



Brussels, 1 December 2023 COM (2023)

2023/001 (MEUC)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

ON NATURE RESTORATION

(EU NATURE RESTORATION LAW)

Edited for the Model European Union Conference

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) It is necessary to lay down rules at Union level on the restoration of ecosystems to ensure the recovery to biodiverse and resilient nature across the Union territory. Restoring ecosystems also contributes to the Union climate change mitigation and climate change adaptation objectives.
- (2) The European Green Deal¹ has set out an ambitious roadmap to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, aiming to protect, conserve and enhance the Union's natural capital, and to protect the health

¹ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal, 11.12.2019 (COM (2019) 640 final).

- and well-being of citizens from environment-related risks and impacts. As part of the European Green Deal, the Commission has adopted an EU Biodiversity Strategy for 2030².
- (3) The EU Biodiversity Strategy for 2030 aims to ensure that Europe’s biodiversity will be put on the path to recovery by 2030 for the benefits of people, the planet, the climate and our economy. It sets out an ambitious EU nature restoration plan with a number of key commitments, including a commitment to put forward a proposal for legally binding EU nature restoration targets to restore degraded ecosystems, in particular those with the most potential to capture and store carbon, and to prevent and reduce the impact of natural disasters. The EU Biodiversity Strategy for 2030 sets out a commitment to legally protect a minimum of 30 % of the land, including inland waters, and 30 % of the sea in the Union, of which at least one third should be under strict protection.
 - (4) The Union has not yet managed to stem the decline of protected habitat types and species whose conservation is of concern to the Union. That decline is caused mostly by abandonment of extensive agriculture, intensifying management practices, urbanisation and pollution as well as unsustainable forestry activities and species exploitation. Furthermore, climate change represents a major and growing threat to native Union flora and fauna.
 - (5) It is appropriate to set an overarching objective for ecosystem restoration to foster economic and societal transformation, the creation of high-quality jobs and sustainable growth. Biodiverse ecosystems deliver, if in good condition, a range of essential services, and the benefits of restoring degraded ecosystems to good condition far outweigh the costs of restoration. Those services contribute to a broad range of socio-economic benefits.
 - (6) Securing biodiverse ecosystems and tackling climate change are intrinsically linked. Nature and nature-based solutions, including natural carbon stocks and sinks, are fundamental for fighting the climate crisis. At the same time, the climate crisis is already a driver of terrestrial and marine ecosystem change, and the Union must prepare for the increasing intensity, frequency and pervasiveness of its effects.
 - (7) The Union pursues the binding objective of climate neutrality by 2050, prioritises swift and predictable emission reductions and, at the same time, enhance removals by natural sinks. The restoration of ecosystems can make an important contribution to maintaining and enhancing natural sinks and to increasing biodiversity while fighting climate change. In this context, it is important that ecosystems are in good condition in order to be able to effectively capture and store carbon. The Union recognises that cost-effective adaptation to climate change can be achieved by protecting and restoring wetlands and peatlands as well as coastal and marine ecosystems, by developing urban green spaces and installing green roofs and walls and by promoting and sustainably managing forests and farmland. The restoration of ecosystems, coupled with efforts to reduce wildlife trade and consumption, will also help prevent and build up resilience to possible future communicable diseases with zoonotic potential, therefore decreasing the risks of outbreaks and pandemics.
 - (8) Member States should presume plants for the production of energy from renewable sources, their connection to the grid, the related grid itself and storage assets, as being of overriding public interest. Activities having as their sole purpose defence or national security should

² Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030, Bringing nature back into our lives, 20.5.2020, COM(2020) 380 final.

be given utmost priority. Therefore, Member States may when putting in place restoration measures exempt areas used for activities with the sole purpose of national defence if these measures are deemed to be incompatible with the continued military use of the areas in question.

