



Council of the European Union
General Secretariat

Brussels, 25 January 2023

**Interinstitutional files:
2022/0195 (COD)**

WK 1060/2023 INIT

LIMITE

**ENV
CLIMA
FORETS
AGRI
POLMAR
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

From: General Secretariat of the Council
To: Working Party on the Environment

Subject: Nature Restoration Regulation: WPE on 1 February 2023 – Presidency Steering Note

Delegations will find attached a steering note prepared by the Presidency with a view to the meeting of the Working Party on the Environment on 1 February 2023.

WK 1060/2023 INIT

LIMITE

EN



Presidency Steering note

Meeting of the Working Party for Environment - 1 February 2022 – Nature Restoration Regulation

The Presidency has prepared this steering note to guide discussions at the WPE meeting on 1 February, focusing on Chapter II, Articles 4, 5 and 6. This steering note has been prepared based on previous comments from Member States and discussions at the WPE and at the Environment Council of 20 December.

New changes build upon and are made to the CZ Presidency compromise text (Rev 1) on Articles 1-10 (document 14884/22, of 18 November 2022) and they are identified in track-changes.

Non-deterioration of habitats and continuous improvement of areas under restoration (Articles 4(6)–4(8), 5(6)–5(8), recital 35)

In the policy debate at the Environmental Council, most Member States expressed that they recognize the need to take steps to avoid deterioration of habitats to achieve the purpose of this regulation while, at the same time, several Member States stressed the need to amend the proposal in order to limit costs, administrative burden, and consequences for land use rights.

In Rev 1, a proposal to amend Articles 4(6)–4(7) and 5(6)–5(7), in order to put more focus on the measures necessary to avoid deterioration, gained support from several Member States. However, some Member States indicated that Articles 4(7)/5(7) are still too strict regarding habitats outside the Natura 2000 network. Some Member States have proposed amendments to change the non-deterioration obligation to a *no net deterioration* obligation, to be applied on biogeographical or national level. A few Member States have proposed to delete Articles 4(7)/5(7), while several others have advocated to keep the non-deterioration obligation, seeing it as essential to achieving the targets of Articles 4/5.

On this basis, the Presidency considers that there is a need for further flexibility but also that it is important not to undermine the principal obligations under Articles 4(7)/5(7) and to maintain the overall structure of the provision. Therefore, the Presidency proposes an amendment to Article 4(8)(c)/5(8)(c) so that derogations can be made not only for projects of overriding public interest but for all plans and projects of public interest, thereby widening the scope of that derogation.

To ensure that such derogations do not undermine the achievement of the targets in Articles 4/5, the Presidency proposes to introduce a requirement to compensate impacts if such plans or projects are authorized.

Force majeure (Article 4(8)(a)/5(8)(a))

In Rev 1, force majeure was exemplified in Article 4(8) (“including natural disasters, in particular unplanned and uncontrolled wildfire”). While the addition of a reference to natural disasters was generally supported by Member States, the specific mentioning of wildfires in Article 4(8) met mixed responses.

The Presidency notes that unplanned and uncontrolled wildfires could be covered by both the general concept of force majeure and the more specific term “natural disasters”, given that they derive from unforeseeable circumstances and can’t be avoided with due care. As noted by some Member States, the prevalence of different kinds of natural disasters varies among Member States. In light of this, the Presidency proposes to abstain from including examples of different kinds of natural disasters in Article 4(8), and instead add relevant examples of natural disasters in recital (35).

Entry into force of the requirement to put in place necessary measures

According to the Commission’s proposal, the non-deterioration requirement shall apply from the time of entry into force of this regulation. Member States have raised concerns that this would leave no time to implement necessary national legislation and/or policy instruments to ensure compliance.

As the proposed non-deterioration requirement would also apply to habitats outside the Natura 2000 network, amendments to national legislation might be necessary to ensure compliance. The Presidency therefore considers it appropriate to allow Member States some time to implement the necessary

measures and considers a period, in line with the time for development of the draft national restoration plans (NRP), of [2] years, to be an appropriate time frame for putting in place the necessary measures according to Article 4(7)/5(7). A corresponding amendment to recital (35) is proposed.

