



The European Union Regulation on Restoring Nature: a glance at some profiles of forestry interest

Il Regolamento dell'Unione Europea sul Ripristino della Natura: uno sguardo ad alcuni profili di interesse forestale

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Abstract: After outlining the main aims and structure of the EU Regulation 2024/1991 of the European Parliament and of the Council of 24 June 2024 on the Restoration of Nature, which came into force on 18 August 2024, the paper focuses on those aspects of the Regulation that are most relevant to forestry and, in this direction, analyses the instruments coined by the measure for the restoration of forest and urban ecosystems.

Key words: EU Regulation; Restoration; Forest Ecosystems; Urban Ecosystems.

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1. THE NOVELTIES INTRODUCED BY THE NATURE RESTORATION REGULATION

The acknowledgement of the growing and unstoppable loss of habitats and plant and animal species, as attested by the Reports prepared by the International Union for Conservation of Nature (IUCN) and by the European Commission, and the now scientifically consolidated awareness of the reciprocal synergy between this *trend* and climate change, have triggered a change of course in the search for possible instruments that, by intervening on biodiversity, can induce beneficial effects on *climate change*.

Hence the turning point in the latest international agreements and EU legislation, the *Kunming-Montreal Global Biodiversity Framework* agreed at the 2022 United Nations conference on biodiversity (COP 15) and the *EU Biodiversity Strategy for 2030, Bringing nature back into our lives*, are emblematic examples, is to abandon the measures aimed at protecting biodiversity and opt in favour of instruments aimed at restoring what has been lost from nature as a result of increasingly devastating human intervention.

At the same time, the European Union has become aware of the need to overcome the

limits intrinsically linked to the instruments used to date, the nature of Soft Law which characterizes its Strategies, and the excessive space reserved for the discretionary choices of the Member States inherent its Directives.

Against this backdrop of the revision of biodiversity policies comes Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 *on the Restoration of Nature and amending Regulation (EU) 2022/869*, entered into force on 18 August 2024.

The Regulation translates into a set of detailed and strict rules, with which the Member States must comply, the directions provided by the *EU Biodiversity Strategy for 2030*, an ambitious and long-term plan for protecting nature and reversing the degradation of ecosystems, which is a core part of the European Green Deal.

The approach is an innovative one: the Regulation directs its action not on species but on ecosystems which are in need of restoration, and all its provisions are aimed at restoring them until a satisfactory degree is achieved.

The restoration measures that the Member States are required to implement fall into two categories. The first one includes restoration measures related to terrestrial, coastal and freshwater ecosystems (Art. 4), and marine ecosystems (Art. 5), in which the habitat types listed in Annex I and Annex II, respectively, are present.

These measures must be implemented starting with the habitats included in the Natura 2000 Network, which must be restored first, and then broadening the view to others located outside it, with the goal of restoring habitats to good status within the percentages and timelines, inside the range from 2030 to 2050, differentiated according to the two macrocategories of ecosystems: terrestrial, coastal and freshwater ecosystems (Art. 4) and marine ecosystems (Art. 5).

The second category of restoration measures contains specific and differentiated restoration measures according to the different areas considered by the Regulation: restoration of urban ecosystems (article 8); restoration of natural connectivity of rivers and natural functions of related floodplains (article 9); restoration of pollinator populations (article 10); restoration of agricultural ecosystems (article 11); restoration of forest ecosystems (article 11).

Finally, the Regulation envisages a cross-cutting measure to be implemented when identifying and implementing restoration measures, both general and specific: the obligation for Member States to contribute to the commitment to plant at least three billion new trees by 2030 at union level.

The Member States shall ensure that their contribution to the fulfilment of this last commitment is achieved in full compliance with the ecological principles, providing species diversity and diversity in terms of age pattern, giving priority to native tree species with the exception, in very specific cases and conditions, of non-native species adapted to the soil, climatic and ecological context and local habitat conditions, which help to promote greater resilience to climate change.

2. THE NATIONAL RESTORATION PLANS

The national restoration plans represent the keystone of restoration actions under the Regulation: the Member States are called upon to set up these plans following the format prepared by the Commission, in strict compliance with the indications provided by the same Regulation and, subsequently, by the future implementing acts of the Commission and under its constant and strict control.

In preparing their national restoration plans, as well as in monitoring progress to-

wards meeting the restoration targets and fulfilling the obligations, Member States benefit from support of European Environmental Agency (EEA).

The national restoration plans cover the period until 2050 and provides for intermediate deadlines corresponding to the objectives and obligations in articles 4 through 13.