- (9) The EU Biodiversity Strategy for 2030 emphasises the need for stronger action to restore degraded marine ecosystems, including carbon-rich ecosystems and important fish spawning and nursery areas.
- (10) Urban ecosystems provide important habitats for biodiversity, in particular plants, birds and insects, including pollinators. They also provide many other vital ecosystem services, including natural disaster risk reduction and control (e.g. floods, heat island effects), cooling, recreation, water and air filtration, as well as climate change mitigation and adaptation.
- (11) Pollinators have dramatically declined in recent decades. Yet, pollinators are essential for the functioning of terrestrial ecosystems, human wellbeing and food security, by pollinating wild and cultivated plants.
- (12) Sustainable, resilient and biodiverse agricultural ecosystems are needed to provide safe, sustainable, nutritious and affordable food. Biodiversity-rich agricultural ecosystems also increase agriculture's resilience to climate change and environmental risks, while ensuring food safety and security and creating new jobs in rural areas, in particular jobs linked to organic farming as well as rural tourism and recreation. Therefore, the Union needs to improve the biodiversity in its agricultural lands, through a variety of existing practices beneficial to or compatible with the biodiversity enhancement, including extensive agriculture.
- (13) Restoration measures need to be put in place to enhance the biodiversity of agricultural ecosystems across the Union. The obligation to achieve restoration-related targets applies to Member States, not to individual farmers. Restoration and rewetting of organic soils in agricultural use and constituting drained peatlands help achieve significant biodiversity benefits, an important reduction of green-house gas emissions and other environmental benefits. The most significant climate benefits are created by restoring and rewetting cropland followed by the restoration of intensive grassland. Where duly justified, and if rewetting of drained peatland under agricultural use cannot be implemented due to considerable negative impacts on buildings, infrastructure, climate adaptation or other public interests and it is not feasible to rewet peatlands under other land uses, the extent of peatlands to be rewetted may be set lower by the Member States. Funding for measures to restore and rewet drained peatlands and to compensate possible losses of income can come from a wide range of sources, including expenditure under the Union budget and Union financing programmes.
- (14) It is important that Member States prepare detailed national restoration plans based on the best available scientific evidence, on documented records on historic distribution and area, as well as on the projected changes to environmental conditions due to climate change. Furthermore, it is important that the public is given early and effective opportunities to participate in the preparation of the plans.
- (15) To ensure the achievement of the targets and obligations set out in this Regulation, it is of utmost importance that adequate private and public investments are made in restoration.

Member States should integrate expenditure for biodiversity objectives, including in relation to opportunity and transition costs resulting from the implementation of the national restoration plans, in their national budgets and reflect how Union funding is used. Regarding the Union funding, expenditure under the Union budget and Union financing programmes contributes to biodiversity objectives. A range of EU, national and private initiatives are available to stimulate private financing and offer opportunities to mobilise public and private finance to support inter alia the enhancement of nature and biodiversity.

- (16) According to settled case law of the Court of Justice, under the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union (TEU), it is for the courts of the Member States to ensure judicial protection of a person's rights under Union law. Furthermore, Article 19(1) TEU requires Member States to provide remedies sufficient to ensure effective judicial protection in the fields covered by Union law. Under the Aarhus Convention³ Member States should ensure that, in accordance with the relevant national legal system, members of the public concerned have access to justice.
- (17) Since the objectives of this Regulation cannot be sufficiently achieved by Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

³ 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 2161 UNTS 447, 38 ILM 517 (1999).

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1 *Subject matter*

1. This Regulation lays down rules to contribute to:
 - (a) the continuous, long-term and sustained recovery of biodiverse and resilient nature across the Member States' land and sea areas through the restoration of ecosystems;
 - (b) achieving the Union's overarching objectives concerning climate change mitigation, and climate change adaptation and land degradation neutrality;
 - (c) meeting the Union's international commitments.
2. This Regulation establishes a framework within which Member States shall put in place, effective and area-based restoration measures with the aim to jointly cover, as a Union target, throughout the areas and ecosystems within the scope as defined in Article 2, by 2030, at least 30 % of the land and 30 % of the sea areas and, by 2050, all ecosystems in need of restoration.

