shall identify synergies with climate change mitigation, climate change adaptation and disaster prevention and prioritise restoration measures accordingly.
5. Member States should take into account, when preparing their national restoration plans, the conservation measures established for Natura 2000 sites and prioritized action frameworks prepared in accordance with Directive 92/43/EEC, 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 EU marine regions prepared in accordance with Directive 2008/56/EC, national air pollution control programmes prepared under Directive (EU) 2016/2284 as well as national biodiversity strategies and action plans developed in accordance with Article 6 of the Convention on Biological Diversity.
6. Member States shall take into account the examples of restoration measures set out in Annex VI, in consideration of specific national and local conditions, and the latest scientific evidence.

7. Member States may request the Commission to organise an exchange of good practices in order to allow the requesting Member States to benefit from the experience of other Member States. Member States should where possible foster synergies with the national restoration plans of other Member States, notably for ecosystems spanning across borders.
8. Member States shall ensure that the preparation of the restoration plan is open and inclusive and that the public is given early and effective opportunities to participate in all stages of its development. In so far as Directive 2001/42/EC is applicable, consultations undertaken on the draft restoration plan in accordance with that Directive shall be considered to satisfy the obligations to consult the public under this Regulation. Each Member State shall set reasonable timeframes allowing sufficient time for the public to be informed, to participate and to express its views.

### *Article 13*

#### **Content of the national restoration plans**

1. Member States shall submit a draft national restoration plan to the Commission with the purpose of planning restoration and other measures required to achieve the targets and meet the obligations set out in Articles 4 -10 by ... *[OP please insert the date = two years after the entry into force of this Regulation]*. 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 -10.
2. Member States shall include the following elements in its national restoration plan:
  - (a) the quantification of the areas to be restored to reach the restoration targets set out in Articles 4, 5, 7 and 9(5), based on the preparatory work undertaken in accordance with Article 12;
  - (b) the satisfactory levels for each of the indicators referred to in Articles 8, 9 and 10 identified in accordance with Article 12(3);
  - (c) spatially-explicit restoration measures necessary to achieve the targets and obligations set out in Articles 4 – 10;
  - (d) a specification of which of the restoration measures referred to in point (c) are planned or put in place within the Natura 2000 network established in accordance with Directive 92/43/EEC;
  - (e) the measures to ensure that the habitat types referred to in Annexes I and II of this Regulation and the habitats of the species referred to in Article 4, paragraph 1, point (c) and Article 5, paragraph 1, point (c) do not deteriorate as required under Article 4(6) and Article 5(6);
  - (f) 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);
  - (g) the timing for the implementation of the restoration measures according to Articles 4 -10;

- (h) a dedicated section setting out tailored restoration measures in their outermost regions, as applicable;
  - (i) the monitoring planned post-restoration and the review mechanism in case corrective measures are needed to ensure that the targets and obligations set out in Articles 4 - 10 are met;
  - (j) the provisions for ensuring the continuous, long term and sustained effects of the restoration measures referred to in Articles 4 -10;
  - (k) the estimated co-benefits for climate change mitigation associated with the implementation of the restoration measures over time, as well as wider socio-economic benefits;
  - (l) 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 and to support adaptation; (iii) synergies with national adaptation strategies and/or plans;
  - (m) the estimated financing needs for the implementation of the restoration measures, the means of intended financing, public or private, including (co-) financing with Union funding instruments;
  - (n) the identification of the subsidies which negatively affect the achievement of the targets and the fulfilment of the obligations set out in this Regulation;
  - (o) a summary of the process for establishing the national restoration plan, including information on public participation.
3. The national restoration plans shall, where applicable, include the conservation measures a Member State intends to adopt under the common fisheries policy, as well as joint recommendations proposed by that Member State or agreed between the proposing Member State and the other Member States having a fisheries management interest in accordance with the procedure set out in Regulation (EU) No 1380/2013 and any relevant information on those measures.
  4. The Commission shall adopt implementing acts in accordance with Article 22(2), to establish a uniform format for the national restoration plans. The Commission shall be assisted by the EEA in this task.

#### *Article 14*

#### **Assessment of the national restoration plans**

1. The Commission shall assess the draft national restoration plans within five 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 its compliance with Article 13, as well as its adequacy for reaching the targets and obligations set out in Articles 4 - 10, as well as the Union's overarching objectives set out in Article 1, Article 7(1) and Article 9(3).
3. For the purpose of the assessment of the draft national restoration plans, the Commission shall be assisted by experts and/or the EEA.

4. The Commission may address observations to Member States within five months of the date of receipt of the proposed national restoration plan.
5. Member States shall take due account of any observations from the Commission in its national restoration plan. If the Member State concerned does not address an observation from the Commission or a substantial part thereof, that Member State shall provide and make public its reasons.
6. Member States shall finalise, publish and transmit to the Commission the national restoration plan within six months from the date of receipt of the Commission observations.

#### *Article 15*

### **Review of the national restoration plans**

1. Member States shall review their national restoration plan at least once every ten years, in accordance with Articles 12 and 13, taking into account progress made in implementation of the plans as well as the best available knowledge including on changes or predicted changes in environmental conditions, such as those resulting from climate change.
2. When it becomes apparent that the measures set out in the national restoration plan will not be sufficient to achieve the targets and obligations set out in Articles 4 -10, based on the monitoring in accordance with Article 16, Member States shall revise the national restoration plan.
3. Based on the assessment referred to in Article 17(3) and (4), if the Commission considers that the progress made by a Member State is insufficient to meet the targets and obligations set out in Articles 4 - 10, the Commission may request the Member State concerned to submit a draft updated national restoration plan with supplementary restoration measures. That Member State shall submit the updated national restoration plan within six months from the date of receipt of the Commission request. The assessment and finalisation of the draft updated national restoration plan shall be carried out in accordance with Article 14.