To conclude, the Presidency proposes the following amendments to Articles 4(7)/5(7), 4(8)/5(8) and recital (35):

Article 4 and 5

7. ~~Member States shall, ensure that areas where the habitat types listed in Annex I/Annex II occur do not deteriorate.~~ **Member States shall, no later than 12 years after entry into force of this regulation, put in place necessary measures to prevent deterioration of**

8. Outside Natura 2000 sites, the non-fulfilment of the obligations set out in paragraphs 6 and 7 is justified if it is caused by:

(a) force majeure **including natural disasters, in particular unplanned and uncontrolled wildfire;** or;

(b) unavoidable habitat transformations which are directly caused by climate change; or

(c) a **plan or** project of ~~overriding~~ public interest;

(i) for which no less damaging alternative solutions are available, to be determined on a case by case basis, **and**

(ii) on condition that the Member State takes all measures necessary to compensate the deterioration caused by the plan or project,

In addition for Article 5(8);

(d) action or inaction for which the Member State concerned is not responsible.

Recital 35

(35) It is important that the areas covered by habitat types falling within the scope of this Regulation do not deteriorate as compared to the current situation, considering the current restoration needs and the necessity not to further increase the restoration needs in the future. **Member States should be given adequate time to implement measures to prevent deterioration of areas covered by habitat types outside the Natura 2000 network. Furthermore, it is, however, appropriate to consider the possibility of force majeure including natural disasters, in particular unplanned and uncontrolled wildfire, floods and droughts,** which may result in the deterioration of areas covered by those habitat types, as well as unavoidable habitat transformations which are directly caused by climate change, or as a result of 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, **and subject to compensatory measures,** or of a plan or project authorised in accordance with Article 6(4) of Directive 92/43/EEC.

For discussion:

- Are you in favour of specifying, in Article 4(7)/5(7), that necessary measures to prevent deterioration shall be put in place no later than [2] years after entry into force of this Regulation?
- Are you in favour of the proposed amendments to the derogations in Article 4(8)/5(8)(c) from the obligations in Article 4(6)–(7)/5(6)–(7)?
- Can you accept the proposed deletion in Article 4(8)(a)?

Flexibility between groups of habitats (Articles 4(1) and 5(1))

One Member State, with support from others, has expressed that the grouping of habitat types poses potential challenges in reaching the restoration targets to 2030 in Article 4(1)/5(1) in cases where the area of one of the habitat types within a group is much larger than the area of other habitat types in that same group. Furthermore, several Member States have expressed general concerns regarding the feasibility of reaching the 2030 targets for some groups of habitats.

To provide increased flexibility for Member States between groups of habitats with regard to the 2030 targets, the Presidency proposes the following amendments to article 4(1) and 5(1).

Article 4 and 5

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/Annex II which are not in good condition. Such measures shall be in place ~~on at least 30 % 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, by 2030, on at least 60 % by 2040, and on at least 90 % by 2050.~~

(a) on at least 30 % of the total area of all habitat types listed in Annex I/Annex II that is not in good condition by 2030;

(b) on at least 60 % and by 2050 on at least 90 % of the area of each group of habitat types listed in Annex I/Annex II that is not in good condition by 2040;

as quantified in the national restoration plan referred to in article 12

For discussion:

- Are you in favour of the proposed amendments to Articles 4(1)/5(1), allowing for flexibility between groups of habitats until 2030?

Habitats in unknown condition and a stepwise approach to developing NRPs (Articles 4(4), 4(4bis), 5(4), 5(4bis) and 15)

The proposed Article 4(4bis)/5(4bis) in Rev 1 was recognised by many Member States to be in the right direction, but several Member States expressed concerns that the provision may still require Member States to put in place restoration measures on habitats in unknown conditions before 2030. Based on the comments received so far, the Presidency proposes amendments to Article 4(4bis)/5(4bis) that in practice exclude habitats in unknown condition from the 2030 targets in Article 4(1)/5(1).

The Presidency finds it appropriate that all knowledge gaps are addressed by 2030. However, the Presidency considers that the wording of Article 4(4bis) and 5(4bis) should be adjusted to ensure that the condition for all areas of habitat types is determined by the Member States by 2030, not only that the knowledge gaps are removed.

Some Member States have raised concerns that it would be challenging to meet the 2040 targets if all restoration measures are postponed until after 2030 in habitats where the condition is not known by the time of adoption of the NRP.