Article 2 *Geographical scope*

This Regulation applies to ecosystems referred to in Articles 4 to 10:

- (a) in the territory of Member States, in the coastal waters of Members States, their seabed and their subsoil;
- (b) in waters, the seabed and subsoil on the seaward side of the baseline from which the extent of the territorial waters is measured extending to the outmost reach of the area where a Member State exercises sovereign rights or jurisdiction, in accordance with the 1982 United Nations Convention on the Law of the Sea.

Article 3 *Definitions*

- (1) 'ecosystem' means a dynamic complex of plant, animal, fungi and microorganism communities and their non-living environment, interacting as a functional unit, and includes habitat types, habitats of species and species populations;
- (2) 'habitat of a species' means an environment defined by specific abiotic and biotic factors, in which the species lives at any stage of its biological cycle;
- (3) 'restoration' means the process of actively or passively assisting the recovery of an ecosystem in order to improve its structure and functions with the aim of conserving or enhancing biodiversity and ecosystem resilience; the restoration of ecosystems for the purposes of this Regulation is done through improving to a habitat type to the highest level

of condition attainable and to its re-establishing to favourable reference area, and improving to sufficient quality and quantity of a habitat of a species;

- (4) ‘good condition’ of a habitat type means a state where the its key characteristics of an ecosystem, in particular its physical, chemical, compositional, structural and functions and its typical species or typical species composition a reflect the highest level of ecological integrity, stability and resilience necessary to ensure its long-term maintenance and thus contribute to reaching or maintaining favourable conservation status;
- (5) ‘favourable reference area’ means the total area of a habitat type in a given biogeographical region or marine region at national level that is considered the minimum necessary to ensure the long-term viability of the habitat type and its typical species or typical species composition;
- (6) ‘sufficient quality of habitat’ means the quality of a habitat of a species which allows the ecological requirements of a species to be met at any stage of its biological cycle so that it is maintaining itself on a long-term basis as a viable component of its habitat in its natural range;
- (7) ‘sufficient quantity of habitat’ means the quantity of a habitat of a species which allows the ecological requirements of a species to be met at any stage of its biological cycle so that it is maintaining itself on a long-term basis as a viable component of its habitat in its natural range;
- (8) ‘pollinator’ means a wild insect which transports pollen from the anther of a plant to the stigma of a plant, enabling fertilisation and the production of seeds;
- (9) ‘local administrative unit’ or ‘LAU’ means a low-level administrative division of a Member State below that of a province, region or state;
- (10) ‘urban centres’ and ‘urban clusters’ means territorial units classified in cities and towns and suburbs using the grid-based typology;
- (11) ‘cities’ means LAUs where at least 50 % of the population lives in one or more urban centre;
- (12) ‘urban green space’ means the total area of trees, bushes, shrubs, permanent herbaceous vegetation, lichens and mosses, ponds and watercourses found within urban centres;
- (13) ‘urban tree canopy cover’ means the total area of tree cover within urban centres;
- (14) ‘free flowing river’ means a river or a stretch of river whose connectivity is not hindered by artificial structures forming a barrier and whose natural functions are largely unaffected.
- (15) *Public interest is the welfare and wellbeing of the general public and society on national and EU levels. Public interest should be assumed until proven otherwise in cases of:*
 - (a) *Concrete threat to food security,*
 - (b) *Grave impact on sustainable agriculture,*
 - (c) *Major economic crisis,*
 - (d) *Pandemic,*
 - (e) *Violation of human rights,*
 - (f) *Energy from sustainable sources*
 1. *For the purposes of Articles 4(4) and 5(4), the planning, construction and operation of plants for the production of energy from Sustainable sources as classified in the Regulation (EU) 2020/852 on the establishment of a framework to facilitate sustainable investment. Member States may exempt them from the*

requirement that no less damaging alternative solutions are available under Article 4(4) and 5(4), if a strategic environmental assessment has been carried out. Member States may restrict in duly justified and specific circumstances the application of these provisions to certain parts of their territory as well as to certain types of technologies or to projects with certain technical characteristics in accordance with the priorities set in their national integrated energy and climate plans. Member States shall inform the Commission about applied restrictions and justify them.

