Nature Restoration Targets: Copa-Cogeca Reflection

Copa and Cogeca have consistently supported the EU’s ambitions of improving and rejuvenating Europe’s biodiversity, and recreating once depleted landscapes that can only improve our soil and water resources for the benefit of all of its citizens. It is for this reason that we would like to share with you some of Copa and Cogeca’s concerns on the future proposal for a “Regulation on Nature Restoration”:

Unrealistic and over-ambitious targets will not achieve the success they attempt to achieve

Whilst it is normal that the restoration targets set for our natural environments should be ambitious, it is also crucial that these targets are achievable with effective and implementable measures, dedicated targeted financial means, and local buy-in for the restoration of habitats and ecosystems. European peatlands, agro-ecosystems, and forests are some of the most heavily impacted and most over-ambitiously targeted habitats in this proposal. Each has goals and aims to restore large swathes of food and wood producing areas to a natural state, in order to achieve the goals of the Biodiversity Strategy and the Green Deal. However, these targets are overly demanding and unrealistic.

Among these targets are the protection of 90% and rewetting 45% of all European “agricultural peatlands by 2050; the restoration of all Annex I agricultural habitats to condition good and all non-Annex I agricultural habitats to Favourable Conservation Status by 2050; and the restoration of all Annex I forest areas and all non-Annex I forest areas to good condition by 2050.

This does not take into account the fact that peatland forests make up approximately 23% of the total growing stock in Finland, and 20% of forest growth and falling in that country. In Ireland, drained peatlands equate to 44% of all agricultural land, or 29% of the total area. The restoration of these lands to conditions not known in the lifetimes of many of their current owners or even for several generations, will have an untold impact upon rural areas.

It will cripple local economies by removing the basic functions in vast areas in rural Europe; and, it will remove farmers and foresters from rural areas where they and their families have often lived for generations, as they will no longer be able to make a sustainable living from their land. As a result, it will effectively make decades of Rural Development Funding redundant and a waste, as this proposal creates a population desert in many regions across the EU. Alongside this, as restoration will likely not be wholly voluntarily sacrificed there is the possibility that this will force Member States to forcibly buy, forcibly protect, and forcibly restore vast swathes of agricultural and forested lands in order to fulfill the EU’s overly ambitious targets. Furthermore, these are contrary to the principles and objectives of the EU’s Long-Term Vision for Rural Areas.

Copa and Cogeca would like to reiterate that when it comes to the targets, one needs to balance ambition with reality and achievability. Likewise, they must allow for the engagement and the full co-operation of those whose land and livelihoods are under question.

Prudent use of EU funding means the creation of a dedicated Biodiversity Funding Mechanism

We are very concerned viewing the impact assessment and the estimated exorbitant projected costs of restoration, and the apparent lack of long-term financial planning of these measures. We note that it is projected that the aggregate costs of the ecosystem restoration will average around 7.4 billion euro per year for the EU27, with France being hit with a 2.1 billion euro bill per year, Spain 1.5 billion euro, and Finland 400 million euro. Likewise, it is noted that the Common Agricultural Policy (CAP) budget shall be utilised to finance some of this over the next decade, with it being projected that 30.885 billion euro will be taken from the European Agricultural Guarantee Fund (EAGF), and 26.513

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1 MTK (2023) Back to the roots - maintaining the productivity and appreciation of soil.

2 Irish Environmental Protection Agency, Johnstown Castle, Ireland
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billion euro being taken from the European Agricultural Fund for Rural Development (EAFRD) to fund restoration. The ambition of the European Commission is for a large portion of the financing of the implementation to come from the CAP measures encapsulated in the new Strategic Plans. We would like it remembered that CAP interventions work best when they are fit to the reality on the ground, that they are mainly voluntary, and expire upon the end of the current CAP period (2027). This is not consistent with a long-term plan for restoration; while it is the European Commission's ambition for the restoration of our natural ecosystems to be long-term and for the benefits to reach our children, and our children's children.

Financing and restoration must be short-, medium-, and long-term if the Green Deal objectives are to be not only achievable but also effective. Likewise, the ambition of restoration is to remove the land that is to be restored from agricultural and forestry use. However, it is the ambition of the European Commission to use the funding used for the Common Agricultural Policy to implement this goal. It is a contradiction in terms to have restored wetlands, dunes, and old-growth forests which are no longer in productive use to be funded by the agricultural policy for Europe. If the ambition is to retransform these areas back into nature, to a form that existed before farmers and foresters began to manage these lands, then it is evident that this is no longer agricultural or forested land. The Common Agricultural Policy budget is already extraordinarily stretched, and farmers and foresters often struggle to make a living due to a variety of factors. Copa and Cogeca thus consider it essential that synergies between funds are ensured in order to achieve this ambition.

