



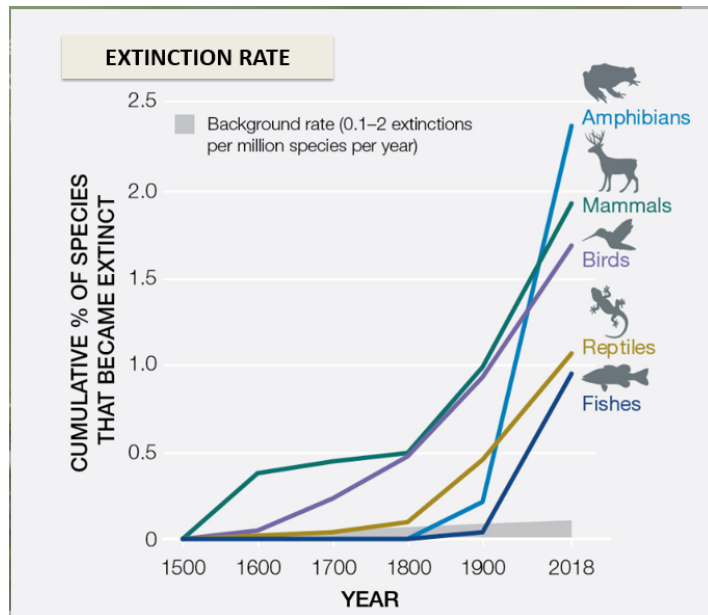
The EU Nature Restoration Law

Restoring ecosystems for people, the climate and the planet.

Short review focusing on marine ecosystems

The global and EU biodiversity crisis

Biodiversity loss and the degradation of ecosystems, continue at an alarming rate, across the broad range of ecosystem types in the EU.

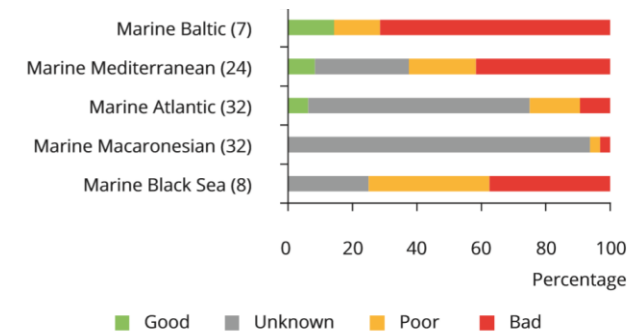


Source: IPBES Global assessment 2019

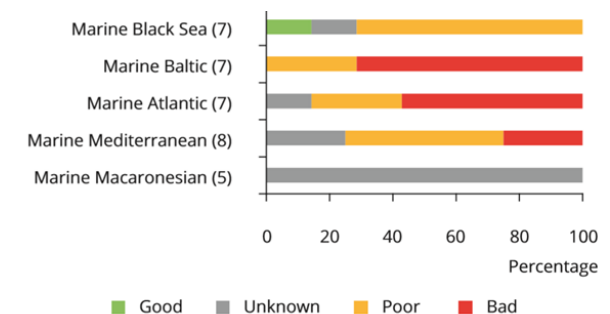


https://ec.europa.eu/environment/nature/knowledge/pdf/Marine_EU_red_list_report.pdf

- Conservation status of protected marine species



- Conservation status of protected marine habitats



Time is running out

IPCC (2022):

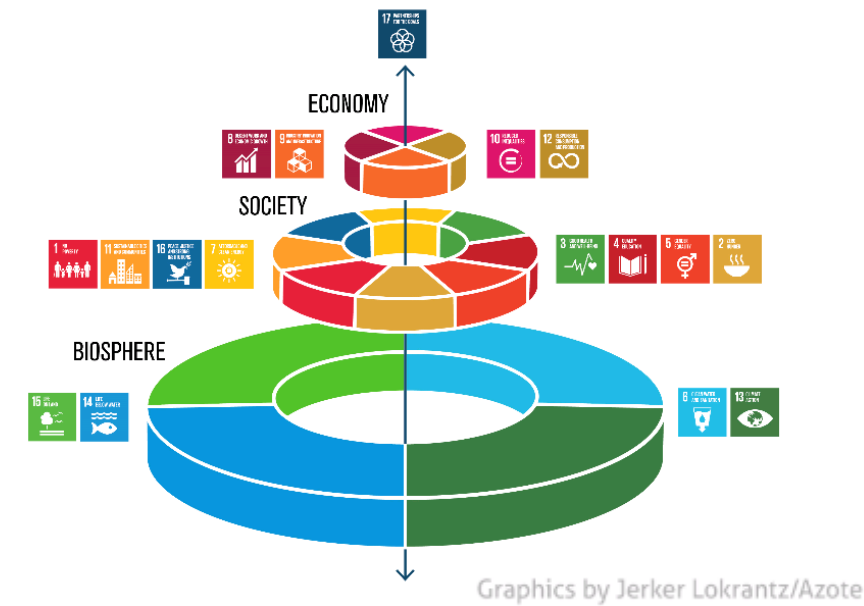
- *the world and Europe have **a brief, rapidly closing window to secure a liveable future**, as the rise in weather and climate extremes has led to some irreversible impacts as natural and human systems are pushed beyond their ability to adapt*
- ***restoring ecosystems will be fundamental in helping to combat climate change** and also reduce risks to food security*