The involvement of experts and citizen participation of the public and stakeholders in the preparation of plans are stressed by the Regulation.

The drafting of the national restoration plans is preceded by intensive monitoring activities that the Member States are required to implement within a predetermined timeframe, and in strict compliance with the directions contained in the Regulation and provided by the European Commission supported by the European Environment Agency.

The Regulations contains a set of binding indications (Art. 14) under which the Member States must put in place some preliminary activities: for instance, quantifying and mapping the surfaces of ecosystem which needs to be restored; or setting, through an open and effective process and assessment based on the latest scientific evidence, satisfactory levels for: pollinator populations referred to in Article 10, the indicator referred to in Article 12; each of the chosen indicators referred to in Article 11; each of the chosen indicators referred to in Article 12; urban green areas referred to in Article 8; and (e) urban tree canopy cover referred to in Article 8.

The article 15 of the Regulation gives detailed indications as to the content of the national restoration plans with which Member States must comply, using the uniform format drawn up by the Commission assisted by the Environmental European Agency.

The procedure for the preparation of restoration plans consists of several steps accompa-

nied by a strict time frame: 1) each Member State submits a draft of its national restoration plan to the Commission by 1 September 2026; 2) the Commission assesses the draft national restoration plan within six months of the date of its receipt, acting in close cooperations with the State, and assisted by Environmental European Agency; in this phase the Commission may address its observations on the draft national restoration plan to the State within six months of the date of receipt of it; 3) the State publishes and submits to the Commission the final national restoration plan within six months from the date of receipt of the Commission's observations.

The regulation provides a strict guide on the monitoring that Member States are committed to carry out, at predetermined time intervals, on the state of health of ecosystems subject to restoration measures, reporting its findings to the Commission.

The Commission, in turn, is required to report to the European Parliament and the Council on the results obtained from the application of the Regulation throughout the European Union, on the basis of reports drawn up by the individual Member States: in the light of this the Commission may propose to the European Parliament and the Council amendments to the text of the Regulation.

3. SPECIFIC ADDITIONAL RESTORATION MEASURES FOR FOREST ECOSYSTEMS

As for the other types of ecosystems, also for the forest ecosystems the choice made by the Regulation is to flank the general restoration measures provided for the terrestrial ecosystems by Article 4, with a package of additional measures, provided for in Article 12, titled *Restoration of forest ecosystems*, which the Member States are called upon to implement

in order to strengthen the biodiversity of these ecosystems, taking into account the risks of forest fires.

In the absence of a common method for assessing the state of forest ecosystems that would allow setting specific restoration objectives, the Regulation opts for the choice of two reference elements around which to base the general obligation to improve biodiversity in forest ecosystems, indicated in paragraphs 2 and 3, respectively, of art. 12, and further illustrated by Annex VI to the Regulation, which for each of them, offers the description, and indicates the unit and method of measurement: the common forest bird index and a package of seven other indicators that include standing deadwood; ground deadwood; percentage of uneven-aged forests; forest connectivity; organic carbon stock; percentage of forests dominated by native tree species; tree species diversity.

The first measure, set out in paragraph 2, imposes an obligation on Member States to achieve an upward trend in the *Common Forest Bird Index* at national level, measured between 18 August 2024 and 31 December 2030, and every six years thereafter, until satisfactory levels are reached.

The second additional measure relates to the obligation for Member States to achieve an upward trend at national level of at least six out of seven of the above-mentioned indicators, chosen on the basis of their capacity to demonstrate the enhancement of forest ecosystem biodiversity in the concerned Member State. The trend shall be measured in the period between 18 August 2024 and 31 December 2030, and every six years thereafter, until the satisfactory levels set in accordance with the national restoration plan are reached.

In the light of the Regulation, non-compliance with restoration obligations concerning forest ecosystems is justified if it is due to

large-scale cases of force majeure, including natural disasters, in particular unplanned and uncontrolled forest fires; or unavoidable habitat transformations caused directly by climate change.

The coordination that the Regulation introduces between the formulation of restoration measures by the Member States and the issue of forest fires is interesting, and to be emphasised as positive.

As is well known, the spreading of forest fires has significant negative repercussions on forest ecosystems, not only in terms of loss of biodiversity, but also in terms of further impact on *climate change*, due to the destruction of natural carbon sinks and the release of large quantities of greenhouse gases into the atmosphere.