## **CHAPTER 4**

### **Monitoring and reporting**

#### *Article 16*

### **Monitoring**

1. Member States shall monitor the following:
  - (a) the condition and trend in condition of the habitats and the quality and quantity of the habitats of species referred to in Articles 4 and 5 in the areas subject to restoration measures as well as the trend in condition of those habitats as well

- as in quality and quantity of the habitats of species in those areas, on the basis of the monitoring planned post-restoration in accordance with Article 13;
- (b) the area of green urban space and tree canopy cover in LAUs containing cities, towns and suburbs referred to in Article 6;
  - (c) the indicators of biodiversity in agricultural ecosystems as listed in Annex III;
  - (d) the common farmland bird populations relevant for the common farmland bird index as listed in Annex IV;
  - (e) the indicators of biodiversity in forest ecosystems as listed in Annex V;
  - (f) the abundance and diversity of pollinator species, according to the method established in accordance with Article 8(2);
  - (g) the location, extent and condition of the areas covered by the habitat types listed in Annex I and in Annex II across the Member State territory;
  - (h) the areas and the quality of the habitat of the species referred to in Article 4(1)(c) and Article 5(1)(c) across the Member State territory.
2. The monitoring in accordance with paragraph 1 points (a) to (f) shall be carried out at least every three years, and, where possible, on an annual basis.
  3. The monitoring in accordance with paragraph 1, point (a), shall start as soon as the restoration measures are put in place.
  4. The monitoring in accordance with paragraph 1, points (b), (c), (d), (e), and (g) shall start on *[OP please insert the date = the date of entry into force of this Regulation]*.
  5. The monitoring of abundance and diversity of pollinator species in accordance with paragraph 1, point (f), of this Article shall start within one year from the adoption of the implementing act referred to in Article 8(2).
  6. The monitoring under paragraph 1, point (g) and (h) shall be carried out at least every six years.
  7. Member States shall ensure that the indicators under Articles 9, paragraph 2 point (b), and paragraph 5, Article 10 paragraph 2 points (a), ((b), (d) and (f), are monitored in a manner consistent with the monitoring required under Regulation 2018/841 and Regulation (EU) 2018/1999.
  8. Member States shall share the data generated by the national monitoring in accordance with Directive 2007/2/EC of the European Parliament and of the Council<sup>80</sup> and in accordance with Article 17 of this Regulation and shall make it available to the Commission.
  9. Member States shall operate on the basis of electronic databases and geographic information systems, and maximise the use of technologies such as remote sensing, Copernicus services and products, in situ sensors and devices, artificial intelligence, data analysis and processing, EU space data and service to increase the timeliness, effectiveness and coherence of various monitoring methods and techniques.

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<sup>80</sup> 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).

10. The Commission may adopt implementing acts in accordance with Article 22(2), to further specify the methods for monitoring the indicators in agricultural and forest ecosystems as listed in Annex III and V.

#### *Article 17*

#### **Reporting**

1. Member States, assisted by the EEA, shall electronically report the following data and information to the Commission at least every three years, starting five years from *[OP please insert the date = the date of entry into force of this Regulation]*:
  - (a) the progress in implementing the national restoration plan and the restoration measures in accordance with Articles 4 - 10;
  - (b) the results of the monitoring carried out in accordance with Article 16;
  - (c) the location and extent of the areas subject to restoration measures referred to in Articles 4, 5 and 9(4) including a map of these areas;
  - (d) The updated inventory of barriers referred to in Article 7;
  - (e) information on the progress accomplished towards meeting financing needs, in accordance with Article 13(2)(l), including a review of actual investment against initial investment assumptions.
2. The Commission shall adopt implementing acts in accordance with Article 22(2), specifying the format and structure of, and detailed arrangements for, presenting the information referred to in paragraph 1 of this Article. The Commission shall be assisted by the EEA in this task. The Commission supported by the EEA may review the reporting format if improvements are needed.
3. The EEA shall prepare a Union-wide progress report on the basis of the data made available by Member States in accordance with paragraphs 1 and 2, and thereby may use also 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 18 of Directive 2008/56/EC, as well as other relevant and generally accessible data. The first report shall be completed six years from *[OP please insert the date = the date of entry into force of this Regulation]* and subsequent reports shall be completed every three years thereafter.
4. Based on the EEA Union-wide progress report under paragraph 3, the Commission shall report to the Council and the European Parliament every three years on the implementation of this Regulation.
5. Without prejudice to Directives 2003/4/EC, 2007/2/EC and (EU) 2019/1024, Member States shall ensure that adequate, up-to-date information and data sets as set out in paragraph 1 are available to the public, while complying with applicable data protection rules.

## CHAPTER 5

### Horizontal provisions

#### *Article 18*

##### **Review**

The Commission shall review the application of this Regulation by 31 December 2035 and shall submit a report on the review to the European Parliament and to the Council.

#### *Article 19*

##### **Access to justice**

1. Member States shall ensure that, in accordance with relevant national law, members of the public concerned having a sufficient interest, or alternatively, where national law requires this as a precondition, maintaining 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 decisions, acts or omissions that have led to the submission of the national restoration plans to the Commission and their implementation by Member States.
2. Member States shall determine what constitutes a sufficient interest and impairment of a right, consistently with the objective of ensuring the public concerned access to justice. To that end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed sufficient for the purpose of paragraph 1. Such organisations shall also be deemed to have rights capable of being impaired for the purpose of paragraph 1.
3. Any such procedure shall be fair, equitable, timely and not expensive.
4. In order to further the effectiveness of this Article, Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedure.

#### *Article 20*

##### **Amendment of Annexes**

1. The Commission is empowered to adopt delegated acts in accordance with Article 21 to amend Annexes I and II in order to adapt the groups of habitats.
2. The Commission is empowered to adopt delegated acts in accordance with Article 21 to amend Annex III, in order to adapt the description of biodiversity indicators for increasing trends in agricultural ecosystems in accordance with the latest scientific evidence.
3. The Commission is empowered to adopt delegated acts in accordance with Article 21 to amend Annex IV in order to take into account updated information on the common farmland bird index.
4. The Commission is empowered to adopt delegated acts in accordance with Article 21 to amend Annex V in order to adapt the description of biodiversity indicators for

increasing trends in forest ecosystems in accordance with the latest scientific evidence.

5. The Commission is empowered to adopt delegate acts in accordance with Article 21 to amend Annex VII in order to adapt the list of species in accordance with the latest scientific evidence.

#### *Article 21*

##### **Exercise of the delegation**

6. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. The power to adopt delegated acts referred to in Article 20 shall be conferred on the Commission for a period of 5 years **from xx 202x**. 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. The delegation of power referred to in Article 20 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. 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-Making<sup>81</sup>. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. A delegated act adopted pursuant to Article 20 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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.

#### *Article 22*

##### **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.

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<sup>81</sup> 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 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*

## LEGISLATIVE FINANCIAL STATEMENT

### 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

#### 1.1. Title of the proposal/initiative

Proposal for a Regulation of the European Parliament and of the Council on nature restoration.

#### 1.2. Policy area(s) concerned

Policy area: 09 Environment and Climate Action

Activities:

09 02 - Programme for Environment and Climate Action (LIFE)

09 10 – European Environment Agency (EEA)

#### 1.3. The proposal/initiative relates to:

a new action

a new action following a pilot project/preparatory action<sup>82</sup>

the extension of an existing action

a merger or redirection of one or more actions towards another/a new action

#### 1.4. Objective(s)

##### 1.4.1. General objective(s)

The objective of the proposed Regulation is to contribute to 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, habitats and species and to contribute to achieving Union climate mitigation and climate adaptation objectives and to meeting EU international commitments..