2022 the World Economic Forum's annual Global Risks Report:

- *biodiversity loss as the third most pressing global risk by severity, right after climate action failure and extreme weather*

Biodiversity underpins sustainable development

- Biodiversity loss: key threat for humanity
- Almost half of global GDP is linked to nature
- Interdependence between biodiversity loss and climate change, link to pandemics
- Restoring biodiversity core part of recovery





EU Biodiversity Strategy for 2030

- The Commission will put forward a **proposal for legally binding EU nature restoration targets** to restore degraded EU ecosystems, in particular those with the most potential to remove and store carbon and to prevent and reduce the impact of natural disasters.
- **Calls from EP, Council, CoR, EESC,...**
- **Public support for nature restoration is very high** → Eurobarometer survey on biodiversity (2018-2019): respondents ranked **restoration of nature** among the most important actions that the EU should take to protect biodiversity.
- The restoration of ecosystems is **high on the international agenda - UN Decade for Restoration.**

Impact Assessment and preparatory work

- Based on evaluation of past EU biodiversity strategy, recent fitness checks, latest scientific evidence,...
- Public consultation and several workshops
- Existing legislation and voluntary targets are not sufficient
- Need a mix of an overarching objective and legally binding targets
- Benefits of restoration outweigh the costs: ratio of 8 to 1
- The investment is around 6-8bn euros per year until 2030 for a large part of the targets

Regulation on nature restoration

Useful links to explore the proposal:

The [proposal, annexes and impact assessment](#)

The [press release](#) on Nature Restoration Law

[Questions and Answers](#) on Nature Restoration Law

[Factsheet](#) on Nature Restoration Law for people, climate and planet

[Factsheet](#) on Biodiversity and resilience



Key provisions with focus on marine ecosystems

- The Regulation lays down rules 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**;
 - achieving the Union's overarching objectives concerning **climate change mitigation and climate change adaptation**;
 - meeting the Union's **international commitments**.
- The 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.**

Key elements of the Regulation on nature restoration

Overarching objective

Binding quantified targets

- Terrestrial Habitats Annex I Habitats Directive
- Marine Habitats
- Green urban areas
- Farmland Birds
- Rewetting peatlands under agricultural use

Obligations

- River barriers
- Pollinators
- Wider forest and agroecosystems
- Improving trend of certain indicators

National Restoration Plans

- Baseline of condition and area
- Restoration measures
- Financing
- Public participation

Monitoring and Reporting

- Commission and EEA to assess progress in implementation and achievement of targets and obligations based on MS reports

Restoration of marine ecosystems (1)

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

Restoration of marine ecosystems (2)

