



OPEN letter to MEPs on Draft report on the proposal for a regulation of the European Parliament and the Council on nature restoration (COM (2022)0304 – C9-0208/2022 – 2022/0195(COD))

Climate change is impacting the European ecosystems to a degree we still not fully understand but important decisions have to be made today. We are aware that, in face of the multiple crises, there is the temptation to prioritize short-term gains at the expense of sustainable solutions. A long-term approach is however of crucial importance to cope with the more regular extreme events we will face. With this new regulation, we need to look beyond the traditional view on protection and restoration. Ecologic, social and economic sustainability can only be reached when focusing on the provision of ecosystem services in function of climate change and biodiversity loss.

As long as short-term quantitative targets remain the main objective of nature related policies, we will miss opportunities to make significant qualitative improvements. Important results are expected on a short-term basis, without any clarity on the adequate definitions, indicators and even aims in the long term. Without clear reference to key instruments and means available it is difficult, not to say impossible, to design workable methodologies in each Member State. The question of means is crucial, particularly as the EU's proposal covers 20% of the ALL Union's area, and not only degraded land, as stated in the Kunming-Montreal Framework - to which the EU is a signatory - where action is needed in 30% of degraded areas by 2030. The complexity and required deadlines as they are proposed seem to be the perfect recipe for an incomplete top-down approach that will lead to more questions and frustrations as targets will, again, not be reached. On top we face the uncertainties that climate change is and will continue to create.

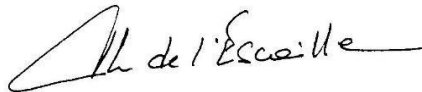
Landowners and land managers will be most affected by the implementation of this plan. We can only succeed in the ambitious targets if the responsibility of each stakeholder is clear, understood and agreed on from the beginning. We need to build on previous discussions and learn from past mistakes, particularly if the ones asked to act are not involved from the start and the support system is absent. Even with a coherent and effective legal framework, this level of ambition will require an unprecedented mobilization of resources. Finding innovative mechanisms seems more than necessary. The ELO regrets the lack of focus on incentives and the absence of private land conservation tools, 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 and flexibility is a fundamental value of landowners and land managers that influences their willingness to engage in conservation agreements or programs. A set of relevant tools has been identified as beneficial for both conservation organizations and individual landowners in Europe, and it will be a crucial loss if this potential is not fully elaborated at this key moment.

All of the measures being proposed will ultimately impinge on individual, usually, single-family farmers or foresters, land managers who are already impacted by multisectoral crises. They are willing to contribute but the only recipe for success is to include them as real partners.

To that end, we suggest the following three action points, with corresponding changes to the text presented in Annex to this letter:

- 1. A safeguard clause should be included in many measures to take into account the importance of the effects of climate change on ecosystems and allow for the consideration of economic and social impacts and beyond.**
- 2. Align with the global restoration goal; set the restoration target for degraded terrestrial, inland water, and coastal and marine ecosystems**
- 3. Make sure to protect property rights and use existing tools to boost private land conservation**

Sincerely,

A handwritten signature in black ink, appearing to read 'Th de l'Escaille', with a stylized, cursive script.

Thierry de l'Escaille
Secretary General, European Landowners' Organization

ANNEX – Suggestion for amendments

1. A safeguard clause should be included in many measures to take into account the importance of the effects of climate change on ecosystems and allow for the consideration of economic and social impacts and beyond.

Text proposed by the European Commission	ELO suggestions	Justification
	<p><u>Recital 9 a (new), Support AM 224</u></p> <p>In a two-way process, climate change is one of the main drivers of biodiversity loss, but destruction of ecosystems undermines nature's ability to regulate greenhouse gas (GHG) emissions and protects against extreme weather, thus accelerating climate change and increasing vulnerability to it. This explains why the two crises must be tackled together with holistic policies that address both issues simultaneously and not in silos.</p>	
<p><u>Article 3 – paragraph 1 – point 3</u></p>	<p><u>Article 3 - paragraph 1 - point 3 (New)</u></p> <p>'passive restoration' means a holistic process which allows the long term natural recovery or re-establishment of whole ecosystems with their underlying ecological and natural processes, natural processes and are left undisturbed from pressure and threats harming to the area's overall ecological structure and functioning where human interaction is allowed, or occasionally even needed, provided it does not interfere with the conservation objectives of the area.</p>	<p>Clarification is needed that human use is still possible, not causing a threat or pressure harming the ecological structure and functioning.</p> <p>Human presence or interaction may be needed to monitor and secure against illegalities in some areas left to 'passive restoration'.</p>