- 2. Member States shall put into place measures that aim to compensate for the impairment of river ecosystems resulting from operation of nuclear power plants. Specific requirements are regulated in a directive that ensures cooperation with regard to the protection of cross border biotypes.*

(g) National Defence

- 1. When putting in place restoration measures for the purposes of Articles 4(1) and 5(1), Member States may exempt areas used for activities with the sole purpose of national defence, if these measures are deemed to be incompatible with the continued military use of the areas in question.*
- 2. For the purposes of Articles 4(4) and 5(4), Member States may provide that plans and projects for the sole purpose of national defence, are presumed as being in the overriding public interest. For the purposes of Articles 4(4) and 5(4), Member States may also exempt such plans and projects from the requirement that no less damaging alternative solutions are available.*

Other reasons of public interest need to be anchored in the Charter of Fundamental Rights (CFR) and have to be proven and are not to be assumed.

CHAPTER II

RESTORATION TARGETS AND OBLIGATIONS

Article 4 *Restoration of terrestrial, coastal and freshwater ecosystems*

1. Member States shall put in place the restoration measures that are necessary to improve to good condition areas of habitat types listed in Annex I which are not in good condition. Such measures shall be in place:
 - (a) on at least 30 % by 2030 of the total area of all habitat types listed in Annex I that is not in good condition, as quantified in the national restoration plan referred to in Article 12;
 - (b) on at least 80 % by 2040 and on 100 % by 2050 of the area of each group of habitat types listed in Annex I that is not in good condition, as quantified in the national restoration plan referred to in Article 12.

2. Member States shall ensure that the areas that are subject to restoration measures in accordance with paragraph 1 show a continuous improvement in the condition of the habitat types listed in Annex I until good condition is reached. Member States shall ensure that areas in which good condition has been reached do not significantly deteriorate.
3. Member States shall, no later than by the date of publication of their national restoration plans in accordance with Article 14(3), endeavour to put in place necessary measures with the aim to prevent significant deterioration of areas where the habitat types listed in Annex I occur, which are in good condition or are necessary to achieve the restoration targets set out in paragraph 1.
4. The non-fulfilment of the obligations set out in paragraphs 2 and 3 is justified if it is caused by:
 - (a) force majeure including natural disasters; unavoidable habitat transformations which are directly caused by climate change; or
 - (b) a plan or project of overriding public interest for which no less damaging alternative solutions are available, to be determined on a case by case basis; or
 - (c) action or inaction from third countries for which the Member State concerned is not responsible.

Article 5 *Restoration of marine ecosystems*

1. Member States shall put in place the restoration measures that are necessary to improve to good condition areas of marine habitat types listed in Annex II which are not in good condition:
 - (a) on at least 10 % by 2030 of the total area of habitat types listed in Annex II that is not in good condition, as quantified in the national restoration plan referred to in Article 12;
 - (b) on at least 80 % by 2040 and on 100 % by 2050 of the area of habitat types listed in Annex II that is not in good condition, as quantified in the national restoration plan referred to in Article 12.
2. Member States shall ensure that the areas that are subject to restoration measures in accordance with paragraph 1 show a continuous improvement in the condition of the habitat types listed in Annex II until good condition is reached. Member States shall ensure that areas in which good condition has been reached do not significantly deteriorate.
3. Member States shall, no later than by the date of publication of their national restoration plans in accordance with Article 14(3), endeavour to put in place necessary measures with the aim to prevent significant deterioration of areas where the habitat types listed in Annex II occur, which are in good condition or are necessary to achieve the restoration targets set out in paragraph 1.
4. The non-fulfilment of the obligations set out in paragraphs 2 and 3 is justified if it is caused by:
 - (a) force majeure including natural disasters; unavoidable habitat transformations which are directly caused by climate change; or
 - (b) a plan or project of overriding public interest for which no less damaging alternative solutions are available, to be determined on a case by case basis; or

- (c) action or inaction from third countries for which the Member State concerned is not responsible.