Specific objective(s)

Following from the general objective, the specific objective of this proposed Regulation is:

- Restore degraded ecosystems across the EU to good condition by 2050, and put them on the path to recovery by 2030. Once restored, ecosystems should be maintained in good condition.

Following from the specific objective, the operational objectives are:

- To establish legally binding targets to restore and maintain ecosystems to good condition.

- Establish an effective framework to ensure implementation in particular by the obligation for the Member States to assess ecosystems and to set up a National Restoration Plan as well as for reporting and review.

<sup>82</sup> As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

#### 1.4.2. *Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

Society as a whole benefits from nature restoration through enhanced climate change mitigation and adaptation and disaster risk management. Nature restoration furthermore provides job and income opportunities and has positive effects on citizen's health, enhanced natural and cultural heritage and identity, as well as enhanced quality and security of food and water. A wide range of economic sectors will benefit too, particularly those that are highly dependent on ecosystem services, such as the agri-food, fisheries, forestry, water companies, tourism as well as the financial sector.

Restoration of ecosystems has been shown to be cost-effective (the benefits far outweigh the costs), but requires investment that incurs financial and opportunity costs for managers of land and natural resources, who may be compensated through incentives provided by governments and buyers of ecosystem services. The method and scope of restoration, maintenance and compensation measures chosen by Member States to implement the Regulation will determine more precisely which, how and when stakeholders are affected.

The proposed Regulation also affects public authorities at national, regional and local level, as they would play a role in mapping and assessment of ecosystems and their services, and in planning, funding, implementing and monitoring restoration programmes. -Administrative burdens are sought to be minimised by using mechanisms for monitoring and reporting under existing legislation for targets set in step 1 (in particular the Birds and Habitats Directive, Water Framework Directive, and Marine Strategy Framework Directive and the LULUCF Regulation) as well as data already collected directly by the European Environment Agency and the Joint Research Centre e.g. through Copernicus. In step 2, additional targets and baselines will be set for ecosystems for which data and monitoring mechanisms are not yet fully developed. Therefore existing mechanisms will be complemented by the development of a method for assessing the condition of all ecosystems.

#### 1.4.3. *Indicators of performance*

*Specify the indicators for monitoring progress and achievements.*

The implementation of the proposal should ensure that ecosystems across the EU are on the path to recovery by 2030 and restored to good condition by 2050.

There are two main indicators foreseen to monitor the implementation:

- Restoration and re-establishment measures/activities put in place by Member States to ensure ecosystem recovery.

- The condition and conservation status of ecosystems at national and/or (biogeographic) regional level and if they show positive trends against the relevant baseline of the ecosystem in question.

The definition of good ecosystem condition and appropriate restoration and re-creation measures vary across ecosystems. For habitats under Annex I of the Habitats Directive, definitions, baselines, targets and monitoring are available. For the other ecosystems, for which data and monitoring mechanisms are not yet fully developed, a process is established in the proposal for developing an EU-wide methodology for

assessing the conditions of these ecosystems, allowing for a later setting of additional specific targets and baselines. However, for several of these ecosystems, such as urban, agricultural and forest land, information on several indicators related to ecosystem condition already exists through Pan-European Monitoring schemes (e.g. under Forest Europe) or are already directly collected by the European Environment Agency or the Commission through e.g. Copernicus.

## 1.5. Grounds for the proposal/initiative

### 1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

The European Green Deal underlines the importance of better protecting and restoring nature. The EU Biodiversity Strategy for 2030 sets out the general objective to reverse biodiversity loss so that Europe's biodiversity is on the path to recovery by 2030 and that by 2050 all of the EU's ecosystems are restored, resilient and adequately protected. Both the European Parliament and the European Council have insisted on stepping up efforts to restore ecosystems.

The proposed regulation will be directly applicable from the day of its entry into force.

However, a series of administrative tasks will need to be deployed as soon as possible and some of them starting already in 2022 (i.e. in preparation of the entry into force, before approval by the European Parliament and the Council) and some after entry into force. While some tasks will be one off (creation of IT infrastructure) others will be recurrent for as long as the Regulation applies. In particular:

#### **Starting before the entry into force of the regulation**

a) 2022-2023: The Commission (DG ENV + JRC) in collaboration with the EEA and the Member States, will develop a methodology for assessing the condition of ecosystems for which monitoring and baselines are not yet available, so that additional restoration targets may be set by amending the Regulation. JRC will support DG ENV, through an Administrative Arrangement, to develop appropriate methodology/-ies and baselines.

b) 2022-2024: The Commission will develop guidance on restoration measures and restoration management practices to encourage and enable Member States to start restoration activities early on, including for those ecosystems for which no targets are set yet.

#### **After the entry into force of the regulation<sup>83</sup>:**

c) 2024: The Commission will adopt through comitology a uniform format for the **National Restoration Plans** (including e.g. electronic reporting formats for the river barrier inventory) and a **reporting format**.

d) 2024 and 2025: The Commission will adopt guidance on the interpretation of Annex II habitat types and on new methodology/(-ies) for assessing the condition of ecosystems (e.g. ecosystems of Outermost Regions not covered by the Habitats Directive), as well as implementing acts on the method for monitoring pollinators (the method will provide a standardised approach for collecting annual data on the

<sup>83</sup>Timeline based on the estimation that the Regulation will be adopted by end 2023 or beginning of 2024.

abundance and diversity of pollinator species and for assessing pollinator population trends), and for the methods for monitoring the indicators in agricultural and forest ecosystems.

Member States shall start as soon as possible after the entry into force of the Regulation assessing the ecosystems in terms of areas of the ecosystem in good condition, in degraded condition, that were lost over the last 70 years and areas that would be most suitable for re-establishment of the ecosystem.

e) 2026- 2027: The Commission will receive from the Member States their National Restoration Plans (NRPs), which they shall submit within two years from the entry into force of the Regulation. The NRPs will include e.g. the results of the assessment of the ecosystems, quantified and spatially-explicit area based restoration needs and measures based on the mapping and inventory, transboundary aspects, a timing for the implementation of the restoration measures, costs of implementation and monitoring planned post-restoration and the review mechanism.

f) 2026-2027 (1st round, possible subsequent updates by MSs): DG ENV, with the support of external experts (contract) and the EEA will assess the National Restoration Plans submitted by the Member States.

g) 2026-2027: Procurement (service contract) for an impact assessment (or several) or/and an administrative arrangement with the JRC to establish new targets and corresponding baselines.