<p><u>Article 3 – paragraph 1(5)</u></p> <p>‘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, and all its significant ecological variations in its natural range, and which is composed of the area of the habitat type and, if that area is not sufficient, the area necessary for the re-establishment of the habitat type;</p>	<p><u>Referring to AM 637</u></p> <p>‘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, and all its significant ecological variations in its natural range, notably taking into account variations due to pressures of climate change, and which is composed of the area of the habitat type and, if that area is not sufficient, the area necessary for the re-establishment of the habitat type;</p>	<p>The concept of favourable reference areas risks pursuing restoration of ecosystems that are no longer fit to ensure long-term resilience due to changing climatic conditions. Considering that climate change is ongoing and ecosystems will face different and changing conditions in the future, restoration must not focus on the past, but on building functional diversity and ecosystem functioning.</p>
<p><u>Article 4 – paragraph 6</u></p> <p>Member States shall ensure that the areas that are subject to restoration measures in accordance with paragraphs 1, 2 and 3 show a continuous improvement in the condition of the habitat types listed in Annex I until good condition is reached, and a continuous improvement of the quality of the habitats of the species referred to in paragraph 3, until the sufficient quality of those habitats is reached. Member States shall ensure that areas in which good condition has been reached, and in which the sufficient quality of the habitats of the species has been reached, do not deteriorate.</p>	<p><u>Referring to AM 787</u></p> <p>Member States shall ensure that the areas that are subject to restoration measures in accordance with paragraphs 1 and 3 show a continuous improvement in the condition of the habitat types listed in Annex I towards good condition, and a continuous improvement of the quality of the habitats of the species referred to in paragraph 3, until the sufficient quality of those habitats is reached. Member States shall put in place measures to prevent that areas in which good condition has been reached, and in which the sufficient quality of the habitats of the species has been reached, do not deteriorate, taking into account shifting climatic conditions and natural ranges due to ongoing climate change.</p>	
<p><u>Article 4 – paragraph 7</u></p> <p>Member States shall ensure that areas where the habitat</p>	<p><u>Referring to AM 803</u></p> <p>Member States shall put in place measures to prevent that where the habitat types listed in Annex I occur</p>	

types listed in Annex I occur do not deteriorate.	do not deteriorate, taking into account shifting climatic conditions and natural ranges due to ongoing climate change.	
<u>Article 4 – paragraph 10</u> Member States shall ensure that there is: (a) an increase of habitat area in good condition for habitat types listed in Annex I until at least 90 % is in good condition and until the favourable reference area for each habitat type in each biogeographic region of their territory is reached;	<u>Referring to AM 932</u> Member States shall ensure that there is: (a) an increase of habitat area in good condition for habitat types listed in Annex I until at least 90 % is in good condition and until the favourable reference area for each habitat type in each biogeographic region of their territory is reached, taking into account changes of natural range due to climate change;	
<u>Article 5 – paragraph 10 (b)</u> (b) a positive trend towards the sufficient quality and quantity of the marine habitats of the species listed in Annex III and in Annexes II, IV and V to Directive 92/43/EEC and of the species covered by Directive 2009/147/EC.	<u>Referring to AM 1147</u> b) a positive trend towards the sufficient quality and quantity of the marine habitats of the species listed in Annex III and in Annexes II, IV and V to Directive 92/43/EEC and of the species covered by Directive 2009/147/EC, providing that direct and indirect changes of natural range due to climate change are duly taken into account and that habitats types or species requirements for good conditions as well as favourable reference areas are not negatively competing;	
<u>Article 9 – paragraph 1</u> Member States shall put in place the restoration measures necessary to enhance biodiversity in agricultural ecosystems, in addition to the areas that are subject to restoration measures under Article 4(1), (2) and (3).	<u>Referring to AM 1309</u> Member States shall put in place the restoration measures necessary to enhance biodiversity in agricultural ecosystems, in addition to the areas that are subject to restoration measures under Article 4(1), (2) and (3) taking into account climate change, food security and securing socially and economically viable agricultural production.	