Article 6 *Restoration of urban ecosystems*

1. Member States shall ensure that there is no net loss in the total national area of urban green space, and of urban tree canopy cover in urban ecosystem areas, determined in accordance with Article 11(3), by 31 December 2030 compared to 1 January 2024.
2. Member States achieve thereafter an increasing trend in the total national area of urban green space, including through integration of urban green space into buildings and infrastructure, in urban ecosystem areas, determined in accordance with Article 11(2d), measured every six years after 31 December 2030, until a satisfactory level identified in accordance with Article 11(3) is reached.
3. Member States achieve, in each urban ecosystem area, determined in accordance with Article 11(4) an increasing trend minimum of 30 % urban tree canopy cover, measured every year after 31 December 2030, until the satisfactory level identified in accordance with Article 11(3) is reached.

Article 7 *Restoration of the natural connectivity of rivers and natural functions of the related floodplains*

1. Member States shall make an inventory of artificial barriers to connectivity of surface waters and, taking into account their socio-economic functions, identify the barriers that need to be removed to contribute to the achievement of the restoration targets set out in Article 4.
2. Member States shall remove the artificial barriers to connectivity of surface waters based on the inventory under paragraph 1 of this Article, in accordance with the plan for their removal referred to in Article 12(2), points (e) and (f).
3. Member States shall ensure that natural connectivity of rivers and natural functions of the related floodplains restored in accordance with paragraphs 1 and 2 are maintained.

Article 8 *Restoration of pollinator populations*

Member States shall reverse the decline of pollinator populations by 2025 and achieve thereafter an increasing trend of pollinator populations, measured every three years after 2030, until pollinator populations have risen about 30 % measured in the period from the date of entry into force of this Regulation until 31 December 2030.

Article 9 *Restoration of agricultural ecosystems*

1. Member States shall put in place the restoration measures necessary to enhance biodiversity in agricultural ecosystems, in addition to the areas that are subject to restoration measures under Article 4(1).
2. Member States shall achieve an increasing trend at national level of each of the following indicators in agricultural ecosystems, measured in the period from the date of entry into

force of this Regulation until 31 December 2030, and every three years thereafter, until the satisfactory levels, identified in accordance with Article 11(3), are reached:

- (a) grassland butterfly index;
 - (b) common farmland bird index;
 - (c) stock of organic carbon in cropland mineral soils;
 - (d) share of agricultural land with high-diversity landscape features.
3. For organic soils in agricultural use constituting drained peatlands, Member States shall put in place restoration measures. Those measures shall be in place on at least:
- (a) 30 % of such areas by 2030, of which at least a quarter shall be rewetted;
 - (b) 70 % of such areas by 2040, of which at least half shall be rewetted;
 - (c) 80 % of such areas by 2050, of which at least half shall be rewetted.
4. The restoration measures consisting of rewetting peatland, including the water levels to be achieved, shall contribute to reducing greenhouse gas net emissions and increasing biodiversity, while taking national and local circumstances into account.
5. Where duly justified, the extent of the rewetting of peatland under agricultural use may be reduced to less than required under paragraph 3 by a Member State if such rewetting is likely to have significant negative impacts on infrastructure, buildings, climate adaptation or other public interests and if rewetting cannot take place on other land than agricultural land.

Article 10 *Restoration of forest ecosystems*

1. Member States shall put in place the restoration measures necessary to enhance biodiversity of forest ecosystems, in addition to the areas that are subject to restoration measures pursuant to Article 4(1).
2. Member States shall achieve an increasing trend at national level of each of the following indicators in forest ecosystems, measured in the period from the date of entry into force of this Regulation until 31 December 2030, and every three years thereafter, until the satisfactory levels identified in accordance with Article 11(3) are reached:
 - (a) standing deadwood;
 - (b) lying deadwood;
 - (c) share of forests with uneven aged structure;
 - (d) forest connectivity;
 - (e) common forest bird index;
 - (f) stock of organic carbon.
3. The non-fulfilment of the obligations set out in paragraph 2 is justified if caused by:
 - (a) large-scale force majeure, including natural disasters, in particular unplanned and uncontrolled wildfire; or
 - (b) unavoidable habitat transformations which are directly caused by climate change.

