

Public consultation on the development of binding EU nature restoration targets for 2030

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BirdLife Europe & Central Asia's contribution

Nature has, at this point, been already depleted across vast regions of the world, with much of Europe being amongst the most ecologically degraded regions. Just protecting what's left is no longer enough to secure life on earth. We are now entering what the UN declared to be the "Decade for ecosystem restoration", and for good reason: we need to bring nature back and the ecosystem services we so desperately need to thrive and survive. Restoring natural habitats, particularly at scale and with a landscape level approach, is not just a crucial plank of the needed strategy to reverse the collapse of biodiversity, it is also the heart of the "nature-based solutions" agenda.

Restoring peatlands, forests, wetlands, grasslands, rivers and marine ecosystems can help stop the haemorrhaging of unrecoverable carbon, transform land from a source to a sink for large quantities of carbon and provide crucial ecosystem services needed for climate adaptation, most prominently water storage for flood and drought mitigation, and coastal protection.

BirdLife Europe has very early on been a key proponent of legally binding restoration targets, and we strongly welcome that this is now a commitment embedded in the EU Biodiversity Strategy to 2030.

If this restoration law is bold and focused on the fundamental need to bring back nature at scale, it could be a historical milestone for European environmental policy as significant as the Birds and Habitats Directive and a real turning point for the future of ecosystems in the EU.

However, we are concerned with the risks of the Commission using this instrument to cater for a too broad range of environmental issues and miss the opportunity to implement real change on the ground for biodiversity and carbon-rich ecosystems.

We are calling on the European Commission to take account of the following recommendations:

- **Consider the restoration law as additional to existing instruments:** The law should be complementary to existing instruments by bringing targeted legally binding obligations for Member States to restore nature on a large-scale. This would ultimately help some ecosystems to meet a 'good/favourable environmental status', both inside and outside protected areas, by going beyond what's required by existing legislation, while building on existing definitions to ensure rapid and effective implementation. According to the type of ecosystems being restored, the legislation could refer to assessment methodologies used under the Birds and Habitats Directives, the Marine Strategy Framework Directive, and the Water Framework Directive.

- **Abid by a clear and straightforward definition of restoration:** Considering the emergency to bring biodiversity back and mitigate and adapt to climate change, restoration should clearly be understood here as the (active or passive) action to take areas of land or seas out of extractive or biodiversity harming human exploitation in order to bring high-quality nature back. It should build on existing definition of restoration and aim at bringing ecosystems into 'good status' regardless of the original state of the ecosystems on which restoration is undertaken. In this context restoration should not focus on small improvements from poor to still degraded status but aim to put areas of land and sea on a predictable path to full recovery. Besides, restoration should be done at scale to fully allow for ecosystems functionalities to revive, with the end objective to bring biodiversity back and help stop the haemorrhaging of unrecoverable carbon, rather than making it more productive for human purposes. Some human activities can naturally be undertaken, and indeed might be necessary to reach these restoration objectives. These could be initial investments (e.g. removal of invasive species, relocation of flood defences) or be required indefinitely (e.g. mowing and grazing of grasslands, artificial control of water levels in wetlands to mimic natural cycles that cannot be restored anymore).
- **Avoid excessive complexity and give a chance to this law to be implemented:** European legislations are too often not implemented by Member States. This is even more true for existing EU environmental legislation. Experience from recent decades shows that the EU moving from clear prescriptive legislation to general and often vague "frameworks" has given way too much room for Member states and regions to delay implementation. Endless discussions on implementation of multi-layered tools would result in failure to prevent on time our ecosystems' collapse. Scientific consensus is clear: time is up now, and immediate action is needed. We thus call on the Commission to propose a law that is focused on enabling the deep restoration of carbon-rich habitats to quickly bring back their natural processes. The Commission must avoid creating a generic "biodiversity conservation framework" which is likely to become just a green-washing tool. It must also avoid burdening the law with too many objectives and an attempt to deal with too many environmental issues at the same time. For instance, improving soil fertility, adding hedges on farmlands or improving natural pest controls are all objectives that BirdLife Europe fully support. However, these changes are about fostering good agroecology and require other policy tools than a law on restoration. In the Biodiversity Strategy, the EU promised to improve fishing, agriculture and forestry practices to make them more nature-friendly and this should indeed be the priority of other legislative instruments such the action plan on the CFP, the new CAP, the reviewed Sustainable Use (of pesticides) Directive, the Forest Strategy, new legislation on soil protection, etc.
If we want the restoration law to be implementable, it should not be turned into a universal tool, as this will create confusion on what the restoration law is trying to achieve, make it easier to introduce loopholes, and risk ending with a shallow approach to everything rather than a deep one to the specific task at hand.
Moreover, the Commission must acknowledge ecosystems interlinkages and regard fundamental land and sea use change as a key solution to bring back ecosystem services which would in term benefit agroecosystems e.g. restored areas can allow the rebuilding of

