

Nature restoration targets under EU biodiversity strategy: Feedback from the European Landowners' Organization

Ecosystems are the “lungs” and backbone of our rural territories and landowners are custodians of this rich environment. The European Landowners' Organization supports the European Commission's aspiration to improve the health and resilience of European Ecosystems. The failures of the past should be a guide toward a better understanding of the governance framework, funding mechanisms, participatory approach and communication tools which are needed to cope with the current decline of biodiversity everywhere in the world. We do appreciate the investment of the Commission to put forward this long-term ambition. However, what we deplore is not THE AMBITION per se but the lack of an effective SET OF AMBITIOUS MEASURES to sustain the quantitative targets. Without this inclusive action plan, we are concerned about the top-down approach that has already been proved in the past to be counterproductive. The European Union has a privileged position for implementing this ambitious restoration plan given its decades of experience and lessons learnt from the Natura2000 designation process. Resources are available for successful efforts and concrete bottom-up solutions to stimulate innovative and inclusive approaches. Unfortunately; we must regret that the proposal misses the opportunity to build on these lessons of the past.

As long as quantitative targets remain the main objective, we will miss their significant qualitative improvements. As important results are expected on a short-term basis, we fear that time will lack to set robust and transparent methodologies in each Member State to look further than reaching the quantitative targets only. Nature is interacting with many environmental variables including rain, temperature, predators, ... Setting quantitative targets in an ever changing environment is often not the best way of monitoring progress. The complexity and required deadlines seem however to be the perfect recipe for a top-down approach as there are no concrete solutions to unlock the capacities to fully implement such demanding efforts at the EU, national and local levels. Clarity is needed between what will be decided by the Member States and the European Commission to avoid an imprecise distribution of responsibilities and to overcome a lack of implementation.

1. Governance

The Nature Restoration Plans are again a new layer of national strategies which are complex, not only to adopt, but also to implement. The Prioritized Action Framework (PAF) for Natura 2000 has shown that the implementation and monitoring can be a difficult exercise for the Member States. Furthermore, the new restoration law requires the Member States to enter into a new land designation process which in the past created a long lasting mistrust between land managers and public authorities.

The methods suggested to Member States (consultation and monitoring) and the geographical process are equivalent to the ones from Natura 2000. However, we estimate that Member States are not better equipped than before to deliver such ambitious targets. The European Commission's review of national restoration plans will therefore have to focus on the effectiveness and the capacity building of the proposals and must insist on a fair and transparent participatory approach.

The ELO is pleading for innovative mechanisms and simplification in the way the governance framework is organized. If we want to succeed, we need to change the way of working with the stakeholders and direct partners like the landowners. This question cannot be left to MEMBER STATES only, the European Commission needs to step up and change the paradigm for the nature restoration law to succeed.

2. Stakeholders Involvement

The ELO is concerned that the voice of community-based conservation will be minor as it sees no difference in methods than in previous processes linked to the Nature Directives. We can only succeed in this ambitious plan if the responsibility of each stakeholder is clear and understood from the beginning, which we regret is still lacking in the proposal.

Complementary to a clear legal framework, it has shown crucial to recognize and support initiatives from landowners and managers themselves, with effective tools and incentives. The ELO regrets the ignorance of these 'voluntary' measures and incentives, even though the Commission has spent considerable resources on studying and confirming their effectiveness and their role in providing crucial test cases and pilot projects for biodiversity improvements. A certain level of autonomy is a fundamental value of landowners and land managers that influences their willingness to engage in conservation agreements or programs. To succeed we need clear and transparent conservation targets, and a process allowing the landowner the flexibility to achieve those goals in the most appropriate manner for their area.

After 30 years of collaboration, land managers and farmers have finally become privileged partners in a long-term commitment with the European institutions. The continuation of this recognition and joint commitment will be key to the successful implementation of this law. Natura2000 was set up within a framework where countryside actors were promised they could further live and work in a sustainable way taking into account social, economic and ecological aspects. It would be good to renew this promise with the implementation of the restoration law objectives.

3. Funding considerations

Funding opportunities will be of utmost importance. It is useless to say but the EU contribution to biodiversity objectives with the ambition to dedicate 7,5 % in 2024, and 10 % in 2026 and in 2027 is welcomed. However, we know that this is only a fraction of what would be needed to properly fund biodiversity. Synergies and adequate streamlining are particularly challenging without mentioning that the funding should be made available anytime soon and effectively if we are to start the work as fast as possible. We can only hope that the Member States will be able to mobilize the necessary complementary funding and that indeed, innovative and private sector financing mechanisms will be looked at and fully unlocked.