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

Annex II NRL

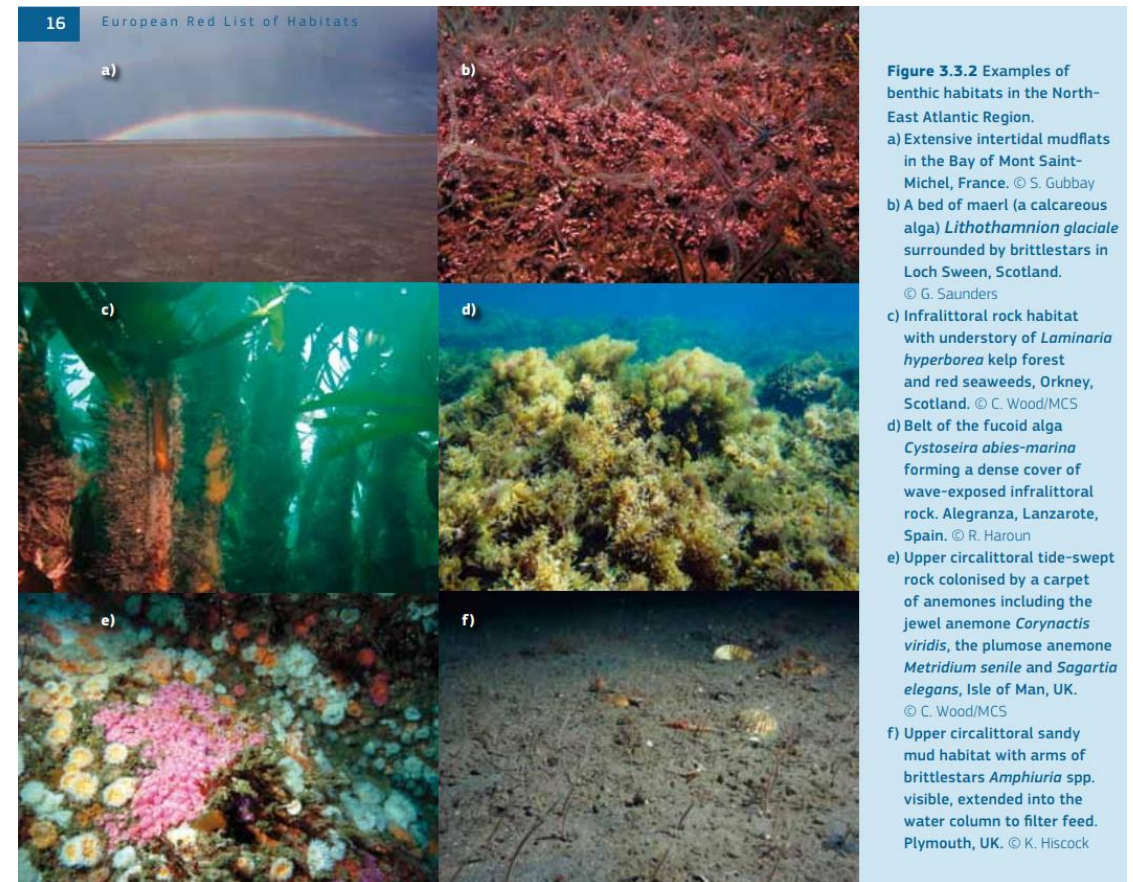
- The implementation of existing legislation (BHD, MSFD) has resulted in **few marine restoration efforts**, mainly because:
 - **No deadline** in HD to reach FCS.
 - Habitats are **too broadly defined** which does not easily translate into **concrete restoration needs/targets** – specific habitats have different restoration potential and require different measures.
- We need **time-bound** targets.
- Restoration needs to happen **at the meaningful level of habitats** for which there is ecological knowledge and restoration know-how.
- Considering the state of EU seas, **substantial marine area** needs to be restored.

Annex II NRL

In the sea...

HD/MSFD:

- **Landscape/seabed-depth categories**, not real “ecological” habitats:
 - “Reefs”, “Sandbanks”, “Shallow inlets and bays”...
 - “Littoral sediment”, “littoral rock”, “Infralittoral coarse sediment”...
- Equivalent to terrestrial “Forests”, “Wetlands”, “Grasslands”?...



Annex II NRL

- The list of habitat types is based on **the appropriate level of the latest EUNIS revision of marine habitats** and divided per marine biogeographical region. Cross-walks exist with other typologies which will facilitate elaboration of restoration plans and regional cooperation.
- **Habitat type groups:** 1) Seagrass beds, 2) Macroalgal forests, 3) Shellfish beds, 4) Maerl beds, 5) Sponge, coral and coralligenous beds, 6) Vents and seeps and 7) Soft sediments (above 1000 meters of depth).
- These habitat types are covered by **the BHD and the MSFD**. Member States should build on **the extensive work done under existing legislation**.

Annex II NRL

2. GROUP 2: MACROALGAL FORESTS

| EUNIS code | EUNIS habitat type name | Related Annex I (Habitats Directive) codes |
|-------------------|--|--|
| Atlantic | | |
| MA123 | Seaweed communities on full salinity Atlantic littoral rock | 1160; 1170; 1130 |
| MA125 | Fucoids on variable salinity Atlantic littoral rock | 1170; 1130 |
| MB121 | Kelp and seaweed communities on Atlantic infralittoral rock | 1170; 1160 |
| MB123 | Kelp and seaweed communities on sediment-affected or disturbed Atlantic infralittoral rock | 1170; 1160 |
| MB124 | Kelp communities on variable salinity Atlantic infralittoral rock | 1170; 1130; 1160 |
| MB321 | Kelp and seaweed communities on Atlantic infralittoral coarse sediment | 1160 |
| MB521 | Kelp and seaweed communities on Atlantic infralittoral sand | 1160 |
| MB621 | Vegetated communities on Atlantic infralittoral mud | 1160 |
| Baltic Sea | | |
| MA131 | Baltic hydrolittoral rock and boulders characterised by perennial algae | 1160; 1170; 1130; 1610; 1620 |
| MB131 | Perennial algae on Baltic infralittoral rock and boulders | 1170; 1160 |
| MB232 | Baltic infralittoral bottoms characterised by shell gravel | 1160; 1110 |
| MB333 | Baltic infralittoral coarse sediment characterised by perennial algae | 1110; 1160 |
| MB433 | Baltic infralittoral mixed sediment characterised by perennial algae | 1110; 1130; 1160; 1170 |
| Black Sea | | |
| MB144 | Mytilid-dominated Black Sea exposed upper infralittoral rock with fucales | 1170; 1160 |

