

NATURE RESTORATION LAW:

ESSENTIAL PROGRESS IN BIODIVERSITY AND CLIMATE ACTION - IMPLEMENTATION WILL BE KEY

23 September 2024

'Nature is in a state of crisis' (European Union NBSAP, 2023)¹. Nature and biodiversity in the EU is declining, with most protected habitats and species in poor or bad condition due to land and sea use changes, overexploitation, harmful forestry practices, pollution, and climate change². The EU did not meet the 2020 Biodiversity Strategy goals and has proposed an improved 2030 Strategy. The new strategy aims to fill existing gaps, ensuring ecosystems are healthy, climate-resilient, and rich in biodiversity, while providing essential ecosystem services. The strategy sets ambitious targets that focus on restoring ecosystems, protecting intact areas and marine habitats, and sustainable farming and forestry³. This strategy was submitted in early August to the Convention of Biological Diversity (CBD) COP as part of the National Biodiversity Strategies and Action Plans (NBSAPs) within the Kunming-Montreal Global Diversity Framework.

A crucial pillar of this strategy is the famous and hard-fought Nature Restoration Law (NRL). Despite the importance of halting biodiversity loss and restoring nature and ecosystem services, the NRL faced fierce opposition throughout the legislative process (see more on '[Breaking the Gridlock: Overcoming Political Challenges to Restore Nature](#)'). The opposition came from political forces who either still have not understood the linkage between nature restoration and climate action or played their own political agenda. Gladly, the adoption process finally crossed the finish line on June 17⁴ and the NRL was published in the Official Journal of the European Union on July 29⁵.

This policy brief aims to shed light on the main features of this important piece of legislation, but also to highlight aspects that were watered down due to compromises during the legislative process.

1 <https://www.cbd.int/doc/world/eur/eur-nbsap-v4-en.pdf>

2 <https://www.eea.europa.eu/publications/state-of-nature-in-the-eu-2020>

3 Idem

4 <https://www.consilium.europa.eu/en/press/press-releases/2024/06/17/nature-restoration-law-council-gives-final-green-light/>

5 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202401991

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PRACTICAL FEATURES - WHAT'S NEXT?

Prior to evaluating the positives and negatives, it's essential to highlight the timeline and responsible actors for what is coming next with the NRL. The adoption of the NRL in 2024 marked the beginning of a lengthy process, including the development, assessment, and implementation of restoration plans, followed by ongoing monitoring, reporting and verification.

The NRL was published in the Official Journal of the European Union on July 29, triggering Article 28, which sets the entry into force 20 days later, on August 18. This date is pivotal, as it marks the start of the agreed timeline for actions.

Initially, the European Commission has 1 month to issue guidelines for measuring indicators, complementing Annex IV. By December 1, it must also draft implementing acts to establish a standard format for National Restoration Plans. Another significant milestone is the Commission's report to the European Parliament and Council on NRL implementation, finance, and funding needs, due by August 2025. This date is crucial, as securing funding is one of the NRL's biggest challenges.

After this preparation phase, the focus shifts to Member States, who have until August 2025 to develop a methodology for measuring indicators based on the Commission's guidelines, and until September 2026 to submit their draft National Restoration Plans. The Commission, supported by the EEA, will assess these plans by March 2027, allowing Member States to revise them before the final deadline in September 2027.

For detailed information regarding the timeline and responsibilities, see Annex I of this brief.

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THE NATURE RESTORATION LAW IN A NUTSHELL

While recognising the importance of binding legislation to combat the twin crises, it is also essential to point out the drawbacks, legal shortcomings, and the unproductive framing of nature and food security. We therefore outline the good, bad and ugly of this regulation.

List of main targets and features posed by the NRL:

- Article 1: A EU-wide target of restoring at least 20% of the EU's land and sea by 2030 and all ecosystems in need of restoration by 2050.
- Article 4 and 5: A National target of restoring at least 30% of the total area of all habitats that are not in good condition - priority to Natura 2000 sites - by 2030. Target will increase to 60% and 90% by 2040 and by 2050 respectively. Flexibilities may apply.
- Article 6 and 7: Production of renewable energy as well as grid connection, and national defence are overriding public interest, which would exempt countries from the 'non-deterioration' clause in areas located outside of Natura 2000 sites.
- Article 8: No net loss of urban green areas and urban tree canopy by December 2030 (compared to 2024). From 2031 onwards an increase trend is necessary up to a satisfactory level.
- Article 9: EU-wide restoration of at least 25.000 km of rivers into free-flowing rivers by 2030.
- Article 10: Reverse the decline of the population of pollinators through habitat restoration by 2030. Thereafter, to achieve an increased trend up to satisfactory levels.
- Article 11: Enhancement of biodiversity in agricultural ecosystems by achieving an increasing trend in at least 2 indicators until satisfactory levels - measured every 6 years after 2030 - and in the common birds index - measured in 2030, 2040 and 2050.
- Article 11: Restoration of organic soils in agricultural use (30% by 2030, 40% by 2040 and 50% by 2050). Preference to rewetting. Flexibilities may apply.
- Article 12: Achieve an increasing trend at national level of the common forest index and in at least 6 forest indicators until satisfactory levels are achieved. Flexibilities may apply.
- Article 13: EU-wide target of planting 3 billion trees by 2030.
- Article 14(5): To define, using scientific knowledge, the satisfactory levels for (i)pollinators population, (ii)agricultural indicators, (iii)forest indicators, (iv)urban green space, and (v) urban tree canopy by 2030 in the National Restoration Plans.

The Good

The sole adoption of this well-needed legislation is a win. It is the worldwide first binding legislation aiming to restore nature, with clear area-based and time-bound targets (i.e. to restore 20% of land and sea by 2030). Furthermore, several good points can be highlighted:

- The specific obligation to restore terrestrial and marine habitats - strengthening the non-binding obligation under the Habitats Directive;
- Restoration of freshwater connectivity;
- Indicator-based restoration targets for the restoration of pollinators, agricultural and forest ecosystems;
- It aligns fisheries policy under the Common Fisheries Policy with the objectives of the NRL.⁶

The Bad

There are several missed opportunities in the legislation, in terms of features that were watered down during the negotiations:

- The final version of the National Restoration Plans will only be ready in 3 years, which may delay the beginning of the restoration and is not in line with the urgency to tackle the biodiversity crisis.
- Articles 4 and 5: Lack of ambitiousness and sense of urgency. Most restoration efforts were delayed until 2040 and even 2050. Moreover, the final obligation reaches 90% and not 100%.
- Articles 4 and 5: The non-deterioration elements, which are core for a permanent restoration, were watered down and agreed as effort-based rather than outcome-based.
- Article 11: The targets of rewetting peatlands were reduced, and again an effort-based obligation rather than outcome-based.
- Article 11 and 12: Cherry-picking indicators.
- Articles 10, 11 and 12: There are no specific, time-bound objectives set. Member States only need to show an increasing trend at the national level and can set their own satisfactory levels. Despite the much needed guidance on the minimum requirements, the Commission will only issue guidelines by December 2028 and Member States set the satisfactory levels by 2030. Again the urgency of action was not taken into account.

⁶ <https://www.cbd.int/doc/world/eur/eur-nbsap-v4-en.pdf>

The Ugly

We consider the worst elements of the law as two folded:

Firstly, despite extensive scientific evidence demonstrating the benefits of nature and biodiversity to agricultural services and food security,⁷⁸⁹ conservative MEPs and agricultural lobbies framed nature and food security as being in opposition. This led to a less ambitious final text, particularly regarding agricultural ecosystems. Important elements from earlier versions were removed or watered down, and problematic provisions, such as the possibility of a temporary suspension related to agricultural production, were added. This approach, under the pretext of protecting food production, created a harmful either/or narrative pitting nature against food security and hindering progress in biodiversity and climate action.

Secondly, enforcement and accountability. Although the legislation clearly establishes milestones and obligations at each step of the process, it does not provide enforcement measures in case of non-compliance. Moreover, the final version excluded the 'access to justice' article, not providing to the public an avenue to directly challenge any illegalities of the national restoration plans and or failures to act. The final text therefore misses the opportunity to put forward transparent guidelines to empower society in its legal rights.

3 RECOMMENDATIONS

After this hard-fought adoption, the next step for a robust, transparent and fit-for-purpose NRL is the National Restoration Plans.¹⁰ The Commission has the duty to release a guidance and format (see section 2) and the Member States the responsibility to have a thorough and complete planning and elaboration process. For these steps, we recommend to:

1. Quantify areas in need of restoration and have a thorough planning process:
 - Quantify and map areas needing restoration to reach the restoration targets.
 - Plan for habitat re-establishment and connectivity using knowledge and expertise of national experts and civil society organisations.