Member States will have to report at least every three years (starting five years from the date of entry into force of the Regulation) on the restoration measures put in place and on the results of their monitoring.

h) As of 2030, recurrent three years: EEA shall prepare a Union-wide progress report based on the progress at Member States level towards meeting the targets, based on the restoration measures and the trends in condition reported by Member States under their reporting obligations, as well as the results of the trend in conservation status of habitats and species based on the monitoring data reported by Member States under article 17 of the Habitats Directive and article 12 in the Birds Directive, and information reported under Article 15 of Directive 2000/60/EC, Article 12 of Directive 2009/147/EC, and Article 18 of Directive 2008/56/EC. Based on the EEA Union-wide progress report, the Commission shall report to the Council and the European Parliament every three years on the implementation of this Regulation.

i) 2027 or later: Based on the outcome of the impact assessment(s), the Commission will propose a revision/amendment of the Regulation in order to include the new target(s).

Once the new restoration targets are adopted, the Member States will have to review and adapt their National Restoration Plans accordingly.

j) 2033-2034: DG ENV, with the support of the EEA, will assess the revised National Restoration Plans.

k) 2030-2050 (on a continuous basis): DG ENV, with the support of JRC and EEA, will monitor the implementation of the regulation in EU Member States to ensure that it achieves its intended objectives and that all EU Member States implement EU legislation

l) By 31 December 2035, the Commission will review the implementation of the regulation and submit a report on the review to the European Parliament and to the

Council.

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**The European Environmental Agency (EEA) will provide support through the following tasks:**

**Before entry into force of the regulation (2022-2023):**

Based on the advancement of discussions between co-legislators, the EEA will start with the following actions:

- **Develop formats and information system for National Restoration Plans** (including plans for removal of river barriers);
- **Develop a format and information system for periodical reporting** on the measures implemented and areas restored and re-established and on the condition of ecosystems and the species populations;
- develop an interpretation manual for Annex II habitat types;
- **Support in establishing a methodology** for monitoring, indicators, and assessing good condition for those ecosystems/habitats/species for which this is not yet available as a basis for setting targets in step 2 (e.g. certain ecosystems of Outermost Regions): This task will be done in cooperation with the JRC and DG ENV;

**After entry into force (expected as of 2024):**

- **2024-2026:** Support for the definition of targets linked to the **areas for re-establishment**: to support MSs in estimating area to be re-established to achieve Favourable Conservation Status (preparation could already start before entry into force);
- **2024-2050: Data retrieval/handling/quality control** and management of electronic reporting systems/requirements. This includes publication of and ensuring access to data (e.g. interactive maps, dashboards, reports).
- **As of 2024: Monitoring** certain targets e.g. through Copernicus, such as the urban targets on urban green space and tree canopy cover;
- **2024-2050** (on a continuous basis): **Publication, visualisation and access to data** (reports, dashboards, maps) making wherever possible use of existing information systems (Biodiversity Information System for Europe, Knowledge Centre for Biodiversity Water Information System Europe, Forest Information System for Europe etc.);
- **~2026-2027** (1st round): **support in assessing the National Restoration Plans** submitted by Member States (together with the Commission and external contractor);
- **As of 2030, recurrent every three years: Assessment of progress reports** by Member States on the progress made at Member States and Union level towards meeting the targets, based on the restoration measures and the trends in condition reported by Member States under their reporting obligations (using the reporting format developed under the second point of this table), as well as the results of the trend in conservation status of habitats and species based on the monitoring data reported by Member States under article 17 of the Habitats Directive and article 12 of the Birds Directive, and information reported under Article 15 of Directive

2000/60/EC, Article 12 of Directive 2009/147/EC, and Article 18 of Directive 2008/56/EC.

- **2024-2050: Helpdesk** for Member States: systematic support to MS on the more technical questions concerning monitoring, reporting, target setting, preparation of the National Restoration Plan.

1.5.2. *Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.*

Reasons for action at European level (ex-ante):

- Biodiversity loss and ecosystem degradation, including pressures on ecosystems, is a large-scale and transboundary challenge and cannot be tackled efficiently at Member State level alone.

Expected generated Union added value (ex-post):

- Coordinated EU-level action is needed at the right scale to achieve significant levels of restoration and to benefit from synergies and efficiency gains. For instance, restoring one ecosystem (and thereby supporting its biodiversity) has positive effects on other neighbouring or connected ecosystems and their biodiversity. Many species thrive better in a connected network of ecosystems.

- EU-level action would create a level playing field, addressing the problem of “free riding”, i.e. some Member States that do not take initiatives to restore ecosystems on their own territories can obtain unfair short-term advantages in relation to those Member States that do take initiative to restore. This can happen typically in cross border regions.

- Taking ambitious, coordinated action on biodiversity and ecosystem restoration at EU level, will give the EU the necessary credibility to ‘lead by example and by action’ at international level.

1.5.3. *Lessons learned from similar experiences in the past*

Ecosystem restoration efforts have been insufficient so far. Three policy failures were identified:

**1. Voluntary targets have been ineffective.** The voluntary target of the EU Biodiversity Strategy to 2020 to restore at least 15 % of degraded ecosystems was not met. The evaluation study of this strategy identified, among the reasons for the failure in ecosystem restoration, the voluntary rather than legally binding nature of the targets. The subsequent lack of commitment and political priority for restoration activities was a key barrier, leading to a lack of financing and resources being allocated to restoration. On the other hand, another target of the Biodiversity Strategy to 2020, on invasive alien species, that was made legally binding, with the adoption of a new regulation, did result in this target being implemented to a large extent and in benefits that would not have been delivered if they would have been voluntary.

**2. Shortcomings in existing legislation.** The evaluation of the Biodiversity Strategy to 2020 and of some of the main pieces of legislation have revealed implementation

problems, reflecting the complexity of the issues at hand. Beyond that, a number of shortcomings remain, since aspects of legislation are not sufficiently specific (Marine Strategy Framework Directive (MSFD)), time-bound (Habitats Directive (HD)) or measurable (MSFD) to achieve restoration objectives.

**3. Lack of a comprehensive approach.** Ecosystems are dealt with separately by different pieces of legislation, which has resulted in some challenges in coordinated implementation. The Birds and Habitats Directives (BHDs), WFD and MSFD are generally coherent, but the Fitness Check of the BHDs has nevertheless revealed some challenges in implementation where these Directives interact, for example water bodies whose status depends on their surrounding riparian habitats, and should be dealt with in an integrated way to achieve specific restoration objectives, such as for flood plains.

