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EU Nature Restoration Law must promote credible measures that will deliver on the multiple benefits of resilient forests

European Forest Owners' and Managers' recommendations on the Proposal for a Regulation on Nature Restoration

While European forest managers and owners welcome the ambition of the European Commission in advancing current and active restoration efforts, we remain convinced that for EU forests this should be pursued by strengthening existing governance frameworks, supporting adequate financing, and improving exchanges of locally suited best practices.

Recognizing that both EU co-legislators are actively working on the Commission's proposal for an EU Regulation on Nature Restoration, we would like to raise the following key concerns and reflections for improvements. We hope that these can be taken into consideration in order to ensure adequate planning and research is added to the proposed regulation when it comes to forest ecosystems.

Key points:

1. Restoration targets and obligations should be based on the proper assessment of needs for restoration, in line with international commitments and local context, including land availability
2. Non-deterioration targets must be pragmatic
3. Climate change adaptation requirements must be better incorporated in the proposal
4. Forest restoration monitoring and reporting should be scientifically sound and in line with existing monitoring tools and processes
5. Flexibility in the national restoration plans should be strengthened
6. Assessment and provision of financial needs, including for human capacity is essential

1. Restoration targets and obligations should be based on the proper assessment of needs for restoration, in line with international commitments and local context, including land availability

In December 2022, the UN Convention on Biological Diversity agreed on the Kunming-Montreal Global Biodiversity Framework¹. In its second target, this landmark global framework calls for effective measures to be in place for the restoration of degraded ecosystems. As one of the potential key means to fulfill this target, the Nature Restoration Law should be adjusted so that its targets focus on degraded ecosystems, instead of those habitats and ecosystems which are not in need of restoration. In fact, the EU Nature Restoration law proposal does not address what is to be understood by degraded ecosystems in need of restoration measures, and its current restoration targets have been set without a prior assessment of the overall state of ecosystems, among others the ones that are not covered by the Habitats Directive. Consequently, the total area to be restored could cover millions of hectares, requiring extensive human and financial resources to be covered by sources which have not been identified. To ensure cost-effectiveness and to minimize conflicting interests, restoration of areas that are already formally protected should be prioritized, in particular the areas that are not yet in good condition.

Furthermore, the proposal does not consider the possible negative impacts of land use change due to the re-creation of certain habitat types. The latter may lead to negative impacts on neighboring ecosystems or require the destruction of existing habitats (e.g. deforestation). This might lead to questionable trade-offs and prioritization between the different desired ecosystem types and the biodiversity they host. In addition, while improving connectivity is one of the key recommendations of the latest State of EU Nature report², there is no elaborated assessment on whether this is practically possible to achieve in the Europe's human altered landscapes, and if not, what are the implications and consequences.

Ecosystem functions and services are going far beyond biodiversity conservation. Before proceeding with legal obligations, Member States' experts should work together with the Commission in order to perform an overall assessment of the potential social, economic, and environmental impacts of the proposal on sustainable development and delivery of the wide range of ecosystems functions and services. This would cover not only food security, but also resource supplies, leakage effects to other sectors or parts of the world, land availability, mitigation potential, employment, impact on rural areas etc.

2. Non-deterioration targets must be pragmatic

The current proposal includes two provisions, both separately concerning the non-deterioration principle and restoration. Specifically, no-deterioration shall be ensured by Member States on areas that have already achieved a good status, but also on areas that host habitat types listed in Annex I of the Regulation. While the non-deterioration clause would appear as beneficial to ensure that restoration is a cost-effective and progressive procedure, in actuality it might hinder any land management, including sustainable forest management. This sets Member States up to fail before they have started, and increasingly reduces the various benefits of sustainable forest management with every targeted decade of 2030, 2040, and 2050.

¹ UN Convention on Biological Diversity, 2022. Kunming-Montreal Global Biodiversity Framework <https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222>

² EEA, 2020. State of Nature in the EU - Results from reporting under the Nature Directives 2013-2018 <https://www.eea.europa.eu/publications/state-of-nature-in-the-eu-2020>

3. Climate change adaptation requirements must be better incorporated in the proposal

Adaptation of ecosystems to climate change requires a dynamic and flexible approach of the nature restoration actions and targets. Focusing on specific habitat types in fixed areas with predetermined tree species, as derived from the Habitats Directive, is a questionable practice considering natural species succession as well as current changes of natural ranges. The current proposal focuses on reference levels from the distant past in which forest ecosystems were confronted with fewer pressures, including the impact of climate change or wildlife populations. Changing climatic environments will not be beneficial to all habitats that were present 70 years ago in certain locations, nor will be possible to maintain in the long-term.