The Presidency notes that Articles 4(1)/5(1) apply as soon as a habitat is evaluated and found not to be in good condition, but at the same time, the restoration targets in these Articles are linked to the quantification of areas to be restored presented in the NRP. In the WPE on 9 January and in written comments thereafter, the Presidency has noted that a stepwise approach to developing NRPs has gained support from many Member States. If the Presidency's proposals to exclude habitats in unknown condition and to keep the requirement to ensure that the condition is known for all areas of habitat types in Annex I/II by 2030 both gain support, the Presidency intends to propose an amendment to Article 15 to ensure that Member States present a revised NRP with an updated quantification of restoration requirements under Articles 4(1)/5(1) before the 10-year review required under Article 15(1). The Presidency sees such an update as necessary to ensure that restoration measures are planned as soon as the condition of a habitat is known. However, the drafting of a revised article 15

with regard to knowledge gaps will have to be coordinated with other elements of a stepwise approach.

To conclude, the Presidency proposes the following amendments to address the issue of habitats with unknown status:

Article 4 and 5

~~4bis. For areas where habitat types listed in Annex I are in unknown condition, Member States shall, in addition to the restoration measures in accordance with paragraph 1, put in place appropriate restoration measures on 30 % of the area of each group of habitat types listed in Annex I in unknown condition and ensure, by 2030 at the latest, that the condition is known for all areas of habitat types in Annex I/Annex II all knowledge gaps that do not allow for habitat type condition assessment are removed by 2030 at the latest.~~

For discussion:

- Are you in favour of the proposed amendments to Articles 4(4bis)/5(4bis), including adding a provision in article 15?

Restoration of marine ecosystems (Article 2, 5 and 11(10))

Geographical scope in marine waters (Article 2(b))

Some Member States have raised the need to better align the geographical scope of Article 2(b) with both the United Nations Convention on the Law of the Sea (UNCLOS) and the Marine Strategy Framework Directive (MSFD).

The Presidency recognizes UNCLOS Article 56 *Rights, jurisdiction and duties of the coastal State in the exclusive economic zone*, as the basis for the proposed geographical scope for the NRL, as well as for the definition of marine waters in Article 3(1)(a) MSFD.

Article 56(1)(a) in UNCLOS outlines that the coastal state has *sovereign rights* for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.

Article 56(1)(b) lays out that the coastal states have *jurisdiction* for the establishment and use of artificial islands, installations and structures, marine scientific research and the protection and preservation of the marine environment. The term *exercising* is introduced in Article 56(2) regarding how coastal States shall act with regard to other States.

The Presidency notes that the geographical scope in the COM proposal is only referring to *sovereign rights* as used in Article 56(1)(a), while the definition in MSFD, using *jurisdictional rights*, only refers to jurisdiction as used in Article 56(1)(b). The Presidency recognises that both said provisions in Article 56(1) UNCLOS are relevant for restoration measures falling within the NRL proposal. The Presidency also finds it more correct to use the term *has* instead of *exercises* as Article 2 is outlining the geographical scope of this Regulation, rather than how the coastal States are exercising their rights.

The Presidency has noted that the use of *territory* in Article 2(1) may not be consistent with the notion of territory when used in Articles 4(10)(a)/5(10)(a), 11(2) och 17(1)(g)-(h).

To conclude, the Presidency proposes the following amendments to Article 2(b);

Article 2

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

- (a) in the territory of Member States;
- (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~~ **has** sovereign rights **and jurisdiction**, in accordance with the 1982 United Nations Convention on the Law of the Sea.

Clarifying linkages with the Marine Strategy Framework Directive - Definitions related to Articles 4 and 5 (Article 3(4)-(7))

Several Member States have raised that the linkages to the Marine Strategy Framework Directive (MSFD) need to be clarified, in particular in the definitions relevant for Article 5 but also in relation to Annex II and III, which include habitats and species not included in Directive 92/43/EEC.

The Presidency notes that the definitions in Articles 3(4)–(7) are of equal importance for both Articles 4 and 5 and need to include the elements relevant also for marine ecosystems. Following the additions already made in Rev 1 in these definitions relating to the Habitats Directive and the Birds Directive, the Presidency also considers that it is needed to include references to MSFD.

