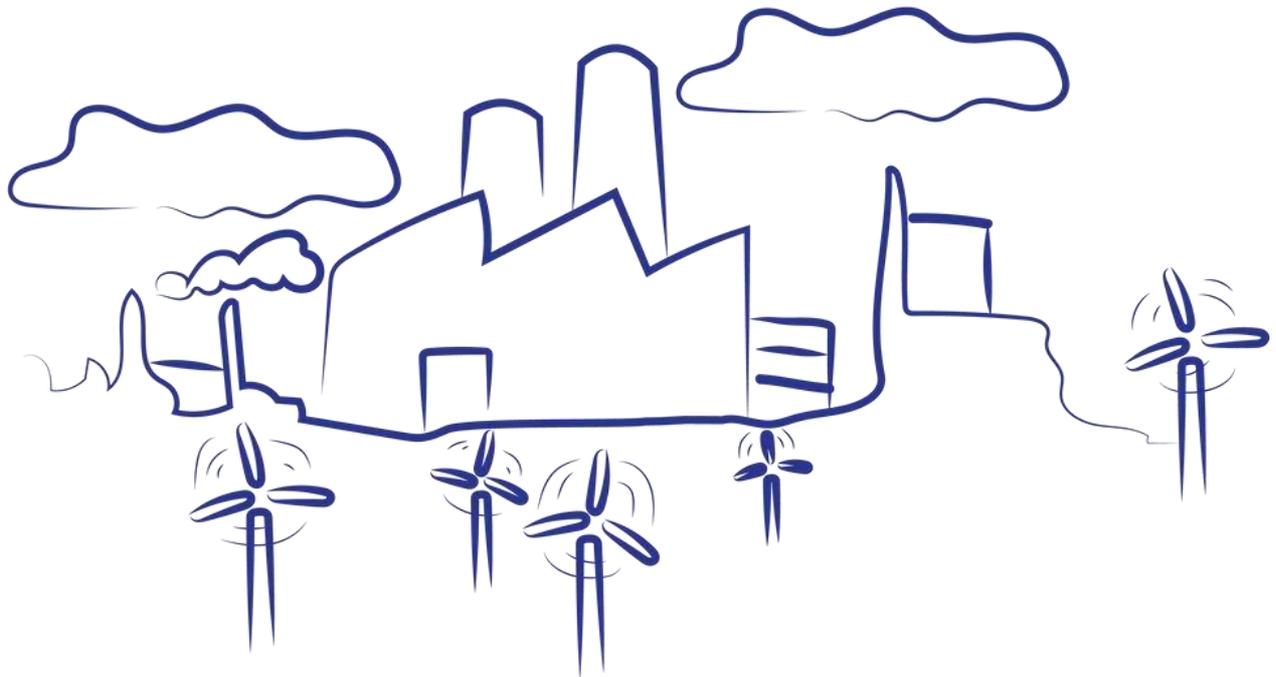


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NEWSLETTER // **Environmental Law**



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# NATURE RESTORATION LAW

**European Parliament's green light for the  
Regulation Proposal on restoration of degraded  
ecosystems in EU countries**

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## 1. Introduction

On February 27, 2024, the European Parliament approved, with 329 votes in favor, 275 contrary and 24 abstentions, the Regulation proposal 2022/0195 of 23 June 2022, also known as “*Nature Restoration Law*” (hereinafter “**Proposal**” or “**NRL**”), for the protection of biodiversity and degraded natural areas in member States.

The debate, which occurred inside and outside of the courtroom, has been going on uninterruptedly since June 2022 when the Proposal was presented with other legislative proposals related to agriculture that gave rise to the affair known as “*the trucks protest*”.

The text is awaiting the final green light from the European Council. The media and political echo that has been created around the NRL in the past few months is driven by the absolute innovation that the proposal represents with respect to the regulatory framework on the protection of degraded ecosystems. It is an *unicum* in the European regulatory landscape since, for the first time, an immediately binding regulatory instrument with direct effect in the Member States’ legal system will take care of lands and marine areas that must be restored.