To ensure future resilience and functionality of forest ecosystems³, the regulation should first and foremost focus on adapting ecosystems to climate change and securing the existence of habitats in these new conditions. A certain level of flexibility is necessary when adapting the restoration measures in order to keep forests thriving despite ongoing climate change, as it will be climate-adapted ecosystems which will have the potential for a long-term sustainable habitat provision.

In that sense, the goals of restoration should not be narrowed down to only biodiversity-related proxy indicators, as suggested in Article 10. Potential trade-offs with other ecosystem services need to be considered (e.g., potential increase of forest fire risk with deadwood, vertical structure and landscape connectivity⁴). In that regard, it is essential that the currently proposed indicators for forest ecosystems are replaced with indicators that better reflect the forest diversity at landscape level, including their functional diversity, in line with national and local circumstances. Enough flexibility must be given to forestry science and practice to manage forests in the best way to keep them thriving for centuries to come.

4. Forest restoration monitoring and reporting should be scientifically sound and in line with existing monitoring tools and processes

The proposed cycle for forest monitoring is rather short when compared to the real lifetime span of forest ecosystems and their comparatively slow response time to changes. Their long-life cycles (much longer than the politically set goals), require longer periods to observe any reliable trends. Depending on the type of indicator, forest monitoring should be carried out every 5 to 10 years, and in any case according to scientific recommendations and monitoring tools existing at the international, national or regional levels. Furthermore, the evolution of indicators does not necessarily always depend on human actions and can be strongly impacted by biotic or abiotic crises, the impacts of climate change, wildlife population imbalances, etc. Policy demands should, at all times, be coordinated with existing inventories and scientific knowledge.

5. Flexibility in the national restoration plans should be strengthened

National restoration plans can provide the appropriate environment for successful restoration efforts based on the conditions and needs in the different forest ecosystems of each country. However, according to the current formulation of the restoration legislative proposal, the design of these plans is governed in too much detail. The number and scope of the delegated acts and the overall role of the European Commission in the context of restoration that are currently inherent in the proposal, reduce and impair the scope of flexibility and independence of Member States from acting on their

^{3,4} the EU-funded projects MERLIN, REST-COAST, SUPERB, WaterLANDS and PONDERFUL, 2022. Comments on the draft Nature Restoration Law compiled by the EU-funded projects.

<https://cdn.sanity.io/files/34jdpbeg/production/7a3a82dd75430f9cf593d45dabd6f3cca52654f5.pdf> (page 5)

natural ecosystems that are geographically distinct. The final proposal must be sufficiently flexible and complete so that it will allow for Member States tailored prioritization of local restoration actions as well as for better society and stakeholders' engagement.

6. Assessment and provision of financial needs, including for human capacity is essential.

European forest owners and managers support the idea of establishing a permanent dedicated EU Nature Restoration Fund. Additionally, an adequate identification of the gaps between available and needed funds, including estimated staff capacity for the implementation, monitoring, management, and control of restoration measures is crucial.

Furthermore, we deem crucial to maintain support to restoration measures taken, even if all efforts might not bear immediate positive results. Non-fulfillment of the restoration objectives can be bound to many reasons, such as climate change and other disturbances or other valid reasons. Nature restoration activities will entail trial and error but that does not mean it is a complete failure. Even proven methodologies sometimes fail without an obvious explanation, and other approaches must be tested and implemented. Potential financial uncertainty cannot become an additional burden or barrier for those who should implement restoration.

Finally, it must be clear that any and all measures taken, including the establishment of the national restoration plans and subsequent restoration measures, need to be in accordance and with complete involvement of the affected land-/forest-managers and land and forest owners. Any potential negative effects (e.g. management changes) need to be compensated adequately.

European forest owners and managers are aware of the challenges posed by different sources of pressure and are already taking various practical actions to address them. We hope that their expertise and demands will be adequately recognized by the EU Nature Restoration Law.

Signatories:

CEPF – Confederation of European Forest Owners

Copa-Cogeca – European Farmers and Agri Cooperatives

ELO – European Landowners' Organization

EUSTAFOR – European State Forest Association

FECOF - European Federation of Forest-Owning Communities

UEF – Union of European Foresters

USSE – Union of Foresters of Southern Europe