

EUSTAFOR's policy asks¹ for the European Parliament's Position on the EU Nature Restoration proposal

The European State Forest association (EUSTAFOR), that speaks in a united voice of 37 European State Forest Management Organizations (SFMOs) across the EU and the pan-European region, considers the new EU Nature Restoration Law to be an important instrument to address biodiversity loss across Europe and set measures to reverse negative trends therein, provided the new law will be built on verified data and will set realistic targets, such as effective implementable restoration plans prepared at member states (MS) level to address areas in need of restoration.

EUSTAFOR comments are based on the COM ENVI draft report and proposed amendments. We welcome the engagement of MEPs on this important topic; however, we list below our requests, recommendations and concerns on the approaches envisaged so far.

1. **Clearly define what needs to be restored based on evidence and set realistic targets, with appropriate funding for member states to achieve the targets.**

EUSTAFOR is strongly convinced that effectively addressing biodiversity losses needs to ensure the NRL uses credible sources to define what needs to be restored. EUSTAFOR regrets that the proposed restoration targets are set without a prior assessment of the overall state of the ecosystems and the actual need for restoration, especially, but not only, for forest ecosystems that are not covered by the Habitats Directive's annexes. Namely, according to the draft COM ENVI Report, the target is to **put in place, without delay, effective and area-based restoration measures which shall cover, by 2030, at least 30% of the Union's land and sea areas**. This means that an area to be restored could cover millions of hectares, requiring extensive human resources and restoration costs of billions of euros to be covered by sources which have not been well-identified. The best way forward would be to first define clearly what needs to be restored using clear definitions of 'restoration', quantify the area in need of restoration, and only then set the targets so as to indicate the necessary resources to implement them.

Equally, there is a need to ensure MS can credibly commit to the realistic timescales and the scope of the NRL with clear criteria to measure the implementation progress. In this context, EUSTAFOR welcomes the rapporteur's proposal to identify the gap between available and needed funds, including estimated staff capacity for the implementation, monitoring and management of restoration measures. Unfortunately, the Commission proposal almost completely omits that assessing and securing the funds will be essential for a successful implementation of the Restoration law.

¹ Any statement in this document is to be considered as a reflection of the best available professional expertise and does not necessarily reflect the political commitments of individual member states.

2. Policymakers need to ensure there is a proper impact assessment on land availability across the European Union

One of the proposed goals of restoration is reaching favorable reference areas (FRAs) for habitats. So far, it is not known whether all the FRAs combined will be accommodated on the land available for natural ecosystems in the EU. There is neither an assessment available whether certain trade-offs or prioritizing of certain habitat types might be needed especially since the re-creation of one habitat type might require destruction of another one (e.g., deforestation). Furthermore, the connectivity between protected areas and habitat types under Annex 1 has been brought up in several AMs. While improving connectivity is indeed one of the key recommendations of the latest State of Nature in the EU Report², there is no elaborated assessment on whether this is practically possible to achieve in the EU's human altered landscapes, and if not, what are the implications and consequences for such situations. In this regard, EUSTAFOR asks MEPs to carefully set these targets and reject amendments on Art 4 (para 10 – point a) proposing that MS shall ensure reaching 100% of good condition until FRAs for each habitat in each biogeographic region are reached. Unless this can be confirmed as scientifically and technically possible, the target should not be adopted.

3. Restoration goals should also consider the climate change adaptation needs.

While climate change impacts are somewhat recognized by the proposal, this is unfortunately not the case with the need for adaptation to climate change. Namely, according to AMs submitted to Art 4 (paras 8 and 9), only climate change impacts are to be recognized as valid causes of habitat transformations. Such an approach is not acceptable knowing that due to climate change, habitats are shifting therefore the adaptation of ecosystems is essential to ensure their future resilience and functionality in the first place³. Hence, EUSTAFOR suggests that next to climate change impacts, Art. 4 should acknowledge climate adaptation needs as a valid reason of habitats transformations as well, including in their 'nateness' context.

Equally, restoration measures may have an impact on carbon emissions, for example, rewetting peatlands or redesigning damaged peatland may lead to the restoration of the habitat but could have negative short term carbon impacts which will need to be considered.

EUSTAFOR would also reiterate⁴ that the Restoration Law proposal is narrowly focused on historic reference levels where forest ecosystems were confronted with far fewer pressures, including the impact of climate change. It is very questionable how much flexibility, which is necessary to create resilient and climate change adapted forests, is given by aiming to establish habitat types with predetermined tree species as in the Habitats Directive. The current and future climate will not be beneficial to all habitats that were present 70 years ago in certain locations, nor is it possible to maintain all those habitats, no matter which actions are taken. Limiting the possibilities of adapting

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

³ [Comments on the draft Nature Restoration Law compiled by the EU-funded projects MERLIN, REST-COAST, SUPERB, WaterLANDS, PONDERFUL](#) (page 5)

⁴ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12596-Protecting-biodiversity-nature-restoration-targets-under-EU-biodiversity-strategy/F3325626_en

forest ecosystems in order to achieve a proper condition of habitats and species that currently occur or have occurred in the past, may result in dynamic negative processes, including large-scale forest dieback (e.g., spruce and pine forests) - as a result of ruthless adherence to tree species currently forming the forest's natural habitats, but not adapted to new, constantly changing climatic conditions. The focus should be more on climate change and securing the existence of habitats in these new conditions.

4. The Restoration law should encourage trials and new methodologies which can help restore habitats and increase our knowledge.