<p><u>Article 11 – paragraph 2 – point a –(iii)</u></p> <p>The favourable reference area taking into account the documented losses over at least the last 70 years and the projected changes to environmental conditions due to climate change;</p>	<p>The favourable reference area taking into account the documented losses over at least the last 70 years are taking into account the projected changes to environmental conditions due to climate change;</p>	<p>What we need is to restore ecosystem services, not the ecosystems of the past....</p>
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2. Align with the global restoration goal; set the restoration target for degraded terrestrial, inland water, and coastal and marine ecosystems

Text proposed by the European Commission	ELO suggestions	Justification
<p><u>Article. 1.2</u></p> <p>This Regulation establishes a framework within which Member States shall put in place, without delay, effective and area-based restoration measures which together shall cover, by 2030, at least 20 % of the Union's land and sea areas and, by 2050, all ecosystems in need of restoration</p>	<p><u>Article. 1.2</u></p> <p>This Regulation establishes a framework within which Member States shall put in place, without delay, effective and area-based restoration measures which together shall cover, by 2030, at least 30 % of areas of degraded terrestrial, inland water, and coastal and marine ecosystems and, by 2050, all degraded ecosystems toward good condition in need of restoration.</p>	<p>Aligned with the Kunming-Montreal Global Biodiversity Framework (GBF) and Article 4 of the commission proposal. This proposal concerns restoration and not protected areas. We see confusion on those two targets which are legally different in the EU Biodiversity Strategy</p>
<p><u>Article. 4.1</u></p> <p>Member States shall put in place the restoration measures that are necessary to improve to good condition areas of habitat types listed in Annex I which are not in good condition.</p> <p>Such measures shall be in place on at least 30 % of the</p>	<p><u>Article. 4.1</u></p> <p>Member States shall put in place the restoration measures that are necessary to improve towards good condition areas of habitat types listed in Annex I which are under existing designation within the Natura 2000 network and not in good condition, taking into account</p>	<p>Objectives should be to improve the areas already being designated as important areas , i.e. the areas designated within the Natura 2000 network</p>

<p>area of each group of habitat types listed in Annex I that is not in good condition, as quantified in the national restoration plan referred to in Article 12, by 2030, on at least 60 % by 2040, and on at least 90 % by 2050.</p>	<p>possible socio-economic impact.</p> <p>Such measures shall be in place on at least 30 % of the area of each group of habitat types listed in Annex I that is not in good condition, as quantified in the national restoration plan referred to in Article 12, by 2030, on at least 60 % by 2040, and on at least 90 % by 2050</p>	
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3. Make sure to protect property rights and use existing tools to boost private land conservation

Text proposed by the European Commission	ELO suggestions	Justification
<p><u>Art. 10 (b) New</u></p>	<p><u>Referring to AM 1581 (part 1)</u></p> <p>Member States shall ensure the continuous, long-term and sustained effects of the restoration measures referred to in Articles 1 and 4 to 10 through effective means, including, when applicable, by the designation of protected areas, by the implementation of other effective area-based conservation measures, or by promoting private land conservation measures, taking into account the ecological requirements of the restored areas while guaranteeing food security.</p>	
<p><u>Article 11.1</u></p> <p>Member States shall prepare national restoration plans and</p>	<p><u>Referring to AM 1582</u></p> <p>Member States shall prepare national restoration plans and</p>	<p>The national plans must respect the private property rights and secure full compensation for losses to private landowners. Since the</p>