4. GROUP 4: MAERL BEDS

| EUNIS code | EUNIS habitat type name | Related Annex I (Habitats Directive) codes |
|--------------------------|--|--|
| Atlantic | | |
| MB322 | Maerl beds on Atlantic infralittoral coarse sediment | 1110; 1160 |
| MB421 | Maerl beds on Atlantic infralittoral mixed sediment | 1110; 1160 |
| MB622 | Maerl beds on Atlantic infralittoral muddy sediment | 1110; 1160 |
| Mediterranean Sea | | |
| MB3511 | Association with rhodolithes in coarse sands and fine gravels mixed by waves | 1110; 1160 |
| MB3521 | Association with rhodolithes in coarse sands and fine gravels under the influence of bottom currents | 1110; 1160 |
| MB3522 | Association with maerl (= Association with <i>Lithothamnion corallioides</i> and <i>Phymatolithon calcareum</i>) on Mediterranean coarse sands and gravel | 1110; 1160 |
| MC3521 | Association with rhodolithes on coastal detritic bottoms | 1110 |
| MC3523 | Association with maerl (<i>Lithothamnion corallioides</i> and <i>Phymatolithon calcareum</i>) on coastal dendritic bottoms | 1110 |

7. GROUP 7: SOFT SEDIMENTS (ABOVE 1000 METERS OF DEPTH)

| EUNIS code | EUNIS habitat type name | Related Annex I (Habitats Directive) codes |
|-----------------|---|--|
| Atlantic | | |
| MA32 | Atlantic littoral coarse sediment | 1130; 1160 |
| MA42 | Atlantic littoral mixed sediment | 1130; 1140; 1160 |
| MA52 | Atlantic littoral sand | 1130; 1140; 1160 |
| MA62 | Atlantic littoral mud | 1130; 1140; 1160 |
| MB32 | Atlantic infralittoral coarse sediment | 1110; 1130; 1160 |
| MB42 | Atlantic infralittoral mixed sediment | 1110; 1130; 1150; 1160 |
| MB52 | Atlantic infralittoral sand | 1110; 1130; 1150; 1160 |
| MB62 | Atlantic infralittoral mud | 1110; 1130; 1160 |
| MC32 | Atlantic circalittoral coarse sediment | 1110; 1160 |
| MC42 | Atlantic circalittoral mixed sediment | 1110; 1160 |
| MC52 | Atlantic circalittoral sand | 1110; 1160 |
| MC62 | Atlantic circalittoral mud | 1160 |
| MD32 | Atlantic offshore circalittoral coarse sediment | |
| MD42 | Atlantic offshore circalittoral mixed sediment | |
| MD52 | Atlantic offshore circalittoral sand | |
| MD62 | Atlantic offshore circalittoral mud | |
| ME32 | Atlantic upper bathyal coarse sediment | |



Restoration of marine ecosystems (3)

- Member States shall **put in place the restoration measures for the marine habitats of species listed in Annex III and in Annexes II, IV and V to the Habitats Directive and for the marine habitats of wild birds covered under the Birds Directive**, that are necessary in order **to improve the quality and quantity of those habitats**, including by re-establishing them, and **to enhance connectivity**, until sufficient quality and quantity of those habitats is achieved.

Annex III NRL

MARINE SPECIES REFERRED TO IN ARTICLE 5(3)

- (1) narrow sawfish (*Anoxypristis cuspidata*);
- (2) dwarf sawfish (*Pristis clavata*);
- (3) smalltooth sawfish (*Pristis pectinata*);
- (4) largetooth sawfish (*Pristis pristis*);
- (5) green sawfish (*Pristis zijsron*);
- (6) basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*);
- (7) smooth lantern shark (*Etmopterus pusillus*);
- (8) reef manta ray (*Manta alfredi*);
- (9) giant manta ray (*Manta birostris*);
- (10) devil fish (*Mobula mobular*);
- (11) lesser Guinean devil ray (*Mobula rochebrunei*);
- (12) spinetail mobula (*Mobula japanica*);
- (13) smoohtail mobula (*Mobula thurstoni*);
- (14) longhorned mobula (*Mobula eregoodootenkee*);
- (15) Munk's devil ray (*Mobula munkiana*);
- (16) Chilean devil ray (*Mobula tarapacana*);
- (17) shortfin devil ray (*Mobula kuhlii*);
- (18) lesser devil ray (*Mobula hypostoma*);
- (19) Norwegian skate (*Raja (Dipturus) nidarosiensis*);
- (20) white skate (*Raja alba*);
- (21) guitarfishes (Rhinobatidae);
- (22) angel shark (*Squatina squatina*);
- (23) salmon (*Salmo salar*);
- (24) sea trout (*Salmo trutta*);
- (25) houting (*Coregonus oxyrhynchus*).