The Presidency proposes the following amendments to Article 3:

Article 3

- (4) ‘good condition’ **of a habitat type** means a state where ~~the~~ **its** key characteristics ~~of an ecosystem, namely,~~ **in particular** its ~~physical, chemical, compositional,~~ structural and functions **and its typical species** **or typical species composition** ~~at state, and~~

~~its landscape and seascape characteristics, reflect the high level of ecological integrity, stability and resilience necessary to ensure its long-term maintenance~~ **and thus contribute to reaching and/or maintaining favourable conservation status according to Article 1, point (e) of Directive 92/43/EEC, where the habitat type concerned is listed in Annex I of that Directive, and, in marine ecosystems, contribute to achieving and/or maintaining good environmental status according to Article 3(5) of Directive 2008/56/EC;**

(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, and all its significant ecological variations in its natural range, and which is composed of the area of the habitat type and, if that area is not sufficient, the area necessary for the re-establishment of the habitat type; **where the habitat type concerned is listed in Annex I of Directive 92/43/EEC, such reestablishment contributes to reaching favourable conservation status according to Article 1, point (e) of that Directive and, in marine ecosystems, such re-establishment contributes to achieve and/or maintain good environmental status according to Art 3(5) of Directive 2008/56/EC;**

(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, **contributing to reaching and/or maintaining favourable conservation status of species according to the Article 1, point (i) of Directive 92/43/EEC for species listed in Annex II, IV or V of that Directive and securing populations of wild bird species covered by Directive 2009/147/EC and, in addition, in marine ecosystems, contributing to achieving and/or maintaining good environmental status according to Article 3(5) of Directive 2008/56/EC;**

(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, **contributing to reaching and/or maintaining favourable conservation status of species according to the Article 1, point (i) of Directive 92/43/EEC for species listed in Annex II, IV or V of that Directive and securing populations of wild bird species covered by Directive 2009/147/EC and, in addition, in marine ecosystems, contributing to achieving and/or maintaining good environmental status according to Article 3(5) of Directive 2008/56/EC;**

For discussion:

- Are you in favour of the proposed amendments of the reference to MSFD in the definitions in Article 3(4)-(7))?

Correction of linkages with the Marine Strategy Framework Directive – (Article 5(4) and 18(5))

In Rev 1, a reference to reporting under the Habitats Directive, Birds Directive and Marine Strategy Framework Directive (MSFD) was added to Article 5(4). Regarding MSFD, a specific reference was made to Article 18.

The Presidency notes that Article 18 in MSFD only concerns interim reporting of progress in the implementation of the programme of measures. The Presidency considers Article 17, that concerns updating of all reporting obligations, more relevant and proposes to change the reference in Article 5(4). The same goes for the corresponding reference in Article 18(5).

Article 5

4. The [...] the habitats of the species referred to in paragraph 3 of this Article, **making use of information reported under Article 17 of Directive 92/43/EEC, Article 12 of Directive 2009/147/EC and Article 17 18 of Directive 2008/56/EC.** Areas where the habitat

~~types listed in Annex II are in unknown condition shall be considered as not being in good condition.~~

Article 18

5. The EEA shall provide to the Commission a Union-wide technical report on the progress [...] and Article ~~18~~17 of Directive 2008/56/EC. The report shall be provided by June 2032 and subsequent reports shall be provided every three years thereafter.

Article 11(10) Preparation of the national restoration plans and cross border cooperation

One Member State has proposed amendments to Article 11(10) as well as additional paragraphs to adequately provide for coherence and consistency of NRPs of different Member States, in particular in cross border marine regions or subregions. The intention of the proposal gained support from some Member States while others raised concerns regarding both the interpretation of the legal obligation to cooperate with third countries as well as on timing and administrative burden. The Presidency notes that many activities in marine waters are transboundary, for example fishery, and it is the same for pressures impacting habitats (nutrients, contaminants, litter and underwater noise). The Presidency recognizes that many of the pressures mentioned above are dealt with through cooperation under current regional and international fora. Bearing in mind the comments from Member States, the Presidency considers that Article 11 on preparation of the NRP could benefit from further clarification regarding the procedure for such cooperation, where the Member State concerned deems such cooperation necessary. However, the Presidency also considers that there can be issues in terrestrial, coastal and freshwater ecosystems that need cross-border cooperation, and in some cases, also with third countries.