<p>carry out the preparatory monitoring and research needed to identify the restoration measures that are necessary to meet the targets and obligations set out in Articles 4 to 10, taking into account the latest scientific evidence.</p>	<p>carry out the preparatory monitoring and research needed to identify the restoration measures that are necessary to meet the targets and obligations set out in Articles 4 to 10, taking into account the latest scientific evidence, practices and local conditions, cost-effective allocation and prioritization of restoration measures, while involving landowners, land managers and other relevant stakeholders at every stage of the process.</p> <p>Member States shall do a thorough and broad socio economic impact assessment, analysing how the targets and goals in article 4 to 10 would affect society. The results of the impact assessment will thereafter be of importance when Member States draft their national restoration plan and set their targets. The results should also be of importance when deciding upon conflicting objectives. The impact assessment shall analyse the following, but not exclusively:</p> <p>e) the impact on land use change, ownership- and tenure rights including reimbursement costs,</p>	<p>landowners are covering almost half of European territory it is important that they are addressed specifically in the national plans.</p> <p>The national restoration plan must be based on a Member State specific socio economic impact assessment that looks on the effect on the broader economy and that analyse the effect of the targets and goals.</p>
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	<p>f) the impact on the overall economy, development of workforce, the rural economy, especially on sectors such as agricultural, forestry, fisheries, construction and energy production, and</p>	
<p><u>Article 11- paragraph 4</u></p> <p>Member States shall identify and map the agricultural and forest areas in need of restoration, in particular the areas that, due to intensification or other management factors, are in need of enhanced connectivity and landscape diversity.</p>	<p><u>Referring to AM 1663</u></p> <p>Member States shall identify and map the agricultural and forest areas in need of restoration, in particular the areas that, due to intensification or other management factors, are in need of enhanced connectivity and landscape diversity.</p> <p>The type of restoration and development measures recommended in these areas and how restrictions of use and property disadvantages are compensated shall be determined in agreement with the landowner of the area concerned.</p> <p>To this end, the competent authority designated by the Member State shall seek contractual arrangements with landowners or other beneficial owners in order to safeguard the implementation, restriction or omission of the management and use of land under private law.</p>	<p>A certain level of autonomy and flexibility is a fundamental value of landowners and land managers that influences their willingness to engage in conservation agreements or programs</p> <p>Restoration measures can only be implemented with the consent of the respective landowners on whose land the measures are implemented. If property disadvantages and yield losses are caused, this has to be compensated with additional funding instruments.</p>

<p><u>Article 11.11</u></p> <p>Member States shall ensure that the preparation of the restoration plan is open, inclusive and effective and that the public is given early and effective opportunities to participate in its elaboration. Consultations shall comply with the requirements set out in Articles 4 to 10 of Directive 2001/42/EC.</p>	<p>Member States shall ensure that the preparation of the restoration plan is open, inclusive and that the landowners as well as the public is given early and effective opportunities to participate in its elaboration. Consultations shall comply with the requirements set out in Articles 4 to 10 of Directive 2001/42/EC.</p>	<p>Without strong local partnership and willingness to participate, this regulation will be very hard to implement.</p>
<p><u>Article 12- paragraph 2 (l)</u></p> <p>The estimated financing needs for the implementation of the restoration measures, which shall include the description of the support to stakeholders affected by restoration measures or other new obligations arising from this Regulation, and the means of intended financing, public or private, including (co-) financing with Union funding instruments;</p>	<p><u>Article 12- paragraph 2 (l)</u></p> <p>The estimated financing needs for the implementation of the restoration measures, which shall include a description of the support to landowners and land managers affected by restoration measures or other new obligations arising from this Regulation, including compensation schemes for possible property-related disadvantages and yield losses, and the means of intended financing, public or private funding, including (co-) financing with additional Union funding instruments;</p> <p>Article 12 I (new)</p> <p>Among the financing which shall be mobilized, Member States should make use of private land</p>	<p>Several tools for private land conservation have been identified for Europe to this purpose and are supported by both conservation organizations and individual landowners;</p> <ul style="list-style-type: none"> • Conservation easement • Conservation lease • Conservation agreement • Nature conservation label • Privately protected area/OECM • Result-based-Payment scheme <p>These tools are a sustainable way to organize financing from government, but also public and private initiatives. They support entrepreneurs making business models that contribute to the goals of this regulation to make them more financially viable without being only dependent on subsidies.</p> <p>Please refer to the definitions of the tools here: https://enplc.eu/terminology/</p>