7 Liqueste, C et al. (2022): <https://publications.jrc.ec.europa.eu/repository/handle/JRC129725>

8 <https://ieep.eu/publications/nature-restoration-as-a-driver-for-resilient-food-systems/>

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https://www.idiv.de/fileadmin/content/Files_CAP_Fitness_Check/Summary_for_Policymakers_Scientists_support_Green_Deal_and_reject_attack_on_SUR_and_NRL_7.6.23.pdf

10 <https://ieep.eu/news/successfully-navigating-the-nature-restoration-planning-process/>

2. Grasp synergies in a holistic approach:

- The NRL brings a connotation that nature and renewables deployment are antagonists. We say otherwise. The National Restoration Plans should be aligned with other policies (e.g., climate adaptation, mitigation, renewable deployment) and be considered equally important

3. Create a transparent participatory process:

- Facilitate civil society participation early and effectively in the planning process.
 - Environmental organisations should contribute their knowledge and recommendations.

4. Making Funding Available:

- The Commission will have to write a report about finance available and funding gaps (see section 2). We encourage an open and productive assessment since funds available for the the EU Biodiversity Strategy have been falling short to fulfil the needs.¹¹
- As pointed out by civil society groups, we share the vision of creating a dedicated EU Restoration Fund in the next Multiannual Financial Framework.¹²
- Meanwhile, Member States should identify and utilise existing EU and national funding instruments, and push private investments for restoration.

5. Biodiversity and Climate action go hand-in-hand

- Countries must switch the vision that nature is only 'good to have' to a one encompassing the essential feature of climate action and vital for food security. Member States must end the either/or rationale involving nature.
- Activities such as agriculture and forestry are dependent on natural resources. Nature is a paramount ally.

The critical role of nature to climate action and food security is abundantly clear. It is paramount that Member States and the European Commission grasp the opportunity to put forward holistic and well-funded national plans for nature restoration in the EU, rooted in a broad public participation at early stages. A healthy nature is paramount for everyone's lives and livelihoods.

11 European Commission, Directorate-General for Environment, Nesbit, M., Whiteoak, K., Underwood, E. et al., "Biodiversity financing and tracking – Final report", Publications Office of the European Union, 2022

12 https://www.wwf.eu/wwf_news/publications/?14503641/Call-for-a-dedicated-EU-Nature-Restoration-Fund

Annex I - Timeline

Table 1: Nature Restoration Law: Timeline and Responsibilities

Timeline	Milestone/Activity	Articles	Responsible Entities
29 July 2024	Published in the Official Journal of the EU		
18 August 2024	Legislation - Enter into Force	Article 28	
17 September 2024	Provide Guidance for the development of the methodology to complement what is proposed in Annex IV	Article 14(7)	European Commission
01 December 2024	Draft Implementing acts to establish a uniform format for the national restoration plans	Article 15(7)	European Commission and EEA
By August 2025	Delegated act establishing the method to monitor pollinator diversity	Article 10	European Commission supported by Union agencies (e.g. EEA)
By August 2025	May develop a methodology to complement what is proposed in Annex IV using the guidance provided by the Commission	Article 14(7)	Member States
By August 2025	Report to the Parliament and to the Council on the implementation of the NRL (finance, funding needs and gaps)	Article 21(7)	European Commission in consultation with Member States

Timeline	Milestone/Activity	Articles	Responsible Entities
By 01 September 2026	Elaborate and submit the draft of the national restoration plans	Article 16	Member States with open public participation [art. 14(20)]
By 01 March 2027	Assessment of the National Restoration Plans and provide feedback	Article 17(1)	European Commission and EEA
By 01 September 2027	Final version of the National Restoration Plans submitted	Article 17(6)	Member States
By 30 June 2032 and every 10 years	Review the national restoration plans	Article 19	Member States
By 31 December 2033	Evaluation of the regulation and assessment of implications on agri-forestry and fisheries	Article 26	European Commission
Ongoing	Monitoring	Article 20(2), (3)	Member States
By 30 June 2028 and every 3 years henceforth	Reporting to the Commission the area subjected to restoration measures	Article 21(1)	Member States
By 31 December 2028 and every 3 years henceforth	Technical overview of the progress towards the targets and fulfilment of the obligations	Article 21(4)	EEA

Timeline	Milestone/Activity	Articles	Responsible Entities
By 30 June 2031 and every 6 years henceforth	Reporting to the Commission the progress in implementing the National Restoration Plans	Article 21(2)	Member States
By 30 June 2032 and every 6 years henceforth	Technical report of the fulfilment of the obligations and achievement of EU-wide targets	Article 21(5)	EEA



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