There are also several activities, in particular marine, impacting habitats linked to other Community policies, in particular the CFP, but possibly also the CAP, or international agreements which cannot be tackled solely by measures at national level.

Against this background, the Presidency proposes a compromise text that addresses the relevance and possible procedure for consultations also with third parties in cross-border regions or subregions on a voluntary basis.

Article 11

(10) Member States shall, where possible, foster synergies with the national restoration plans of other Member States, in particular for ecosystems that span across borders or where Members States share a marine region or subregion within the meaning of Directive 2008/56/.

(10bis) For the purpose of establishing and implementing national restoration plans, in relation to the restoration and re-establishment of transboundary habitats and habitats of species, Member States may, where practical and appropriate, use existing regional institutional cooperation structures, (such as regional sea conventions), or where relevant other relevant international fora or bilateral cooperation to coordinate actions, including with third countries.

Restoration of urban ecosystems (Article 6, Article 3(10)-(14))

Geographic scope of Article 6

Several Member States have raised questions or made comments and proposals regarding the geographic scope of Article 6.

First of all, the Presidency believes that a separation of the different targets in Article 6, together with text clarifications, are appropriate to clarify which of the targets should be fulfilled at national level or at local level, in other words in each city, town and suburb. To the understanding of the Presidency, Article 6(2) apply on a national level, in contrast to Article 6(1) and 6(2)(a) and (b), which apply for each LAU being either a city or a town and suburb. Therefore, to clarify these differences, the Presidency proposes the following editorial adjustments:

- Division of Article 6(2) into two separate paragraphs; one for the target applying on a national level, one for the targets applying on LAU level.

- Changed place and wording of the phrase “in *all* cities and in towns and suburbs” (proposed wording: “in *each* city and in *each* town and suburb”).

Some Member States have expressed that water areas, for example large lakes, should not be included when calculating obligations under Article 6 to increase urban green space or urban tree canopy cover. In addition to the amendment of “land” to Article 6(2), already made in Rev 1, the Presidency proposes a corresponding amendment:

- Addition of “on land” in the 2050 target for urban tree canopy cover (new Article 6(3)(a)).

Further, the Presidency perceives support among the Member States that the aim of Article 6 should be to ensure restoration of *urban* ecosystems. By contrast, other Articles of this Regulation apply to restoration and non-deterioration of ecosystems which can be found in the entire landscape. The urban green areas/urban tree canopy cover are not intended to be measured in rural areas, which would be the case in several Member States where LAUs extend far beyond more densely populated areas (in other words, even though a LAU meets the criteria of *cities or towns and suburbs*, that LAU can include vast rural areas).

The addition of the concepts urban centres and urban clusters in Rev1 narrowed the geographical scope for Article 6(2)(first part) and for Article 6(2)(a). These additions gained support from some Member States. At the same time, the importance of peri urban nature and the risk of urban sprawl, have been raised in the WPE when discussing the proposal to limit the geographical scope to urban centres and urban clusters.

With this in mind, the Presidency proposes:

- to apply the obligations under Article 6 on the whole LAU area, and
- to add an *optional possibility* (New Article 6(4)) for Member States, to apply the obligations in Article 6 only on a *smaller area inside the LAU*, namely *urban centres, urban clusters and peri-urban areas*.

If a Member State does not find the LAU to represent an appropriate geographical scope for Article 6 and therefore opts for the use of a smaller

area, that area shall include urban centres and urban clusters as well as peri urban areas. Peri urban areas shall be defined by the Member State but shall have a minimum range (from urban centres and clusters) to ensure a not too narrow geographical scope of Article 6 (bearing in mind the value of peri urban ecosystems and the risk of urban sprawl). The maximum range will be the border of the LAU. (New Article 3(12bis)).

During preparation of the NRPs the Member States shall define and present the geographical scope used. (The Presidency awaits comments on the amendments proposed above before drafting amendments in Articles 11 and 12.)

Water elements in urban green space (Article 3(13))

Several Member States have proposed to add water related elements in the definition of urban green space (Article 3(13)).

