



Miljøministeriet  
Att. Afdelingschef Peter Østergaard Have og kontorchef Charlotte Brøndum

08-05-2023

## Naturgenopretningsforordningen – behov for tilpasninger og mere klar lovgivning

EU-Kommissionen fremlagde sidste år forslag til en naturgenopretningsforordning, der skal sikre en langsigtet genopretning af europæiske økosystemer. Der er gode intentioner i forslaget, men det vil i sin nuværende form have store og utilsigtede konsekvenser for et bæredygtigt skovbrug.

Et bæredygtigt skovbrug, hvor vi vedvarende kan høste af naturens ressourcer, er afhængig af sunde og modstandsdygtige økosystemer. Vi støtter derfor som udgangspunkt initiativer til genopretning af forringede økosystemer i EU. Dog er det vigtigt, at initiativerne gennemføres med forståelse for, at der fortsat er brug for træproduktion til den grønne omstilling, indfrielse af klimamålene og levering af ressourcer og materialer til fremtidens bioøkonomi.

### Skovejernes handlefrihed reduceres markant

Særligt bekymrende er det, at forslaget ikke tager højde for, at en stor del af skovarealet er produktionsskov. De begrænsninger, der potentielt vil blive lagt på driften for at leve op til forordningens krav om god tilstand for habitatdirektivets skovnaturtyper, vil få betydning for skovenes produktionspotentiale og skovejernes handlefrihed i skovdriften.

Det vil få store konsekvenser for bl.a. skovejernes mulighed for at fortsætte bæredygtig skovforvaltning, som er nødvendig for at bevare skovens langsigtede modstandsdygtighed og levere bæredygtige, træbaserede materialer til samfundets behov. Fortsættelsen af bæredygtig skovforvaltning er en forudsætning for at nå målene for bæredygtig udvikling og målene i EU's grønne aftale. Vi kan ikke "spare" os ud af omstillingen fra fossil energi og energitunge materialer. Der vil fortsat være behov for at kunne høste træ fra skovene.

Der er udført en række økonomiske beregninger af forslagets effekter, men vi savner stadig svar på, hvilke konsekvenser forslaget til naturgenopretning vil få for træproduktionen i Europa. Vi har derfor efterlyst yderligere analyser, særligt forslagets konsekvenser for jordbrugserhvervene. Naturgenopretningsforordningen bør målrettes de forringede naturtyper frem for generel naturgenopretning. Det er samtidig væsentligt, at der udarbejdes en analyse af de enkelte landes mulighed for at bidrage inden for en realistisk tidshorisont.

### Uklare definitioner giver grobund for bekymringer

Forslaget indeholder krav om at fastsætte genopretningstiltag for alle naturtyper listet i annex 1 til Habitatdirektivet, som ikke er i "god tilstand", hvilket skal måles op mod et referenceareal. Det er uklart, hvordan størrelsen af referencearealet for de enkelte naturtyper fastlægges, og det er derfor også uklart, hvor store arealer der skal genoprettes eller genetableres til god tilstand for naturtypen. Formodningen er, at en væsentlig del af referencearealet for skovnaturtyperne skal findes i almindelig produktionsskov. Skal en væsentlig del af produktionsskoven efterleve krav om ekstensiv drift, vil det både få betydning for mængden af råtræ til det biobaserede samfund og skovejernes økonomi.

Genopretningsforanstaltninger bør prioriteres inden for Natura 2000-områderne. At målrette genopretningsforanstaltninger mod beskyttede områder sikrer både langvarige fordele ved genopretningsforanstaltninger og hjælper med at undgå mulige modstridende interesser relateret til arealanvendelse. Genopretningsindsatsen for habitattyperne uden for Natura 2000-områderne skal ske i balance med samtidige interesser for at opnå bæredygtig udvikling, herunder afbødning af og tilpasning til klimaændringer, energi, fødevarer og træ til den grønne omstilling.

Yderligere er der i forslaget indføjet særlige sektorrettede naturgenopretningsmål. For skoven er der foreslået en række indikatorer for biodiversitet, hvor der stilles krav om en positiv udvikling på det samlede skovareal. Det er af forslaget uklart, hvordan det skal opgøres.

Det er vigtigt, at forordningen opstiller realistiske mål for naturgenopretning, og at den samtidig bidrager til samfundsøkonomisk genopretning og vækst i landdistrikterne. I denne sammenhæng er respekten for ejerskabsrettigheder essentiel, ligesom forudgående dialog med lodsejerne i alle aktiviteter relateret til restaurering er en forudsætning.

### **Forslag til tilpasning af forordningen**

Vi ser et behov for, at forordningen tilpasses for at sikre en omkostningseffektiv naturgenopretning i balance med skovens øvrige bidrag samfundets grønne omstilling.