pollinators populations, act as hubs for the survival of species metapopulations, support water retention at catchment basin level, etc.

Finally, while Nature restoration is crucial to safeguarding ecosystem services, the law should address restoration of ecosystems themselves into good health (so that they can provide those services) rather than try to target the services directly. The methodology currently used to assess ecosystem services at EU level is not yet ready to be used as the scientific basis for this law and would require long secondary processes that would create further implementation delays. On the other hand, there is much more robust evidence on what actions improve the state of ecosystems and on the fact that healthy ecosystems can better deliver a range of ecosystem services and be resilient to shocks such as climate change. The state of nature is such that we need rapid action now rather than start more protracted processes. The EU work on ecosystem services can inform the implementation of the restoration law, particularly in supporting Member States optimisation of restoration choices in the national planning stage.

- **Adopt a bold overarching target:** The restoration law should require Member States to restore 15% of their land area, 15% of their rivers' linear length, and 15% of their sea area. This should add up to the restoration of 15% of the overall EU land, river, and sea areas by 2030. Based on this target and science-based criteria building on existing legislations, each Member State should develop a national restoration plan.
- **Request the adoption of national restoration plans:** In these plans, Member States should identify habitats to be restored by 2030 and justify this choice by demonstrating the benefits it would have in increasing climate mitigation, adaptation, and biodiversity. The annex of the restoration law could provide a non-exhaustive list of habitats to restore as priority: peatlands, grasslands, wetlands (including coastal wetlands and floodplains), forests, rivers and marine ecosystems. However, we consider not feasible for the Commission to set a target per habitats in the given timeframe as this would require long and contentious discussions most likely leading to an unworkable law for all Member States. Better give Member States a hard target with flexibility on how to pursue it, than a soft target with hard constraints on its implementation.

As restoration is a process, Member States would then practically meet the 15% target by implementing, by 2030, science-based restoration actions that are commensurate to the restoration potential of the ecosystem, setting it on a trajectory of being restored. The effectiveness of these actions should be regularly assessed by the Commission through standardized reports and the land/sea use change must be substantial and consequential enough so it can be demonstrated through satellite images (though this might take more than a year from date of management change, e.g. when removing logging to allow evolution of forest toward old growth).

Moreover, the law must contain clear deadlines for the submission of these restoration plans and their approval by the Commission, the definition of restoration measures and should involve civil society and experts in the process. Strong language must ensure the scientific base of restoration.



- **Meet the urgency to swiftly implement the law:** This Commission must acknowledge that enough compelling scientific evidence and data is available to demonstrate the benefits of restoration and allow for Member States to quickly designate large-scale sites that could be restored. We urge the Commission to fully consider the urgency to adopt a legally-binding restoration target and write the law in a way that will enable a swift and rapid implementation by Member States. The need for more guidance and funding should not be acceptable as excuses to further delay implementation. Covid-19 has shown that if there is a will, there is a way, and we no longer have the luxury to wait another decade to enact a serious restoration drive.
- **Lead the world's ambition:** A legally mandated large scale restoration drive in the EU would have far reaching global implications. It would demonstrate EU leadership at the CBD COP15 and set a global example for other nations and regions. Demonstrating that restoration is possible and is being done in one of the most developed regions in the world would hugely help the spread of nature-based solutions in poorer parts of the world that are even more exposed to the ravages of climate change and ecosystem collapse.

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