CHAPTER III

NATIONAL RESTORATION PLANS

Article 11 *Preparation of the national restoration plans*

1. Member States shall prepare national restoration plans and carry out the preparatory monitoring and research needed to identify the restoration measures that are necessary to meet the targets and obligations set out in Articles 4 to 10, taking into account the latest scientific evidence.
2. Member States shall quantify the area that needs to be restored to reach the restoration targets set out in Articles 4 and 5. The quantification shall be based, amongst others, on the following information:
 - (a) the total habitat area and a map of its current distribution; the habitat area not in good condition;
 - (b) the favourable reference area taking into account the documented losses over at least the last 70 years and the projected changes to environmental conditions due to climate change;
 - (c) the areas most suitable for the re-establishment of habitat types in view of ongoing and projected changes to environmental conditions due to climate change;
 - (d) the sufficient quality and quantity of the habitats of the species required for achieving their favourable conservation status, taking into account the areas most suitable for re-establishment of those habitats, and the connectivity needed between habitats in order for the species populations to thrive, as well as ongoing and projected changes to environmental conditions due to climate change.
3. Member States shall set, by 2030 at the latest, satisfactory levels for each of the indicators referred to in Articles 6(2) and 6(3), 9(2), 10(2), through an open and effective process and assessment, based on the latest scientific evidence and, if available, the guiding framework referred to in Article 17(4). *In addition, particular consideration is to be made in regard to the economic contributions each ecosystem provides to the member state.*
4. Member States shall determine and map urban ecosystem areas as referred to in Article 6 for all their cities and towns and suburbs.
5. Member States shall identify and map the agricultural and forest areas in need of restoration, in particular the areas that, due to intensification or other management factors, are in need of enhanced connectivity and landscape diversity.
6. Member States shall ensure that the preparation of the restoration plan is open, inclusive and effective and that the public is given early and effective opportunities to participate in its elaboration.

Article 12 *Content of the national restoration plans*

1. The national restoration plan shall cover the period up to 2050, with intermediate deadlines corresponding to the targets and obligations set out in Articles 4 to 10.
2. Member States shall include the following elements in their national restoration plan:
 - (a) the quantification of the areas to be restored to reach the restoration targets set out in Articles 4 to 10 based on the preparatory work undertaken in accordance with Article 11 and indicative maps of potential areas to be restored;
 - (b) a description of the restoration measures planned, or put in place, for achieving the targets and obligations set out in Articles 4 to 10;
 - (c) a dedicated section setting out the measures for achieving the obligations in Articles 4 and 5;
 - (d) the inventory of barriers in accordance with Article 7(1), the plan for their removal in accordance with Article 7(2) and the length of free-flowing rivers to be achieved by the removal of those barriers estimated from 2020 to 2030 and 2050 and any other measures in accordance with Article 7(3);
 - (e) the timing for putting in place the restoration measures in accordance with Articles 4 to 10;
 - (f) the monitoring of the areas subject to restoration in accordance with Articles 4 and 5, the process for assessing the effectiveness of the restoration measures put in place in accordance with Articles 4 to 10 and for revising those measures where needed to ensure that the targets and obligations set out in Articles 4 to 10 are met;
 - (g) an indication of the provisions for ensuring the continuous, long-term and sustained effects of the restoration measures referred to in Articles 4 to 10;
 - (h) the estimated co-benefits for climate change associated with the restoration measures over time, as well as wider socio- economic benefits of those measures;
 - (i) the estimated financing needs for the implementation of the restoration measures, which shall include the description of the support to stakeholders affected by restoration measures or other new obligations arising from this Regulation, and the means of intended financing, public or private, including (co-) financing with Union funding instruments;
 - (j) a summary of the process for preparing and establishing the national restoration plan, including information on public participation and of how the needs of local communities and stakeholders have been considered.