Restoration of marine ecosystems (4)

- Member States **shall ensure that the areas that are subject to restoration measures show a continuous improvement in the condition of the habitat types listed in Annex II until good condition is reached, and a continuous improvement of the quality of the habitats of the species 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.**
- Member States shall ensure that **areas where the habitat types listed in Annex II occur do not deteriorate.**

National restoration plans - preparation

- Member States **shall prepare national restoration plans and carry out the preparatory monitoring and research needed to identify the restoration measures that are necessary to meet the targets and obligations**, taking into account the latest scientific evidence.
- Member states **shall quantify the area that needs to be restored to reach the restoration targets** taking into account the condition of the habitat types and the quality and quantity of the habitats of the species that are present on their territory.

National restoration plans - preparation

The quantification shall be based, amongst others, on the following information:

(a) for each habitat type:

(i) **the total habitat area and a map of its current distribution;**

(ii) the habitat area **not in good condition;**

(iii) **the favourable reference area** taking into account the documented losses over at least the last 70 years and **the projected changes to environmental conditions due to climate change;**

(iv) **the areas most suitable for the re-establishment of habitat types** in view of ongoing and projected changes to environmental conditions due to climate change;

(b) **the sufficient quality and quantity of the habitats of the species required for achieving their favourable conservation status**, taking into account the areas most suitable for re-establishment of those habitats, and **the connectivity needed between habitats in order for the species populations to thrive**, as well as ongoing and projected changes to environmental conditions due to climate change.

National restoration plans - content

The national restoration plan shall cover the period up to 2050, with intermediate deadlines corresponding to the targets and obligations.

Member States shall include the following elements in their national restoration plan, using the **uniform format**:

- **the quantification of the areas to be restored to reach the restoration targets** based on the preparatory work undertaken and **geographically referenced maps of those areas**;
- **a description of the restoration measures planned, or put in place**, for achieving the targets and obligations and a specification regarding which of those restoration measures are planned, or put in place, **within the Natura 2000 network**;
- an indication of the measures to ensure that the areas covered by the habitat types and the habitats of the species **do not deteriorate, including restored areas**;
- the **timing for restoration measures**, their monitoring, expected **climate and other socio-economic benefits**;
- **financing needs**, subsidies which can negatively affect restoration measures;
- information on **public participation and of how the needs of local communities and stakeholders have been considered...**

Monitoring...

Member States shall **monitor** the following:

- **the condition and trend in condition of the habitat types and the quality and the trend in quality of the habitats of the species** in the areas subject to restoration measures;
- **the area and condition of the areas covered by the habitat types** listed in Annexes I and II, across their territory;
- **the area and the quality of the habitat of the species** across their territory;
- ...

And reporting...

Member States shall electronically report to the Commission **the area subject to restoration measures...**

Member States shall electronically report the following data and information to the Commission, **assisted by the EEA**, at least every three years:

- **the progress in implementing the national restoration plan**, in putting in place the restoration measures and progress in achieving the targets and obligations;
- **the results of the monitoring**, including in the form of **geographically referenced maps**;
- **the location and extent of the areas subject to restoration measures**, including a geographically referenced map of those areas;
- information on the progress accomplished towards meeting financing needs, including a review of actual investment against initial investment assumptions.
- ...

Links with existing environmental legislation?

NRL complements existing legislation:

- **Birds and Habitats Directives:** no deadline for achieving FCS + no explicit obligations to restore outside Natura 2000 sites <-> NRL : effective framework for putting in place restoration for protected habitats and species within and outside N2000, with clear deadlines.
- **MSFD:** good environmental status for marine waters <-> NRL: focus on specific marine habitats and species.
- **WFD:** good ecological status of waters <-> NRL focus on good condition of riverine, lake and alluvial habitats in and surrounding surface water and on their interaction with floodplains.

Some final thoughts

- Strong links with **protected area targets**, in particular with **10% strict protection**, as the restoration in the marine environment will be mainly **passive**.
- Need to **significantly step up mapping, monitoring and research**.
- Need for **regional cooperation**, including to significantly **speed up the regionalisation process for implementation of fisheries management measures** that will be needed for restoration.
- Demonstrate **benefits** to society and economic sectors.



REPowerEU

Short review focusing on issues relevant for application of EU environmental legislation

A photograph of a landscape featuring two white wind turbines. The foreground is a lush green field filled with numerous white daisies and yellow wildflowers. The sky is a clear, vibrant blue. The text is overlaid on the right side of the image.