*1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments*

The initiative falls under the umbrella of the European Green Deal, the EU's sustainable growth strategy. This includes the objective of ensuring that the EU's biodiversity is on the path to recovery by 2030, and that all EU ecosystems are restored by 2050. It sets binding targets for restoring to good condition degraded ecosystems, habitats and species. It also follows from and contributes to achieving the ambitions set out in the EU Biodiversity Strategy for 2030.

The initiative falls under Heading 3 (Natural Resources and Environment), Title 9 (Environment and Climate Action) of the Multiannual Financial Framework (MFF) 2021-2027. The legislation will help mobilizing funding with a view to meeting the ambition of providing 7.5% of annual spending under the MFF to biodiversity objectives in the year 2024 and 10% of annual spending under the MFF to biodiversity objectives in 2026 and 2027, while considering the existing overlaps between climate and biodiversity goals.

The proposal is complementary to the other measures outlined in the Biodiversity Strategy (BDS) 2030, in particular: 1) Working in partnership with the industry and business to strengthen sustainable corporate governance; 2) developing an EU sustainable finance taxonomy and Renewed Sustainable Finance Strategy to ensure biodiversity-friendly investments; 3) strengthening international cooperation to promote the adoption of similar measures (this falls under chapter 14 – External Action – of the MFF).

The BDS set the target to unlock at least €20 billion per year for spending on nature, including investment priorities for Natura 2000 and green infrastructure, and to establish, under Invest EU, a dedicated natural-capital and circular-economy initiative to mobilise at least €10 billion over the next 10 years. Moreover, the Renewed Sustainable Finance Strategy of July 2021 supports economic activities contributing to reducing greenhouse gas emissions and establishes a framework to ensure that the financial system contributes to mitigating existing and future risks to biodiversity and better reflect how biodiversity loss affects companies' profitability and long-term prospects

In the period 2021-2027, the supporting expenditure (for implementation by Member States) will be covered by the European Agricultural Guarantee Fund, the European Agricultural Fund for Rural Development, the European Regional and Development Fund, the Cohesion Fund, the Programme for the Environment and Climate Action

(LIFE), the Framework Programme for Research and Innovation (Horizon Europe), the European Maritime, Fisheries and Aquaculture Fund, Sustainable Fisheries Partnership Agreements and Regional Fisheries Management Organisations, the European Space Programme, the Connecting Europe Facility, the European Social Fund Plus, InvestEU, the Union Civil Protection Mechanism, the Recovery and Resilience Facility, and national financing by EU Member States and private funding.

1.5.5. *Assessment of the different available financing options, including scope for redeployment*

The implementation of the new regulation proposal will entail new tasks and activities for the Commission. This will require human resources, EEA support, procurement resources for external contractors and one or more administrative arrangement with JRC.

In DG ENV, five additional FTEs (4 AD + 1 AST) will be needed to implement the regulation.

The implementation tasks listed in 1.5.1 will substantially increase DG ENV's workload for example on:

- the assessment of the National Restoration Plans and of the additional reporting by Member States (periodic reporting on monitoring and on implementation of restoration measures);
- the development of the various comitology acts and their future amendments;
- the management of the specific new committee created under this legislation (at least 2 meetings per year), as well as expert group meetings;
- the development of various guidance documents and information material necessary to support the Member States in implementing the new regulation.

The additional planning and reporting tasks for Member States and their consequent data flows will require preparation, assessment and follow-up by DG ENV. The implementing acts foreseen in the Regulation as well as the future amendment(s) of the act to establish new restoration targets, will also entail a significant workload in terms of preparation and legislative procedures. For the parts of the (technical) work that will be outsourced to contractors or EEA/JRC, DG ENV will need the resources to coordinate, steer and oversee this work.

The particular political weight and the wide-reaching scope of the new Regulation, touching the area of competence of several other Commission services, will require a lot of preparation and analytical work to manage more interactions — at both political and working level — with other Commission departments, the EEA, with the Council and the European Parliament, with stakeholders and Member State government bodies.

All the above tasks require a sustained high capacity of political judgement, policy knowledge, analytical skills, independence and resilience throughout the long-term implementation of the legislation, for which permanent AD officials are needed rather than short-term contract agents.

Outsourcing will be used as far as possible, but this also requires oversight. In addition, there are core tasks that involve a high degree of political sensitivity and need to be carried out by the Commission.

#### JRC:

One or more administrative arrangements with the JRC are foreseen to establish a methodology for monitoring, selecting indicators and assessing good condition for those ecosystems for which this is not yet available and for setting new targets and corresponding baselines in step 2. The estimated budget for this is EUR 350 000 per year. This estimate is based on previous contracts with similar characteristics.

The estimated additional human resources needed in JRC for this task and the supporting tasks listed in 1.5.1 is 1 FTE.

#### Service contracts:

Several implementation tasks will require external support from consultants, for example:

- the assessment of the National Restoration Plans (to be submitted by MSs by the beginning of 2026<sup>84</sup>);
- the development of guidance on restoration for Member States;

The budget needed for these contracts is estimated at EUR 600 000 per year. In the first years, the focus will be on developing guidance, while in the later years, the focus will be on the National Restoration Plans (2026). This estimate is based on the budget needed for a comparable task under the Water Framework Directive, i.e. the review of the River Basin Management Plans.

For the procurement (service contracts) for one or several impact assessment(s) for the new (step 2) targets, the estimated budget over 3 years is EUR 300 000 per year.

#### EEA:

The EEA will support the Commission in the preparatory phase (2022-2023) as well as during the implementation of the regulation. This entails a substantial workload in a number of new tasks for EEA (see tasks listed in 1.5.1). The estimated number of additional FTEs required in EEA for these tasks is 7 temporary agents (TA) + 5 contract agents (CA). Of these, 1 TA will be at AST level to work on assistant tasks (administrative and financial management and support). In addition, the EEA would require an additional budget for mainly IT infrastructure of EUR 1 433 000 until 2027, ecosystem expertise (EUR 150 000 until 2027) and an operational budget of EUR 2 656 000 until 2027.

The estimate is based on the capacity and expertise needed to perform these tasks. See detailed justification below.

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<sup>84</sup> Depending on when the Regulation enters into force, which in turn depends on the adoption date.