Article 12a *Compensation Mechanism*

1. *The Transformation Cost Compensation (TCC) mechanism shall, in line with the objectives set out in Communication COM(2019) 640 final 19, provide for compensation of exceptional individual costs related to the implementing National Restoration Plans.*
2. *The European Council shall establish a TCC fund for the purpose of providing compensation for implementation costs of Member States in relation to National Restoration Plans. The TCC fund shall provide compensation for:*

- a) *disproportionate losses in revenue incurred through provisions of National Restoration Plans;*
 - b) *extraordinary investments necessitated by provisions of National Restoration Plans;*
 - c) *additional administrative procedures related to the implementation.*
3. *The technical aspects of calculating contributions to and payments from the TCC Fund as well as further specification of the cases laid out in paragraph 2 shall be laid down in separate legislation to be adopted within one year of the entry into force of this Regulation. They shall be proportionate to implementation costs caused by the goals set out in the National Restoration Plans. Implementation costs shall be measured by the following criteria:*
- *Economic criteria*
 - *Geographic criteria*
 - *Administrative capacity*
 - *Social criteria*
4. *¹Funds must be used to achieve the objectives set out in this Ordinance or to compensate for individual losses incurred in achieving these objectives. Should a recipient use the funds inappropriately, the Commission may decide on possible consequences, with the help of a panel consisting of representatives of the Member States. The Commission may decide on further steps at its own discretion. ²The dispersion of the funds is conditional on the fulfilment of the Values of Article 2 TEU and Article 19 I 2 TEU and the fulfilment of recommendations made by the European Semester.*

Article 13 *Submission of the draft national restoration plan*

Member States shall submit a draft of the national restoration plan referred to in Articles 11 and 12 to the Commission by 1 January 2025.

Article 14 *Assessment of the national restoration plans*

1. The Commission shall assess the draft national restoration plans within six months of the date of receipt. When carrying out that assessment, the Commission shall act in close cooperation with the Member State concerned. The Commission may address observations to Member States within six months of the date of receipt of the draft national restoration plan.
2. Member States shall take account of any observations from the Commission in its final national restoration plan.
3. Member States shall finalise, publish and submit to the Commission the national restoration plan within six months from the date of receipt of observations from the Commission.

Article 15 *Review of the national restoration plans*

1. Member States shall review and revise their national restoration plan and include supplementary measures before July 2032 and before July 2042. At least once every two years thereafter, Member States shall review their national restoration plan and, if necessary, revise it and include supplementary measures. The reviews shall take into account progress made in the implementation of the plans, the best available scientific evidence as well as available knowledge of changes or expected changes in environmental conditions due to climate change.
2. Where monitoring in accordance with Article 17 indicates that the measures set out in the national restoration plan will not be sufficient to comply with the targets and obligations set out in Articles 4 to 10, the Member States shall review the national restoration plan, and if necessary, revise it and include supplementary measures. Member States shall publish and communicate to the Commission the revised national restoration plan.
3. If the Commission considers that the progress made by a Member State is insufficient to comply with the targets and obligations set out in Articles 4 to 10, the Commission may, after consultation with the Member State concerned, request the Member State concerned to submit a revised draft national restoration plan with supplementary measures.

Article 16 *Access to justice*

1. Member States shall ensure that members of the public, in accordance with national law, that have a sufficient interest or that maintain the impairment of a right, have access to a review procedure before a court of law to challenge the legality of the national restoration plans and any failures to act of the competent authorities, regardless of the role members of the public have played during the process for establishing the national restoration plan.
2. Member States shall determine what constitutes a sufficient interest and impairment of a right, consistently with the objective of providing the public with wide access to justice. For the purposes of paragraph 1, any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed to have rights capable of being impaired and their interest shall be deemed sufficient.
3. Review procedures referred to in paragraph 1 shall be fair, equitable, timely and free of charge, and shall provide adequate and effective remedies, including injunctive relief where necessary.
4. Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article.