## 2. Legal basis and framework

The Proposal is part of the *Green Deal*, the package of policy initiatives that the European Commission has introduced with the goal of achieving climate neutrality by 2050. The NRL is also part of the broader project to keep global warming within the +1.5° target set by the Intergovernmental Panel on Climate Change (IPCC).

The legal basis of the NRL is art. 191 of the Treaty on the Functioning of the EU (TFEU) on EU environmental policy, under which the Union undertakes to maintain a «*high level of protection*» (1).

The Proposal is part of a broader EU legislative initiative for the protection (or the attempt to protect) both the environment and biodiversity. Indeed, decades after the entry into force of Directive 79/409/EEC, the so-called “*Birds Directive*”, on the conservation of wild birds, and Directive 92/43/EEC, the so-called “*Habitats Directive*”, which regulates natural and semi-natural habitats and the flora and fauna of the European Union, the assessment carried out by the European Environment Agency (EEA) in 2020 has pictured the substantial ineffectiveness of the legislative instruments previously adopted, in which over 80% of the

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(1) Article 191(2) TFEU: «*The Union's policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay*».

habitats of the “*old continent*” are in decline, in poor or mediocre condition, over 60% of the soils are unhealthy and only 15% of the habitats are in good condition with significant drops in the number of animal and plant species present (including pollinators).

### 3. Objectives of the NRL

As part of the broader environmental goals set forth with the adoption of the Green Deal, Member States are required to return at least 30 per cent of the habitats covered by the recent legislation to a good condition by 2030. These habitats range from forests, grasslands and wetlands to rivers, lakes and corals. The percentage target is to be further increased to 60 per cent by 2040 and 90 per cent by 2050.

For the achievement of the 2030 targets the Proposal gives priority to areas that are part of the Natura 2000 Network (2). The EU Member States are further obliged to ensure that the areas subject to restoration will not suffer additional significant deterioration and are called upon to draw up detailed national plans showing how they intend to achieve their objectives and the provision of indicators that are able to signal changes (i.e. increase in butterfly and bird populations) and monitor the achievement of the environmental objectives pursued.

The main objectives of the NRL include:

- (i) **promotion of the restoration of different types of impaired terrestrial and marine habitats** (see art. 4 of the Proposal) and the expansion of green spaces in urban areas (see art. 8 of the Proposal);
- (ii) **restoration of the natural continuity of watercourses**, with the obligation to draw up an inventory of barrages (dams and barriers) in order to identify those to be removed or adapted by means of appropriate interventions (see art. 9 of the Proposal);
- (iii) introduction of **initiatives aimed at reversing the decline of pollinating insect populations** by 2030 (see art. 10 of the Proposal);
- (iv) **differentiated management of agricultural ecosystems**, with the aim of increasing the landscape diversity of agricultural areas through the presence of elements such as hedges, trees and rows (see art. 11 of the Proposal);
- (v) **reduction of the use of pesticides and chemical fertilizers** (see art. 14 of the Proposal);
- (vi) **restoration of peat bogs and wetlands** previously drained for agricultural purposes, recognizing their fundamental role in storing carbon dioxide (see art. 11 of the Proposal);
- (vii) **improvement of forest biodiversity by planting at least three billion additional trees** by 2030 at the EU level (see art. 13 of the Proposal).

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(2) The Natura 2000 network is the European Union's main initiative to preserve biodiversity, consisting of an ecological network throughout the EU. The network includes Sites of Community Interest (SCI), designated by member states in accordance with the Habitats Directive. Subsequently, these sites are designated as Special Areas of Conservation (SAC) and also include Special Protection Areas (SPAs) dedicated to the conservation of wild birds. Unlike reserves that exclude human activities, the Natura 2000 regulatory system aims to reconcile nature conservation with economic, social and cultural considerations, allowing for sustainable management also by private entities.

# Contacts



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