**Is it possible to develop
renewables and protect
and restore nature?**

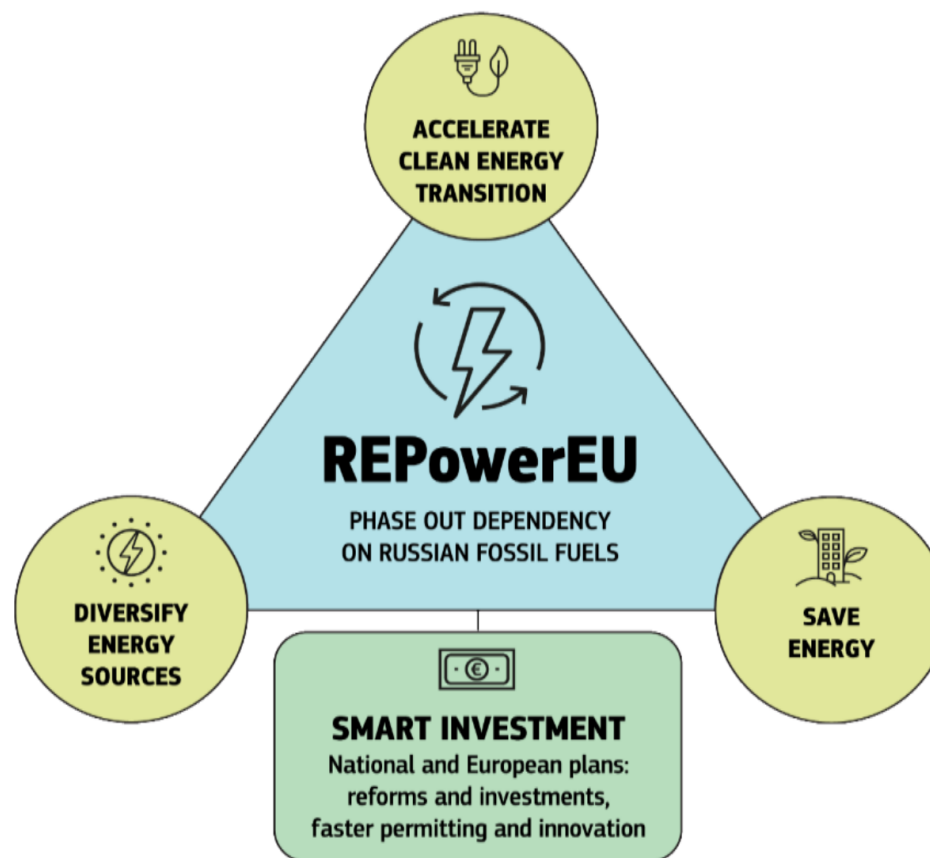
Yes, it is!

The importance of strategic planning and the role of existing environmental legislation

- The EU policy and legislation (SEA, EIA, HD, WFD, MSPD,...) already provide **tools to avoid conflicts between renewables and biodiversity**.
- The EU nature legislation allows for effective deployment of renewable energy infrastructure and its coexistence with nature protection.
- The Habitats Directive (Article 6.3) allows implementation of projects if they **do not harm the integrity of the Natura 2000** sites. In justified cases, even projects affecting the integrity of the sites can be carried out, if it is proven that there are **no alternatives** and appropriate **compensatory measures** have been put in place (Article 6.4).
- There is also an obligation to show that the plan or project is '**of overriding public interest**' and under REPowerEU it is proposed that renewables are presumed as being in the overriding public interest.

REPowerEU plan

- Aims at rapidly reducing our dependence on Russian fossil fuels
- Reinforces and accelerates the implementation of the European Green Deal and addressing the climate crisis
- **Three pillars:**
 - **diversifying energy sources**
 - **saving energy**
 - **accelerating renewable energy**
- *Target for solar photovoltaics*
- *EU solar strategy*
- *European solar rooftop initiative*
- *Heat pumps*
- *Hydrogen*
- ...



Renewable energy projects permitting – proposed amendments to the Renewable Energy Directive

- Member States to identify “**renewables go-to areas**” - locations on land or sea that are particularly suitable for the installation of RE (other than biomass combustion plants) where renewable projects are **not expected to have significant environmental impacts.**
 - give **priority to artificial and built surfaces**;
 - **exclude Natura 2000 sites** and nature parks and reserves, **the identified bird migratory routes as well as other areas identified based on sensitivity maps and other tools**;
 - use **all appropriate tools and datasets** to identify the areas where the renewable energy plants would not have a significant environmental impact, including wildlife sensitivity mapping.
- Before its adoption, the plan or plans designating renewables go-to areas will be subject to **SEA or if needed, to AA under the Habitats Directive.**
- Member States to establish appropriate **mitigation measures** to prevent deterioration of habitats and disturbance of species in Natura 2000 sites as well as the killing of protected species including birds.