Targeted incentives for land managers

It has been shown that acquiring the needed landowners' engagement only goes together with the availability of transparent private land conservation measures. We welcome the mention of private land conservation measures in the regulation, but strongly fear the ignorance of incentives and compensation mechanisms as mentioned above. We cannot stress enough the crucial importance of recognizing that more controls and reinforced applications on one hand, without at the same time providing incentives and compensations to landowners and land users, on the other hand, will not generate the expected results.

It is crucial to take into account the current reality of land stewardship in Europe. The argument that "You will gain more than you invest" is often only feasible in the long-term, but even that cannot always be ensured. Predictability and support for the initial investment are paramount. Learning from test cases and best practice examples is necessary to provide the needed field experience and proof of success to convince certain investments. Landowners have built this experience for generations but need support if further investing in nature as a service to the community.

We call on the Commission to offer the Member States a simple, precise, and efficient toolbox for implementation support. Pursuing environmental protection without taking into account economic viability and social equity, proved to lead to disappointing results. The ELO stresses the urgent need for a detailed assessment of the financial and administrative impact on the land manager in terms of data collection, data quality and reaching the target values.

4. A robust and open scientific process

Member States are expected to start on the national designation plan on short notice, but lack the needed scientific justification and practical indicators to guide this designation process in practice. The objective and indicator definitions are clear but miss their practical value for setting targets and justifying the top-down framework.

Choosing between options for restoration measures and areas, and measuring progress towards the targets with the provided framework will still be difficult to verify, if not impossible. Indicators must be diligent at the landscape level, rather than on the property level.

The ELO welcomes the revision of the concept of 'favourable conservation status' from the habitat directive but asks the Commission for a clarification on how to translate the 'favourable reference area' and 'good condition, to the habitat directive indicator. We cannot stress enough the importance of recognizing and learning from pilot cases in the field to use the results as a justification for the proposed legal regulation.

The proposal states that « Areas where the habitat types listed in Annex I (and Annex II) are in unknown condition shall be considered as not being in good condition» (Article 4-5), Almost 50% of grassland areas and 60% of scrubland is still in unknown condition. There are also many data gaps in forest inventories. Not only this lack of data creates serious doubt about the credibility and justification of the set targets but it also implies that that Member States equipped with the less resources will be automatically penalized whereas it could be that their restoration needs are totally satisfying. We can be firm in saying that we will not succeed to

reach the proposed target if we keep focusing only on ticking the boxes of set quantitative area coverage targets.

The proposal states that the European Commission intends to adopt additional methodologies for indicators and monitoring with delegated acts (Article 19). We understand that some ecosystems still need to be studied and that we are lacking some indicators to be able to monitor them properly. The choice of the delegated acts is not trivial in that case. . We would appreciate some clarification on these procedures on how the European Commission is intended to organise a transparent, open and reliable system. The ELO asks the European Commission to make sure that this scientific procedure is by all mean open to stakeholders. Without such safeguards, the procedures could be damaged and lack integrity.

5. Beyond protection and restoration

With this new regulation, we need to look beyond protection and restoration. Climate change is already impacting EU ecosystems and severely affecting landowners. If we only keep restoring to the situation of decades ago, at least the last 70 years as mentioned in the proposal, we will actively contribute to biodiversity loss.

Climate change is no longer a variable in the equation. It impacts the EU ecosystem to a degree that we are not yet totally measuring. Extreme weather events already have massive impacts on our ecosystems. If we are serious about having healthy ecosystems we need to move beyond protection and restoration alone and **focus on adaptation and resilience**. This is of crucial importance for the vitality of our ecosystems to be ready to cope with disturbances and anticipate risks. The ELO proposes to support measures for resilience improvement.

6. Access to justice without legal uncertainty for land managers

We are aware of the new European Commission's proposal that significantly improves the possibilities for NGOs to act as a watchdog and challenge the Commission if they find that there are grounds to challenge a decision for undermining EU environmental laws. Access to justice is a fundamental principle and should be persevered as much as possible. In the context of environmental law, this right embodied by the Aarhus Convention must be used for legitimate and public interest purposes. We rely on the European Commission to ensure that this right is not used for ideological purposes that would impede implementing management measures important to maintain the state of nature in specific areas . Example Leave potential diseases to spread if no action in time in forestry – prevent mitigation measures against climate change effects.