Vi har sammen med de øvrige nordiske skovforeninger udarbejdet vedlagte konkrete forslag til ændringer, hvori vi foreslår, at Naturgenopretningsforordningens artikler deles op i to kapitler:

- Et kapitel II, der handler om naturgenopretning, målsætninger og forpligtelser i relation til naturtyper og levesteder for arter under Habitat- og Fugledirektivet, og som indeholder artikel 4 og artikel 5
- Et kapitel II bis, der handler om genopretningsmålsætninger og forpligtelser knyttet til mere generelle økosystem(tjenester), og som indeholder artikel 6, 7, 8, 9 og 10

Derudover foreslår vi, at artiklerne 1, 4, 10 og 11 herefter tilpasses, så der skelnes mellem naturgenopretning i Natura 2000-områderne og øvrige (genopretnings)tiltag for naturen uden for Natura 2000-områderne.

Dansk Skovforening står til rådighed for uddybning af vores forslag.

Med venlig hilsen



**Anders Frandsen**  
Direktør  
Erhvervspolitisk chef

**Tanja Blindbæk Olsen**  
Erhvervspolitisk chef

3048 8450  
2537 1977

[af@danskskovforening.dk](mailto:af@danskskovforening.dk)

3048 8450

2537 1977  
[to@danskskovforening.dk](mailto:to@danskskovforening.dk)



## Nature Restoration Regulation: improving the effectiveness of implementation with a clear legislation

Nordic forest owners welcome the objective to contribute to the recovery of biodiverse and resilient nature across the EU also through well-targeted and cost-effective restoration. Forestry are livelihoods that are based directly on natural resources and ecosystem services, and thus, the good condition of nature is crucial for us.

Despite the important objective of the proposed legislation on Nature Restoration presented by the EU Commission in June 2022, Nordic forest owners are concerned about the development of the positions in both the EU Council and the EU Parliament regarding the Nature Restoration Law (NRL).

The Nordic Family Forestry Alliance would like to put forward the following priorities for the EU Member States and EU Parliamentarians as they prepare for finalization of the position on NRL:

### 1) Increase ambition and focus on ecosystems that need restoration the most – align with CBD (Article 1)

#### Justification:

The focus of the EU Biodiversity Strategy as well as many global efforts on ecosystem restoration, including the CBD, is on restoration of degraded ecosystems. These are ecosystems that have lost their capacity to provide essential ecosystem services, including productive function, and hence are in most need of restoration. The ambition of the legislation should be raised to be aligned with CBD Kunming-Montreal Global Biodiversity Framework which is restoration efforts on 30% by 2030. The high ambition needs to be supported by making the other core parts of the legislation clearer.

#### Amendments:

- amending in Article 1(b)
  - o Achieving the Union's overarching objectives concerning **sustainable development, including** climate change mitigation and climate change adaptation, **as well as energy and food security**;
- amending Article 1(2):
  - o This Regulation establishes a framework within which Member States shall put in place, without delay, effective and area-based restoration measures which together shall cover, by 2030, at least **230** % of the Union's land and sea areas and, by 2050, all ecosystems in need of restoration.

## **2) Improve the structure and readability of the legislation – divide restoration targets and obligations into two chapters (one chapter for Articles 4-5 and another chapter for Articles 6-10)**

### **Justification:**

The two main elements of the proposal are the following: 1) improving the implementation of the Habitats and Birds Directives by setting deadlines for doing restoration and reaching results; and 2) defining new, general restoration targets and obligations for broader ecosystems and areas not covered in the Directives. These two elements have major differences regarding both their background motivation and proposed objectives. Thus, the articles related to these two very different elements should not be put under one and same chapter but instead divided into two chapters. This would make the proposed legislation clearer when it comes to e.g. the relationship between the new Nature Restoration Regulation and the Directives, the coverage of the proposed non-deterioration requirement, reporting and monitoring, and the National Restoration Plans.

### **Amendments:**

- amending the headline of Chapter II:
  - o CHAPTER II, RESTORATION TARGETS AND OBLIGATIONS → CHAPTER II, RESTORATION TARGETS AND OBLIGATIONS **RELATED TO THE HABITATS AND SPECIES OF THE HABITATS AND BIRDS DIRECTIVES**
- adding a new Chapter II bis:
  - o CHAPTER II BIS (new), RESTORATION TARGETS AND OBLIGATIONS RELATED TO **BROADER ECOSYSTEMS**
- putting Articles 4 and 5 under Chapter II
- putting Articles 6, 7, 8, 9 and 10 under Chapter II bis

## **3) Improve efficiency of restoration – focus restoration measures to Natura 2000 sites and re-scope non-deterioration to secure proportionality and alignment with the Habitats (and Birds) Directive (Article 4)**

### **Justification:**

Article 4 is focused on the habitats listed in the Habitats Directive and the species listed in the Habitats and Birds Directives. The EU wide Natura 2000 network has been created to secure these nature values. Thus, the restoration measures should be allocated to Natura 2000 sites to ensure that the most important areas for nature are prioritized in restoration and that resources are used cost-effectively. This would also create the basis for re-scoping the non-deterioration requirements included in Article 4.