Permit-granting process for projects located in go-to areas

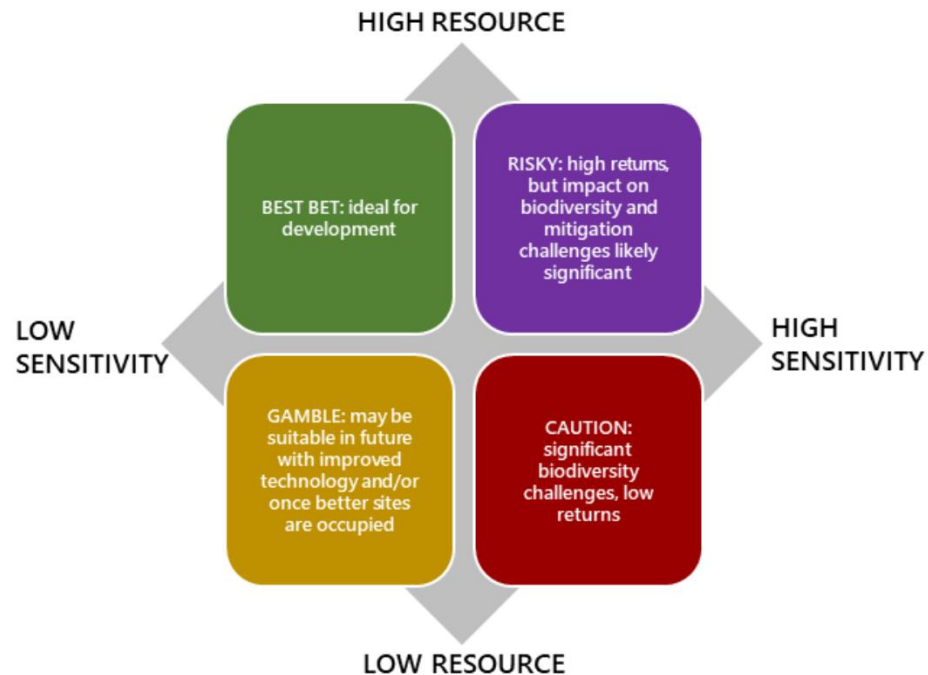
- Renewable energy projects **in go-to areas are exempted from the EIA and AA under Article 6(3) HD** (not for projects which are *likely to have significant transboundary effects*).
- Exempted projects will be subject to a **screening (15-30 days)**
 - If the competent authority has **clear evidence** that a specific project is **highly likely** to give rise to **significant unforeseen adverse effects** that cannot be mitigated – it adopts a motivated decision to **request an EIA and (where applicable) AA (to be carried out within 6 months)**.
 - If no clear evidence of highly likely significant unforeseen adverse effects during screening – the project **authorised from an environmental perspective without requiring any express decision from the competent authority**.
- The global **deadline of 6 months or 1 year** for permit-granting with a possibility for extension by 3 months.

Permit-granting process for projects located outside go-to areas

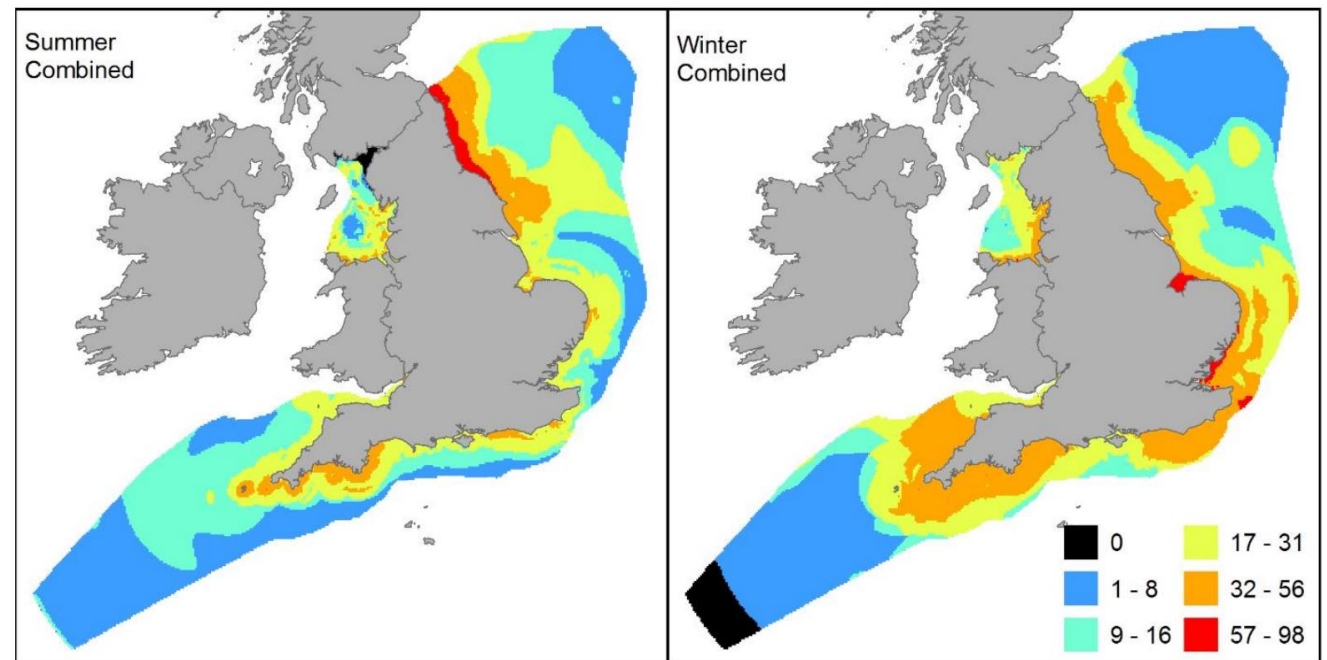
- For projects subject to EIA and AA, a **single procedure** to be established + **mandatory scoping**.
- Where the specific projects have adopted appropriate mitigation measures, any killing or disturbance of the species protected under Article 12(1) of Directive 92/43/EEC and Article 5 of Directive 2009/147/EC shall **not be considered deliberate**.
- The **global deadline of 1 or 2 years for permit-granting** with a possibility for extension by 3 months.