In the EEA the following staff profiles will be needed:

1. Area	2. Additional posts	3. Budget	4. Tasks	5. Timeline
<p><b>Thematic expertise covering the ‘ecosystem targets’:</b></p> <p>The aim of these posts would be to provide in-depth thematic expertise across all the 7 ‘ecosystem types’ for which the NRL will have targets (note some experts can cover more ‘ecosystem types’ and ‘some ecosystem types’ need more than one expert, e.g. pollinators). These experts would then provide support across a range of the 11 tasks listed in the above table.</p>	<p>5 AD6, with any combination of the following expertise:</p> <ul style="list-style-type: none"> <li>- Wetland Restoration (incl. Peatlands rewetting, marshlands &amp; coastal wetlands)</li> <li>- Forest Ecosystem Restoration</li> <li>- Agroecosystems and grasslands, incl. Heathland and Scrub, farmland birds</li> <li>- Freshwater Restoration: lakes and alluvial habitats, including river barriers</li> <li>- Marine Ecosystem Restoration incl. Coastal</li> <li>- Urban Ecosystem Restoration</li> <li>- Pollinators</li> </ul>	<p>€150 000 budget per year for support on expertise across those ecosystems that would not have a strong representation in the 6 hires or would need additional work e.g., Marine covers a large number of ecosystem types that are grouped into one, similarly Forest and Agroecosystems cover 85% of the EU land area.</p>	<p>Key technical expertise needed in major ecosystem types to <b>lead</b> on the following tasks under envisioned tasks in Restoration Law:</p> <ol style="list-style-type: none"> <li>1. Lead on the design and implementation of the format for the National Restoration Plan for ecosystem types (if resources can be made available pre-implementation)</li> <li>2. Support the definition of targets linked to the areas for re-establishment, for ecosystem type</li> <li>3. Lead on the design of the reporting format</li> <li>6. Support the assessment of National Restoration Plans in key ecosystem type</li> <li>7. Lead the assessment of progress reports by MS</li> <li>9. Support the establishment of a method for monitoring, indicators, and assessing good condition for key ecosystem types.</li> <li>10. Lead on key responses at Helpdesk for Member States</li> </ol> <p>In addition these positions will contribute to</p> <ul style="list-style-type: none"> <li>• Support to increasing the quality of data received under Nature Directives reporting which is currently lacking</li> <li>• Connecting and coordinating to JRC in their task of developing methodologies for measuring progress towards restoration</li> </ul> <p>Key technical expertise needed to <b>support</b> on the following envisioned tasks in Restoration Law:</p> <ol style="list-style-type: none"> <li>7. Support to the assessment of progress reports by MS,</li> </ol>	<p>Start 2023 onwards: tasks 1., 2., 3., 9., 10.</p> <p>2026-2027: task 6.</p> <p>Start 2030 onwards: task 7</p>

	1 FGIV technical restoration support		<p>particularly on larger key ecosystems</p> <p>8. Support in monitoring of urban targets</p> <p>9. Establishing a method for monitoring, indicators, and assessing good condition</p> <p>10. supporting HELPDESK for Member States, in addition these thematic technical experts will provide:</p> <ul style="list-style-type: none"> <li>• Additional support to technical expertise needed in monitoring across ecosystem types</li> <li>• QA/QC of technical data collected</li> </ul>	
	1 AST to provide administrative and financial management support.			
<p><b>Data analytics expertise (databases, GIS, reporting, analysis etc.) to support reporting etc.:</b></p> <p>The aim of these posts would be to provide the data analytics support needed for the purpose of assessing the quality of progress on the NRL and on the National Restoration Plans. This area of work would cover reporting (data retrieval/handling/quality control), support to Information systems (e.g. viewers, dashboards, interactive maps), support to data analytics incl. GIS. The Data and Information Services (DIS) of the EEA is</p>	1 FG-IV data support for reporting, databases and viewers, data analyses etc.	<p>Start-up costs of reporting framework 600k for building on current IT infrastructure development</p> <p>Maintenance costs per year 200k per year</p>	<p>Leading tasks on designing the public real time data sharing. This would also include the envisioned tasks as above:</p> <p>4. Support in data retrieval/handling/quality control. This includes Information System support and IT costs for QA/QC</p> <p>5. Publication and public access to data (e.g. interactive maps, dashboards, reports?) and maintaining data bases</p> <p>8. Technical Support in monitoring of urban targets.</p> <p>10. Establishing and maintaining the helpdesk for Member States</p>	<p>Pre-implementation 2022</p> <p>Maintenance under the Restoration Law</p>
	2 FG-IV GIS statistical experts		<p>Technical expert related to</p> <ul style="list-style-type: none"> <li>• Spatial mapping of ecosystem types to assess area under restoration</li> <li>• Mapping of river inventories and mapping monitoring data (statistics and interpolation)</li> </ul>	

currently overstretched and additional sufficient IT support resources will be critical for the EEA to take up these new tasks.				
<p><b>Overall coordination and management to report coordination, Eionet, MS coordination</b></p> <p>The aim of this post would be to lead the overall coordination of the reporting process where the bulk of the work will be done by the post listed above.</p>	1 AD7 management and coordination of NRP review, capacity building to MS in development, review and implementation of NRP	Meetings 20k per year Communications	This key expert will be a coordinator function that will help to coordinate the NRP review, capacity building to MS, and implementation of NRP. It is also envisaged this person will work on the following tasks: 5. Publication and access to data (e.g. interactive maps, dashboards, reports?) 6. Support in the assessment of National Restoration Plans 7. Support to the assessment of progress reports by MS 10. coordinating the helpdesk for Member States	Start of implementation
<b>SUBTOTAL</b>	1 x AD 7 5 x AD 6 1 x AST 4 x FGIV	<b>Service contract (ecosystem expertise): €150k/y</b> <b>IT costs: 600k start up + 200k / year of implementation</b>		
<b>Additional support for pollinators – monitoring network for pollinators</b>	1 FGIV pollinators/statistical methods		<ul style="list-style-type: none"> <li>Connect and coordinating with JRC experts on pollinators</li> </ul>	
<b>TOTAL</b>	1 x AD 7 5 x AD 6 1 x AST 5 x FGIV			

## 1.6. Duration and financial impact of the proposal/initiative

### limited duration

- in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

### unlimited duration

- Implementation with a start-up period from 01/01/2022 to 01/01/2024,
- followed by full-scale operation.

## 1.7. Management mode(s) planned<sup>85</sup>

### Direct management by the Commission

- by its departments, including by its staff in the Union delegations;
- by the executive agencies

### Shared management with the Member States

### Indirect management by entrusting budget implementation tasks to:

- third countries or the bodies they have designated;
- international organisations and their agencies (to be specified);
- the EIB and the European Investment Fund;
- bodies referred to in Articles 70 and 71 of the Financial Regulation;
- public law bodies;
- bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;
- bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;
- persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

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<sup>85</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site:  
<https://myintracomm.ec.europa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx>

## 2. MANAGEMENT MEASURES

### 2.1. Monitoring and reporting rules

*Specify frequency and conditions.*

The initiative involves procurement, administrative arrangements, increase of the contribution to the EEA and impact on the COM HR. Standard rules for this type of expenditure apply.