Article 16a *Ensuring access to Justice*

Member States shall establish an electronic recourse on national level for complaints of the citizens in order to ensure the accessibility to justice.

CHAPTER IV

MONITORING AND REPORTING

Article 17 *Monitoring*

1. Member States shall monitor the following:
 - (a) the condition and trend in condition of the habitat types, the quality and the trend in quality of the habitats of the species referred to in Articles 4 and 5 in the areas subject to restoration measures;
 - (b) the area of urban green space and tree canopy cover within urban ecosystem areas determined in accordance with 11(4), as referred to in Article 6;
 - (c) the indicators of biodiversity in agricultural ecosystems and the populations of the common farmland bird species listed as referred to in Article 9(2);
 - (d) the abundance and diversity of pollinator species, according to the method established in accordance with Article 8;
 - (e) the indicators of biodiversity in forest ecosystems listed in Article 10(2);
 - (f) the area and condition of the areas covered by the habitat types listed in Annexes I and II, across their territory.
2. The monitoring in accordance with paragraph 1 shall be carried out at least every three years.
3. Member States shall make public the data generated by the monitoring carried out under this Article.
4. By 2028, the Commission shall adopt implementing acts to establish a guiding framework for setting the satisfactory levels referred to in Articles 6(2), 6(3), 9(2) and 10(2).

Article 18 *Reporting*

1. Member States shall electronically report to the Commission the area subject to restoration measures referred to in Articles 4 to 10 and the barriers referred to in Article 7 that have been removed, on an annual basis, starting from 1 January 2024.
2. Member States shall electronically report the progress in implementing the national restoration plan and progress in achieving the targets and obligations set out in Articles 4 to 10, and the updated inventory of barriers referred to in Article 7(1).
3. Member States shall electronically report the results of monitoring carried out in accordance with Article 17 of this Regulation.

CHAPTER V

FINAL PROVISIONS

Article 19 *Review*

The Commission shall evaluate the application of this Regulation by 31 December 2035.

Article 20 *Entry into force*

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

For the Council

The President

The President

ANNEX I - TERRESTRIAL, COASTAL AND FRESHWATER ECOSYSTEMS – HABITAT TYPES REFERRED TO IN ARTICLE 4(1) AND 4(2)

Wetlands (coastal & inland)

- Coastal and salt habitats
- Wet heaths and peat grassland
- Mires, bogs and fens

Grasslands and other pastoral habitats

- Coastal and dune habitats
- Heath and scrub habitats
- Grasslands
- Dehesas and wooded meadows

River, lake, alluvial and riparian habitats

- Rivers and lakes
- Alluvial meadows
- Alluvial/Riparian forests

Forests

- Boreal forests
- Temperate forests
- Mediterranean and Macaronesian forests
- Mountainous coniferous forests

Steppe, heath and scrub habitats

- Sal and gypsum steppes
- Temperate heath and scrub
- Sclerophyllous scrub (matorral)

Rocky and dune habitats

- Sea cliffs, beaches and islets
- Coastal and inland dunes
- Rocky habitats

**ANNEX II -MARINE ECOSYSTEMS – HABITAT TYPES AND GROUPS OF
HABITAT TYPES REFERRED TO IN ARTICLE 5(1) AND 5(2)**

Seagrass beds

- Atlantic
- Baltic Sea
- Black Sea
- Mediterranean Sea

Macroalgal forests

- Atlantic
- Baltic Sea
- Black Sea
- Mediterranean Sea

Shellfish beds

- Atlantic
- Baltic Sea
- Black Sea
- Mediterranean Sea

Maerl beds

- Atlantic
- Mediterranean Sea

Sponge, coral and coralligenous beds

- Atlantic
- Baltic Sea
- Black Sea
- Mediterranean Sea

Vents and seeps

- Atlantic

Soft sediments (above 1000 meters of depth)

- Atlantic
- Baltic Sea
- Black Sea
- Mediterranean Sea