Consistent with the perimeter of its powers, from which the regulatory competence on forest fires, which is attributed to individual Member States, is excluded, the European Union in the Regulation limits itself to ask Member States to take into account the risks of forest fires on the basis of local circumstances in the planning and implementation of restoration measures needed to strengthen biodiversity in forest ecosystems and in setting satisfactory levels for biodiversity indicators for forests; and to make use of best practices to reduce such risks, in particular in the light of the Commission's guidelines on land-based forest fire prevention, published in 2021.

The reference parameter at which the additional measures are aimed is the *satisfactory conservation status*, defined in accordance to Article 1 of the Habitat Directive. It is up to the Member States, in accordance with Art.14, paragraph 5 of the Regulation to determine, when preparing the national restoration plan, the satisfactory conservation levels relative to each of the indicators concerning forest ecosystems, which they choose from the seven listed in Art. 12. The importance of this

identification operation, which Member States must perfect by the *time limit* of 2030, is evident. As highlighted above, it requires, as does the entire national implementation of the Regulation's provisions, the strategic contribution of adequate professionalism from a scientific point of view, and, in keeping with the directives followed by the most recent international, European Union and national environmental legislation, under the banner of the principle of participation. In this direction, Article 14 requires Member States to conduct the identification of satisfactory levels for the forest indicators through an open and effective process and assessment based on the most recent scientific evidence and, where existing, on the framework for setting satisfactory conservation levels for these indicators, which the European Commission may prepare by means of an implementing Act by 31 December 2028.

4. THE RESTORATION OF URBAN ECOSYSTEMS

The *EU Biodiversity Strategy for 2030*, in the wake of the well-established scientific literature that places urban greening among the Nature Based Solutions, emphasises the need to reverse the tendency to favour the buildings in the competition for the use of city spaces, and to halt the loss of urban green ecosystems. Point 2 of this document drafted by the Commission devotes ample space to the greening of urban and peri-urban areas, highlighting their positive externalities, in terms of both protecting biodiversity and combating climate change: the promotion of intact ecosystems, green infrastructures and nature-based solution should be systematically integrated into urban planning, as well as into the design of buildings and their appurtenances; special attention should be paid to the preservation and expansion of Natura 2000 Sites wholly or par-

tially located in urban settings, which account for fifteen percent of the total area of the Natura 2000 Network.

The Regulation accepts these indications and translates them into binding rules.

The Regulation offers the definition of the urban ecosystem by articulating it in two different benchmarks for different restoration measures: urban green spaces, defined as the total area of trees, scrubland, shrubs, permanent herbaceous vegetation, lichens and mosses, ponds and watercourses in cities, small towns and suburbs; and urban tree canopy cover, defined as the total area of tree cover in cities, small towns and suburbs.

The restoration measures that Member States are called upon to implement in relation to urban ecosystem zones, which they have identified and mapped in all their cities, small towns and suburbs, consist of two steps that must respect a set timeline. Thus, by 31 December 2030, the Member States must ensure that there is no net loss of total national urban green space or urban tree canopy cover in urban ecosystem zones compared to 2024.

Subsequently, starting from 1 January 2031, Member States will have to achieve an upward trend in urban ecosystem areas both in the total national area of urban green areas, also through their integration in buildings and infrastructures, and in the coverage of the urban tree canopy: trends, both of which must be measured every six years starting from 1 January 2031, until they reach the satisfactory level that the Member States themselves are called upon to establish in their restoration plans on the basis of updated scientific evidence.

The increase in urban green area is considered under the Regulation as an important parameter for measuring the enhancement of the capacity of urban ecosystems to provide essential ecosystem services; in turn, increased vegetation cover in a given urban

area facilitates the slowing of water run-off, thus reducing the risk of river pollution due to overflows caused by heavy rainfall, and helps to contain summer temperatures, thus enhancing climate resilience, as well as providing nature with additional space to thrive, and in many cases improving the health of the urban ecosystem. In turn, healthy urban ecosystems are essential for supporting the health of other key European ecosystems, for example by connecting natural areas in surrounding rural areas, improving the health of rivers away from cities, providing a refuge and breeding ground for bird and pollinator

species linked to agricultural and forest habitats, and providing important habitat for migratory birds.

RIASSUNTO

Dopo aver tracciato le linee essenziali delle finalità e della struttura del Regolamento UE 2024/1991 del Parlamento Europeo e del Consiglio del 24 giugno 2024, sul ripristino della Natura, entrato in vigore il 18 agosto 2024, il lavoro pone l'attenzione a quei suoi profili che più sono attinenti alla materia forestale e, in questa direzione, analizza gli strumenti conati dal provvedimento ai fini del ripristino degli ecosistemi forestali e degli ecosistemi urbani.