It is thus essential that CAP monies are allocated to farmers and foresters for actively managing their land, and to ensure a sustainable food, feed and renewable raw materials production. It is essential to have a dedicated allocation of funds for Nature Restoration. Already, the current MFF promises biodiversity spending to reach 7.5% by 2024, and 10% by 2026, with 100 billion euro being available as a result over the 2021-2027 period. It would be far more prudent for the European Commission to allocate a separate, more targeted, and coherent funding mechanism solely for the promotion of biodiversity in the EU. For this reason, Copa and Cogeca insist that the funding for biodiversity restoration comes from a designated funding mechanism for the long-term restoration of our environment; and to not take monies from the hands of farmers and foresters trying to make a living while already increasing the sustainability of their production, thus undermining their economic sustainability.

**A regulation does not allow for the adequate long-term planning that is needed for restoration**

It is noted that the proposed legislation shall be in the form of a regulation, which is presented as necessary due to the perceived speed at which the correlating restoration law and restoration measures must be implemented. However, nature restoration is envisioned as, and must continue as such, an action-based initiative and not a result based one. This is due to the necessity of sometimes up to 70 years of rehabilitation of a habitat or a species to be fully restored to it's natural condition, if it is even possible to reach this position. As a result, the perceived gained speed of implementation that imposing a regulation as opposed to a more bio-geographically and targeted legislative act like a directive, will be negligible in the long-run.

A directive would allow for Member States to truly tailor a restoration plan for the next 30 years that will engage thoroughness, deliberation, and inherent localised buy-in that can aid in the effective and long-term restoration of nature. Flexibility is needed to allow the recognition of every country's precise needs, conditions, opportunities and starting points. Therefore, more detailed planning and implementation of the Strategy in relation to restoration must take place at the level of the Member States. The key is to choose the right measures for the right places, which underlines the need for case-by-case decisions on restoration programmes which already have highly local characteristics. While it may be argued that this is the purpose of the Nature Restoration Plans, the enshrinement of properly adjudicated, self-determined national restoration laws will have a much greater impact on the ground level than the quick and easy implementation of a supranational regulation.

**The potential impact on private property rights must be taken into account, respected, and mitigated**

The restoration and protection of the European Union's biodiverse ecosystems must be carried out; however, it cannot be at the risk of interrupting or interfering with the property rights of farmers and foresters who will be impacted by these measures. To own the land is to own the soil on it, and with this in mind it must be acknowledged that the private right to property is an indisputable right. The protection of this right must be ensured and considered when legislation is being discussed. It must be explicit in all future plans and implementation measures of the Nature Restoration Law that participation in restoration measures will be on a voluntary basis. Likewise, it is imperative that
the designation of areas to be restored to a natural state will not impinge on the property rights of those landowners who fall within the area or those outside the area.

Alongside this, those farmers and foresters who have land neighbouring areas that are being restored must be likewise protected from price alterations of their land due to the creation of natural areas such as wetlands, dunes, rocky areas, and scrubland in their vicinity. Copa and Cogeca believe that in the event that restoration on large areas is inevitable, farmers and foresters should be offered an equitable buy-out scheme by their Member State, endorsed and supported by the European Commission. Restoration must be a benefit to society at large, and must earn local support and buy-in from the community which it is aimed to alter. It is clear that implementation will be ineffective and inefficient if the issue of property rights and the role they play in local communities are neglected. For this reason, possible violations of property rights need to be assessed, addressed, and financially calculated prior to any legal determination and must always be the last option.

Finally, it is also noted that this proposal intends to use secondary legislation (delegated and implementing acts). This raises the concern that these might be used to go beyond the political agreement reached at the end of the co-legislative process as well as to impose further legally binding targets on Member States. This further raises the concern that the nature restoration targets are being rushed to allow the whirlwind but ill-conceived implementation of the EU’s goals for biodiversity improvement; and that the future targets that will be legally binding for farmers and foresters on the ground will be decided internally without adequate consultation with Member States and stakeholders.