The importance of strategic planning

- Conflicts are best avoided through good strategic planning.
- Member States should rely on the good practices in strategic planning of renewables through **sensitivity mapping**.
- **Maritime spatial planning**



SeaMaST (Seabird Mapping and Sensitivity Tool): a tool for assessing wind farm impacts in English territorial waters (7/9)



New mapping tool

- To support Member States in identifying “renewables go-to areas”, the Energy and Industry Geography Lab, from May 2022, includes relevant layers:
 - Natura 2000 sites
 - Nationally designated protected areas
 - Ecologically or biologically significant marine areas
 - Important bird areas
 - Key biodiversity areas
 - Underwater noise
 - Peatlands
 - Wastewater treatment plants
- https://joint-research-centre.ec.europa.eu/energy-and-industry-geography-lab_en

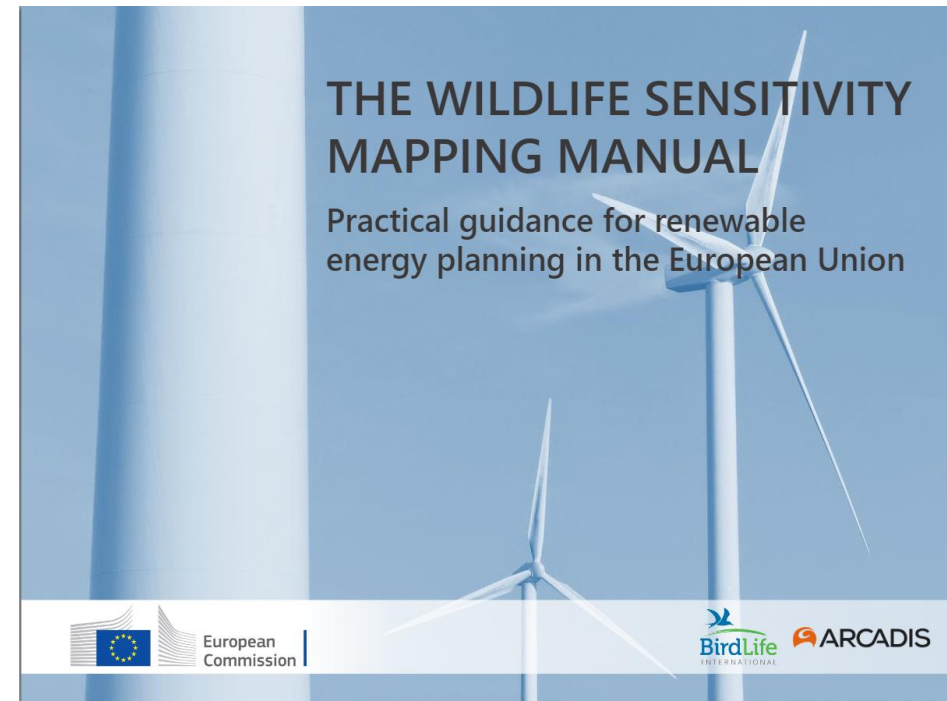
Guidance and support

- **Guidance document on wind energy developments and EU nature legislation** clarifies existing obligations and flexibilities built in the EU law.
- **The wildlife sensitivity mapping manual** with case studies.
- **The recommendation on speeding-up permit-granting procedures** for renewable energy projects (and the accompanying guidance) adopted as part of the REPower EU Package.



Guidance document on
wind energy developments and
EU nature legislation

Guidance on Energy Transmission
Infrastructure and EU nature legislation



Thank you



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