### 2.2. Management and control system(s)

#### 2.2.1. *Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

N/A – cf. above

#### 2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

N/A – cf. above

#### 2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)*

N/A – cf. above

### 2.3. Measures to prevent fraud and irregularities

*Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.*

N/A – cf. above

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. <sup>86</sup>	from EFTA countries <sup>87</sup>	from candidate countries <sup>88</sup>	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
3	09 02 01 Nature and biodiversity	Diff.	YES	NO	/NO	NO
3	09 10 02 European Environment Agency	Diff.	YES	YES	NO	NO
7	20 01 02 01 – Remuneration and allowances	Non-diff.	NO	NO	NO	NO
7	20 02 01 01 Contract staff	Non-diff.	NO	NO	NO	NO

- New budget lines requested : n/a

<sup>86</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>87</sup> EFTA: European Free Trade Association.

<sup>88</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

### 3.2. Estimated financial impact of the proposal on appropriations

#### 3.2.1. Summary of estimated impact on operational appropriations

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

<b>Heading of multiannual financial framework</b>	3	Heading 3: Natural resources and environment
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DG: ENV			Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
• Operational appropriations									
09 02 01 Nature and biodiversity	Commitments	(1a)	0,950	0,950	0,950	1,250	1,250	1,250	<b>6,600</b>
	Payments	(2a)	0,950	0,950	0,950	1,250	1,250	1,250	<b>6,600</b>
Budget line	Commitments	(1b)							
	Payments	(2b)							
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>89</sup>									
Budget line		(3)							
<b>TOTAL appropriations for DG ENV</b>	Commitments	=1a+1b +3	0,950	0,950	0,950	1,250	1,250	1,250	<b>6,600</b>
	Payments	=2a+2b +3	0,950	0,950	0,950	1,250	1,250	1,250	<b>6,600</b>

<sup>89</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

The amount reported above will be needed to support various implementation tasks related to the legislative provisions that will be carried out by DG ENV and JRC.

The procured activities include a general support contract for the implementation of the NRL and an impact assessment support contracts for setting new restoration targets.

In addition, administrative arrangement(s) with JRC have been included in this category, in particular for establishing a method for monitoring, indicators, and assessing good condition for restoration targets for which this does not yet exist, as well as for the preparation and support in setting up the monitoring system for certain targets.

		All costs except HR and Administrative							(EUR million (to three decimal places))
Tasks	Resources	2022	2023	2024	2025	2026	2027	TOTAL	
General support for implementing the NRL (for assessing NRPs, for developing guidance to MSS...)	Service contract/ External experts	0,600	0,600	0,600	0,600	0,600	0,600	<b>3,600</b>	
Establishing a methodology for monitoring, indicators, and assessing good condition. Preparation and support in monitoring for certain restoration targets.	Administrative arrangement between ENV - JRC	0,350	0,350	0,350	0,350	0,350	0,350	<b>2,100</b>	
Impact assessment of new restoration targets	Impact assessment support contract(s)				0,300	0,300	0,300	<b>0,900</b>	
<b>TOTAL:</b>		<b>0,950</b>	<b>0,950</b>	<b>0,950</b>	<b>1,250</b>	<b>1,250</b>	<b>1,250</b>	<b>6,600</b>	

EUR million (to three decimal places)

Heading of multiannual financial framework			3	Natural Resources and Environment					
EEA			2022	2023	2024	2025	2026	2027	TOTAL
Title 1: Staff expenditure	Commitments	(1)		1,935	1,935	1,935	1,935	1,935	9,677
	Payments	(2)		1,935	1,935	1,935	1,935	1,935	9,677
Title 2: Infrastructure (mainly IT systems/databases developemnt)	Commitments	(1a)		0,275	0,281	0,287	0,292	0,298	1,433
	Payments	(2a)		0,275	0,281	0,287	0,292	0,298	1,433
Title 3: Operational expenditure	Commitments	(3a)		1,004	0,587	0,596	0,605	0,614	3,406
	Payments	(3b)		1,004	0,587	0,596	0,605	0,614	3,406
<b>TOTAL appropriations for the EEA</b>	Commitments	=1 + 1a + 3a		<b>3,214</b>	<b>2,803</b>	<b>2,818</b>	<b>2,832</b>	<b>2,847</b>	<b>14,516</b>
	Payments	=2 + 2a +3b		<b>3,214</b>	<b>2,803</b>	<b>2,818</b>	<b>2,832</b>	<b>2,847</b>	<b>14,516</b>

### Notes on EEA expenditure:

**Title 1** The cost per FTE is calculated:

- for temporary agents (AD/AST) at the average staff cost of EUR 152 000/y for multiplied by 1,313 (co-efficient for the cost of living in Copenhagen);
- for contract agents at the average staff cost of EUR 82 000/y x 1,313. Source for weighting factor: <https://www.eea.europa.eu/about-us/jobs/temporary-agents>.

**Title 2:** Average variable and step costs per post, obtained from the EEA standard costing model for staff and administrative expenditure. Title 2 costs are adjusted by 2% inflation rate p.a.

**The Title 3** costs comprise:

- IT costs needed for QA & QC of data collected from Member States (EUR 600k for the initial development and structure of the IT system, 200k annual maintenance). The EEA will try to use external IT experts (intra or extra-muros, so that further efficiencies can be

achieved). Please note that these costs are additional to the Title 2 IT costs that are related to the existing databases and IT systems of the EEA.

- Annual update of NRL specific information system for their hosting and mainly for presentation of data and other communication appropriations (EUR 200k).
- Support contracts for ecosystem expertise (service contracts, studies): EUR 150 000 per year.
- Development and production of 9 indicators, plus 1 composite indicator (60 pages)
- Communication activities: publication of one main report per year (digital, not paper)
- Eionet meetings 1 physical per year EUR 20k

The required increase of the EU contribution to EEA will be compensated by a corresponding reduction in the envelope of the LIFE programme.