EUSTAFOR believes that we do not have all the answers or the methodologies available today to help restore habitats. The restoration law should encourage trials and scientific enquiries and EUSTAFOR opposes measures which focus only on restoration results and not on restoration measures. Namely, in Article 4 (paras 8 and 9) the rapporteur suggests not to count derogations (even those due to climate change impacts and natural disturbances) towards the fulfilment of the objective, and furthermore proposes that all public funds used in such cases are to be returned. This seems extremely counterproductive since nature restoration will probably entail a certain trial and error but that does not mean that such initiatives are a complete failure. Being obliged to return funds because of the climate change or because the applied methodology proves to be inadequate, will hamper innovations and become an additional burden for those who should implement restoration.

5. Specific comments on Art. 10 Forest Ecosystems

While EUSTAFOR acknowledges that high biodiversity and site adapted forestry are important means to strengthen resilience, the goals of restoration should not be narrowed down only to 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 connectivity)⁵. In that regard, we suggest that COM ENVI's suggestion in the draft report to add native tree species composition as one of the indicators is considered at a landscape level, taking into account also the need for forest diversity adapted to climate change, including their functional diversity.

EUSTAFOR also notes that the currently proposed cycle for forest monitoring of three years is rather too short and should be changed to an interval of at least between 5 and 10 years depending on the type of indicator and in any case, according to the monitoring tools existing at country level. The evolution of these indicators does not necessarily always depend on human actions and can be strongly impacted by biotic or abiotic crises, the impact of climate change, forest and game imbalances, etc. Policy demands should, at all times, be coordinated with existing inventories and scientific knowledge.

Furthermore, EUSTAFOR draws attention to the idea of incorporating the pledge of planting 3 billion trees within the Restoration law, hence making it a legal obligation.

⁵ [Comments on the draft Nature Restoration Law compiled by the EU-funded projects MERLIN, REST-COAST, SUPERB, WaterLANDS, PONDERFUL](#)

This is problematic since the pledge did not take into account concerns of forest managers in terms of availability of the land, spatial planning aspects, availability of certified seeds and planting material, and future management needs of planted areas, etc. In addition, the pledge refers to numbers of trees that are to be planted in addition to the regular forest management, hence not having capacities of forests nurseries properly analyzed. That will mean either creating new forests or planting in urban areas. Even though EUSTAFOR supports general forest land expansion through afforestation of, among others, marginal and unproductive land, we wish to draw the attention to the need of a proper coordination of afforestation programs with restoration goals for other ecosystems.

Similarly, EUSTAFOR draws attention to the rapporteur's proposal to incorporate strict protection of (old-growth) forests into this proposal (the added Art 10 b). The feasibility of a goal of restoration of OGF is problematic both from the merits point of view and in the context of proposed deadlines. We wish to recall that imposing a legal obligation to strictly protect probably a vast amount of such forests poses a risk in terms of long-term sustainability, productivity, health and resilience of forests in question.

6. Restoration goals need to take account of wider socio-economic aspects to the proposal

The Kunming-Montreal Global Biodiversity Framework recognizes that restoration is also about restoring ecosystem functions and services. EUSTAFOR regrets that this aspect has not been taken on board by the EU policymakers. It is clear from the amendments (AMs) tabled to the draft ENVI Report⁶ that while ecological integrity and connectivity have been recognized, ecosystem functions and services are ignored. Furthermore, the Kunming-Montreal framework argues that adequate means of implementation, including financial resources, capacity-building, technical and scientific cooperation, and access to and transfer of technology is required to fully implement the framework. Unfortunately, until now, the EU's Nature Restoration proposal has not acknowledged much the socio-economic aspects when it comes to land-use sector.

EUSTAFOR believes that before proceeding with accepting legal obligations, Members States' experts together with the Commission should make an overall assessment of the potential impacts of the proposal on sustainable development, including not only food security, but also resource shortages, leakage effects, land availability, employment, etc. Based on such an assessment, the EU could develop a forward-looking land-use strategy that will take into account economic, social, environmental, as well as different regional considerations. EU forests are already addressed by a plethora of different EU and national policies and having too many goals across a number of areas makes it hard to choose between different needs and interests. A straightforward and clear land-use strategy would facilitate long-term planning, including the necessary restoration measures. Therefore, EUSTAFOR urges MEPs to recognize this issue, and support restoration that will deliver climate resilient ecosystems, while supporting biodiversity and providing ecosystem services to the society.

⁶[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/0195\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/0195(COD)&l=en)

Concluding remarks

To conclude, EUSTAFOR underlines that the ultimate goal of forest-related policies in the EU should be to promote sustainable and multifunctional management of forests, respecting all three pillars – environmental, economic, and social. Sustainable forest management is enshrined in the Member States' national forest laws and international commitments and are subsequently confirmed by already existing private certifications systems. Therefore, related EU legislation should only be complementary and based on the principle of subsidiarity. Whether and how certain aspects of sustainable forest management, such as restoration, could be improved should be first subject to silvicultural research and then well-informed policy decisions.

EUSTAFOR wishes to draw the decision-makers' attention to the fact that setting increasingly ambitious restoration goals may bear a risk of reducing sustainable forest management and related production of timber and other forest-based products in the EU. The EU policymakers should avoid creating EU legislation which will restrict access to domestically produced forest products in the EU, while increasing imports from countries and regions where SFM practice cannot be guaranteed, thus potentially accelerating the processes of global deforestation, desertification, soil degradation.

European state forest organizations are aware of the challenges posed by different sources of pressure and are already taking various practical actions to address them. EUSTAFOR hopes that the expertise of state forest managers as custodians of Europe's public forests will be adequately recognized in the upcoming national restoration plans.