

10 legal reasons to vote in favour of the EU Nature Restoration Law

SERE Legal Working Group | March 2024

The EU NRL provides a holistic approach and legal clarity

1. General restoration obligations for endangered habitats, species and water already exist in several international, European, and national laws, and can already be enforced on an ad hoc basis. The EU Nature Restoration Law (EU NRL) provides a holistic framework in which these efforts and obligations can be aligned in National Restoration Plans, allowing for a more tailored, integrated, and specific approach to restoration. The EU NRL will supplement existing gaps in EU biodiversity law. It will allow for better alignment with other economic interests instead of a less coordinated and more ad hoc approach. In other words, the National Restoration Plans can unite an otherwise fragmented and complex legal landscape.

The EU NRL is not about returning to a past, but is about restoring a livable future

2. The EU NRL focuses on the restoration of resilient ecosystems. It does not oblige Member States to return to the past, but on the contrary, gives the opportunity to restore the degraded environment to a livable future. It is not so much about recreating 'lost nature', but rather about opening up a trajectory towards a more climate-adaptive environment, both for man and nature.

The EU NRL allows for flexibility

3. The Trilogue compromise adopted in November 2023 answered all the concerns raised by Member States. The compromise text is far from being a radical proposal. The non-deterioration clauses are now limited to significant deterioration and are reduced from an obligation of result to an obligation of means with derogations for projects or plans of overriding public interest and the possibility for adoption at the biogeographic region scale instead of the site level scale. Various exceptions have been added to facilitate further flexibility. The compromise text fully allows Member States to adapt the implementation of the law to their national context in close cooperation with all the relevant stakeholders.

Non-deterioration of restored nature is essential in any environmental law

4. In light of the existing biodiversity crisis, further degradation of nature must be avoided. Though weakened in the current version of the law, non-deterioration clauses for restored areas in the EU NRL are essential as in any environmental law and good governance and are sensible from an economic standpoint: it is logical that the efforts to restore nature should not be undone by letting nature deteriorate afterwards. In many Member States, the existing national nature conservation laws or even the Constitution already contain similar non-deterioration clauses, which underlines the importance of this standstill-approach.

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The EU NRL is necessary to unlock current and future lockdowns

5.

Nature restoration is crucial in solving systemic problems, such as the nitrogen crisis, water quality issues, loss of sustainable agriculture etc. For many of these issues, binding targets already exist within EU environmental law, ranging from 2027 (water quality) to 2050 (climate change). By restoring degraded nature, ecosystems become more resilient and can absorb more environmental stressors compared to the existing scenario, where ‘every inch of nature counts’. The law thus offers the opportunities to tackle environmental problems comprehensively – solving current and preventing future lockdowns.

The EU NRL has no tangible impact on permit procedures

6.

The EU NRL does not require the application of new permit procedures for plans and projects and it will not tighten up existing permitting procedures.

The EU NRL is necessary for the implementation of international commitments

7.

The EU NRL plays a crucial role in the EU's compliance with its obligations and commitments under international law, including the Kunming-Montreal Global Biodiversity Framework and the Paris Agreement, which all Member States signed. What moral authority has the EU left to ask developing countries not to clear their forests, grasslands and swamps when we produced such an impact and now vote down a crucial step to implement the restoration targets set out in these international agreements?

The EU NRL is essential for restoring ecosystem services

8.

Numerous reports and impact analysis reports have demonstrated the positive impact of nature restoration, such as improved wellbeing, public health, and maintained ecosystem services. Healthy ecosystems are a key asset to foster our collective resilience to climate risks, in urban as well as rural areas. We need healthy ecosystems to preserve our own economic prosperity and safety. Additionally, they show an overwhelming positive cost-benefit ratio, precisely because of these co-benefits. The EU NRL will create jobs and economic activity as it entails active changes in land and water management and as EU funds will be allocated to restoration in both urban and rural areas in all Member States. Thus, the EU NRL can contribute to the attainment of legal principles that support the well-being of current and future generations, such as intergenerational equity and sustainable development.

The EU NRL is indispensable to fulfil the governments’ human right obligation of duty of care

9.

Under existing human rights law, governments have a binding duty of care for their citizens to protect them against the impacts of climate change, hazardous pollution and severe environmental degradation. Nature restoration is an indispensable element of this protection duty as it will help to protect people from floods and wildfires, and mitigate the impact of heat waves and droughts (see recent [EEA report on Climate Risk Assessment](#)). The EU NRL is to be seen as a further operationalization of these existing protection duties. The EU NRL also fulfills the duty to act in a state of emergency, in line with a European Parliament Resolution of 28 November 2019 on the climate and environment emergency, in which it urged the other EU institutions, the Member States and all global actors to urgently take the concrete action needed in order to fight and contain climate change and avoid massive biodiversity loss.

Concluding the legislative process is a matter of good governance and democracy

10.

The European Parliament has voted twice in favour of the EU NRL, as did the Council in November 2023. The Council can show good governance if it is consistent and reliable in decision-making procedures by respecting the outcomes of the Trilogue and democratic voting. As president of the Council, Belgium is responsible for facilitating the final formal step in approving the EU NRL.