The Presidency considers that creation and restoration of water elements in urban areas would provide valuable ecosystem services of a similar kind as provided by the elements already included in the definition of urban green space. Therefore, the Presidency proposes to add *ponds* and *watercourses* in the definition of urban green space. This will enable Member States to include inter alia new ponds or open water management systems, when reporting on the increase of urban green space. Ponds and watercourses are elements mentioned in Annex VII (29).

Possibility to use national data (Articles 3(13)-(14))

Member States have made comments on the possibility to use national data when calculating urban green space and also raised questions about how well Copernicus data can be used to calculate/monitor for example urban green space integrated in buildings. In the steering note for the WPE on 11 October, the CZ Presidency presented a compromise proposal for Article 3(13) which was supported by several Member States. Drawing from that compromise proposal, the Presidency finds it appropriate to amend the definitions in both Article 3(13) and 3(14) to enable Member States to use national data that complements Copernicus data.

Quality aspects of urban green space

Some Member States propose that the quality aspects of urban ecosystems should in some way be addressed in NRL, and a few Member States have

also proposed to add quality indicators. However, at the same time several Member States have expressed that the quality to be achieved is something that has to be addressed on a national level. From the discussions at the WPE on the 9 December and from written comments thereafter, the Presidency concludes that a majority of the Member States are of the opinion that quality of urban green space is important but should primarily be addressed at the national level. Against this background and taking into account the difficulties to monitor and assess quality in a standardized way, quality aspects are not included in Article 6 in the Presidency's current proposal.

To conclude, the Presidency proposes the following amendments to Articles 3(13)–(14) and Article 6.

Article 3

(12bis) 'peri-urban areas' means all areas within at least [X] kilometres of urban centres or urban clusters, and located in the same city or the same town and suburb as those urban centres or urban clusters;

(13) 'urban green space' means all **trees, bushes, shrubs, permanent herbaceous vegetation, lichens and mosses, ponds and watercourses**~~green urban areas; broad-leaved forests; coniferous forests; mixed forests; natural grasslands; moors and heathlands; transitional woodland shrubs and sparsely vegetated areas - as found within cities or towns and suburbs calculated on the basis of data provided by the Copernicus Land Monitoring Service as established by Regulation (EU) 2021/696 of the European Parliament and of the Council,~~ **and other appropriate data provided by the Member States;**

(14) 'urban tree canopy cover' means the total area of tree cover within cities and towns and suburbs, calculated on the basis of the Tree Cover Density data provided by the Copernicus Land Monitoring Service as established by Regulation (EU) 2021/696 of the European Parliament and of the Council, **and other appropriate data provided by the Member States;**

Article 6

1. Member States shall ensure, in each city and in each town and suburb, that there is no net loss of urban green space, and of urban tree canopy cover by 2030, compared to 2021 ~~in all cities and in towns and suburbs~~.

2. Member States shall ensure that there is an increase in the total national area of urban green space in cities and in towns and suburbs of at least [3 %] of the total **land** area of ~~urban centres and urban clusters~~ in cities and of towns and suburbs in 2021, by 2040, and at least [5 %] by 2050. ~~In addition Member States shall ensure:~~

~~3. (a)~~ Member States shall ensure, in each city and in each town and suburb,

(a) on land, a minimum of 10 % urban tree canopy cover in urban centres and urban clusters ~~in all cities and in towns and suburbs~~ by 2050; and

(b) a net gain of urban green space that is integrated into existing and new buildings and infrastructure developments, including through renovations and renewals, ~~in all cities and in towns and suburbs~~.

4. By way of derogation from,

(a) paragraphs 1 and 3, Member States may choose to comply with the obligations only within urban centres and urban clusters and peri-urban areas, and

(b) paragraph 2, Member States may choose to ensure that there is an increase in the total national area of urban green space in urban centres and urban clusters and peri-urban areas of at least [3 %] of the total land area of urban centres and urban clusters and peri-urban areas in 2021, by 2040, and at least [5 %] by 2050.

For discussion:

- Do you support the proposal to add a derogation possibility in Article 6 for Member States that do not find that LAUs represent an appropriate geographical scope for Article 6?
- Do you support the proposal to include the concept of peri-urban areas (Article 3(12bis))?
- Are you in favour of adding water elements in Article 3(13)?
- Are you in favour of adding an option to include national data when calculating urban green space and urban tree canopy cover in article 3(13) and 3(14)?