			2022	2023	2024	2025	2026	2027	TOTAL
• TOTAL operational appropriations	Commitments	(4)							
	Payments	(5)							
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)							
<b>TOTAL appropriations under HEADING 3 (ENV + EEA) of the multiannual financial framework</b>	Commitments	=4+ 6	0,950	4,164	3,753	4,068	4,082	4,097	<b>21,114</b>
	Payments	=5+ 6	0,950	4,164	3,753	4,068	4,082	4,097	<b>21,114</b>

• TOTAL operational appropriations (all operational headings)	Commitments	(4)							
	Payments	(5)							
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)							
<b>TOTAL appropriations under HEADINGS 1 to 6 (ENV + EEA) of the multiannual financial framework</b>	Commitments	=4+ 6	0,950	4,164	3,753	4,068	4,082	4,097	<b>21,114</b>
	Payments	=5+ 6	0,950	4,164	3,753	4,068	4,082	4,097	<b>21,114</b>

(Reference amount)									
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<b>Heading of multiannual financial framework</b>	<b>7</b>	‘Administrative expenditure’
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This section should be filled in using the 'budget data of an administrative nature' to be firstly introduced in the Annex to the Legislative Financial Statement (Annex V to the internal rules), which is uploaded to DECIDE for interservice consultation purposes.

EUR million (to three decimal places)

			Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
<b>DG: ENV</b>										
• Human resources				0,760	0,760	0,760	0,760	0,760		<b>3,800</b>
• Other administrative expenditure				0,114	0,114	0,114	0,114	0,114		<b>0,570</b>
<b>TOTAL DG ENV</b>		Appropriations		0,874	0,874	0,874	0,874	0,874		<b>4,370</b>

The cost per FTE (AD/AST) is calculated at EUR 152 000/y. The other administrative expenditure accounts for Committee and expert group meetings, missions and other costs associated with this personnel.

			Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
<b>DG: JRC</b>										
• Human resources				0,152	0,152	0,152	0,152	0,152		<b>0,760</b>
• Other administrative expenditure										
<b>TOTAL DG JRC</b>		Appropriations		0,152	0,152	0,152	0,152	0,152		<b>0,760</b>

<b>TOTAL appropriations under HEADING 7</b> of the multiannual financial framework	(Total commitments = Total payments)		1,026	1,026	1,026	1,026	1,026		<b>5,130</b>

EUR million (to three decimal places)

		Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
		<b>TOTAL appropriations under HEADINGS 1 to 7</b> of the multiannual financial framework	Commitments								
Payments											

### 3.2.2. Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓			Year N		Year N+1		Year N+2		Year N+3		Enter as many years as necessary to show the duration of the impact (see point 1.6)						TOTAL			
	<b>OUTPUTS</b>																			
	Type <sup>90</sup>	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1 <sup>91</sup> ...																				
- Output																				
- Output																				
- Output																				

<sup>90</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>91</sup> As described in point 1.4.2. 'Specific objective(s)...'

Subtotal for specific objective No 1																	
SPECIFIC OBJECTIVE No 2 ...																	
- Output																	
Subtotal for specific objective No 2																	
<b>TOTALS</b>																	

### 3.2.3. Summary of estimated impact on human resources

#### 3.2.3.1. In the EEA

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

#### Staff requirements in EEA (EUR million (to three decimal places))

	2022	2023	2024	2025	2026	2027	TOTAL
Temporary agents (AD Grades)		1,197	1,197	1,197	1,197	1,197	5,985
Temporary agents (AST grades)		0,200	0,200	0,200	0,200	0,200	1,000
Contract staff		0,538	0,538	0,538	0,538	0,538	2,692
Seconded National Experts							
<b>TOTAL</b>		<b>1,935</b>	<b>1,935</b>	<b>1,935</b>	<b>1,935</b>	<b>1,935</b>	<b>9,677</b>

The cost per FTE is calculated:

- for temporary agents (AD/AST) at the average staff cost of EUR 152 000/y for multiplied by 1,313 (co-efficient for the cost of living in Copenhagen);
- for contract agents at the average staff cost of EUR 82 000/y x 1,313.

#### Staff requirements in EEA (in FTE)

	2022	2023	2024	2025	2026	2027	TOTAL
Temporary agents (1 AD7 + 5 AD6 Grades)		6	6	6	6	6	

Temporary agents (AST grade)		1	1	1	1	1	
Contract staff (3 GF-4 grade and 1 GF-3 grade)		5	5	5	5	5	
Seconded National Experts							
<b>TOTAL</b>		12	12	12	12	12	

### 3.2.3.2. In the Commission

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

		Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	Enter as many years as necessary to show the duration of the impact (see point 1.6)			
		<b>• Establishment plan posts (officials and temporary staff)</b>									
20 01 02 01 (Headquarters and Commission's Representation Offices)		6,0	6,0	6,0	6,0	6,0	6,0				
20 01 02 03 (Delegations)											
01 01 01 01 (Indirect research)											
01 01 01 11 (Direct research)											
		<b>• External staff (in Full Time Equivalent unit: FTE)<sup>92</sup></b>									
20 02 01 (AC, END, INT from the 'global envelope')											
20 02 03 (AC, AL, END, INT and JPD in the delegations)											
<b>XX 01 xx yy zz</b> <sup>93</sup>	- at Headquarters										
	- in Delegations										
01 01 01 02 (AC, END, INT - Indirect research)											
01 01 01 12 (AC, END, INT - Direct research)											
<b>TOTAL</b>		6,0	6,0	6,0	6,0	6,0	6,0				

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	<p>For DG ENV, 4 additional AD posts are needed for the general implementation of the Regulation, and for ensuring continuity for the preparation, drafting and approval procedures of secondary legislation according to the deadlines proposed in the Regulation,</p> <p>The 1 AST is additionally needed to support the general implementation of the legislation.</p> <p>For the JRC, 1 additional AD post is needed to support DG ENV in the tasks as described in 1.5.1, such as the development of the method for assessing the condition of ecosystems and for monitoring the implementation of the Nature Restoration Law (link with Knowledge Centre for Biodiversity).</p>
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<sup>92</sup> AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

<sup>93</sup> Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

External staff	
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### 3.2.4. Compatibility with the current multiannual financial framework

The proposal/initiative:

- can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).

The additional tasks the Commission has to assume, require an additional needs for resources as regards the amount of the Union's contribution and the establishment plan posts of the European Environmental Agency.

The costs foreseen under the budget line 09 02 01 will be borne by the LIFE programme and will be planned under the annual management plan exercises of DG ENV. The human resources required shall be preferably met by an additional allocation under the annual allocation procedure of human resources.

- requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

- requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

### 3.2.5. Third-party contributions

The proposal/initiative:

- does not provide for co-financing by third parties
- provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year N <sup>94</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

<sup>94</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

### 3.3. Estimated impact on revenue

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
  - on own resources
  - on other revenue

please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>95</sup>							
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			
Article .....									

For assigned revenue, specify the budget expenditure line(s) affected.

[...]

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

[...]

<sup>95</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.