	conservation financing mechanisms.	
<p><u>Article 11.3</u></p> <p>Member States shall set, by 2030 at the latest, satisfactory levels for each of the indicators referred to in Articles 8(1), 9(2) and 10(2), through an open and effective process and assessment, based on the latest scientific evidence and, if available, the framework referred to in Article 17(9).</p>	<p><u>Referring to AM 1640</u></p> <p>Member States shall set, by 2030 at the latest, satisfactory levels for each of the indicators and measures referred to in Articles 8(1), 9(2) and 10(2), through an open and effective process, based on the latest scientific evidence, the evolution of climate change, practices, and local conditions, economic viability of agriculture and forestry, and subject to food security concerns, as well as involving all relevant stakeholders such as landowners and land managers, and if available, the framework referred to in Article 17(9) taking into account the funding provided to reach these thresholds.</p>	<p>Measures are the best way to get improvements in nature conditions and should be therefore set in the focus. For the assessment of levels also different factors should be part of the decision.</p>
	<p><u>Referring to AM 2105</u></p> <p>Article 18a Funding (New)</p> <p>1. When implementing the obligations set out in this Regulation, Member States shall make use of local, regional and national funds, and available Union funds, to finance restoration actions.</p> <p>2. No later than two years after the entry into force of this Regulation, the</p>	<p>Several tools for private land conservation have been identified for Europe to this purpose and are supported by both conservation organizations and individual landowners;</p> <ul style="list-style-type: none"> • Conservation easement • Conservation lease • Conservation agreement • Nature conservation label • Privately protected area/OECM • Result-based-Payment scheme <p>These tools are a sustainable way to organize financing from government, but also public and private initiatives. They support</p>

	<p>Commission shall carry out an in-depth assessment of the necessary financial resources for the implementation of this Regulation and shall present a report to the European Parliament and the Council accompanied, if appropriate, by legislative proposals. The report shall focus in particular on:</p> <p>(a) Giving an overview of available financial resources for ecosystem restoration and biodiversity monitoring at EU level, including programmes and funds under the multiannual financial framework 2021-2027, such as Horizon and LIFE and their possible review, Next Generation EU as well as private investments;</p> <p>(b) assessing the gap between restoration funding needs and the available financial resources for the implementation of this Regulation, and how the Commission intends to bridge this gap in view of the preparation of the multiannual financial framework for the next programming period;</p> <p>(d) assessing the feasibility of creating new EU funds and financing tools dedicated to ecosystem restoration and conservation;</p>	<p>entrepreneurs making business models that contribute to the goals of this regulation to make them more financially viable without being only dependent on subsidies.</p> <p>Please refer to the definitions of the tools here: https://enplc.eu/terminology/</p>
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	<p>(e) assessing the capacity and expertise of the Member States to make full use of available funds;</p> <p>(f) assessing and developing an advanced methodology and indicators for tracking of nature restoration resources, their effective mainstreaming of available funds at EU level and their expected impact, based inter alia on the criteria of Regulation (EU) 2020/8521a.</p> <p>3. The Commission shall ensure effective biodiversity mainstreaming across all relevant EU programmes and financing instruments.</p> <p>4. Member States, the Commission and the European Investment Bank shall improve enabling conditions and facilitate the use of innovative financing mechanisms and promote the mobilization of private capital for restoration actions.</p> <p>5 (new) Member States shall make use of private land conservation financing mechanisms to promote the mobilization of landowners and land managers for restoration actions.</p>	
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