Articles 4(6) and 4(7) set rules for non-deterioration. There is already a non-deterioration requirement regarding Natura 2000 sites in the Habitats Directive, Article 6(2). Thus, no new legislation concerning non-deterioration is needed for Natura 2000 sites.

When it comes to areas outside the Natura 2000 network that possibly shall be subject to restoration measures depending on the final content of the Article 4, two different categories have to be distinguished in relation to non-deterioration: 1) areas where restoration has been done; and 2) areas where restoration has not been done or where there is no obligation to do restoration. Article 4(6) should be clarified to be linked to the first category, and Article 4(7) should be deleted. Article 4(7) is not aligned with the Habitats Directive, and it is also against the proportionality principle. The proposed legislation would possibly cover great amounts of areas and thus, create conflicts on areas that are used for e.g. sustainable forest management.

### Amendments:

- amending Articles 4(1), 4(2) and 4(3) by adding references to Natura 2000 sites and Natura 2000 network, e.g. Article 4(1):
  - o Member States shall put in place the restoration measures **in Natura 2000 sites** 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 on at least 30 % of the area of each group of habitat types listed in Annex I that is **situated within the Natura 2000 network** and 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.
- if areas outside the Natura 2000 network shall be subject to restoration measures, amending Article 4(6):
  - o Member States shall ensure that the areas that are **situated outside the Natura 2000 network subject to and where restoration measures has been done** in accordance with paragraphs 1, 2 and 3 show a continuous improvement in the condition of the habitat types listed in Annex I until good condition is reached, and a continuous improvement of the quality of the habitats of the species referred to in paragraph 3, until the sufficient quality of those habitats is reached. Member States shall ensure that areas in which good condition has been reached, and in which the sufficient quality of the habitats of the species has been reached, do not deteriorate.
- deleting Article 4(7):
  - o ~~Member States shall ensure that areas where the habitat types listed in Annex I occur do not deteriorate.~~

### **4) Clarify the purpose of the restoration of other forest ecosystems and respect national differences – focus on internationally agreed indicators (Article 10)**

#### Justification:

Article 10 is focused on restoration of forests ecosystem not covered by the habitat types listed in the Habitat Directive. If the article is meant to cover all forest as defined by FAO, it is important to recognize all pillars of sustainability. Restoration efforts for the habitats outside the existing protected area network shall ensure a full balance with simultaneous interests to achieve sustainable development, including climate change mitigation and adaptation, energy, food security and wood for the acceptable green transition. Supporting ecosystems' capacities to provide multiple ecosystem services should be a core objective for restoration in sites that are located outside the protected area

network. Indicators should, to the extent possible, be based on already existing internationally agreed indicators. Further it shall be recognized that the situations in the Member States are different and hence require more flexibility, taking into account national circumstances.

#### **Amendments:**

- Amending Article 10(1)
  - o Member States shall put in place the restoration measures necessary to **enhance improve the long-term resilience of** biodiversity of forest ecosystems **taking into account national circumstances and practical experiences**, in addition to the areas that are subject to restoration measures pursuant to Article 4 (1), (2) and (3).
- Amending Article 10 (2):
  - o Member States shall achieve an increasing trend at national level of **each of at least three of** following indicators in forest ecosystems, ~~as further set out in Annex VI~~, measured in the period from the date of entry into force of this Regulation until 31 December 2030, **if no lesser than 8 years**, and every ~~three~~ **five** years thereafter, until the satisfactory levels identified in accordance with Article 11(3) are reached.

### **5) Ensure bottom-up approach to national restoration plans and set common reporting (Article 11)**

#### **Justification:**

Restoration of biodiversity is site-bound, and a significant share of Europe's forests are owned by private landowners. Therefore, restoration must be planned and done in cooperation with landowners. The National Restoration Plans must be drawn up as a bottom-up process where the landowners are seen and heard. The landowners must not only be seen as one of the many stakeholders but shall be recognized as the essential partner in the implementation of the restoration plan. Moreover, to ensure common and harmonized reporting it is of outmost importance that all EU Member States use the same methodology for defining favourable reference area. Since the legislation is partly linked to the Habitats and Bird Directives and on the related reporting, it would make sense to use 1992 as a reference year since this is when the Habitats Directive entered into force.

#### **Amendments:**

- Amending Article 11(1):
  - o Member States shall prepare national restoration plans, **in close cooperation with landowners and relevant stakeholders**, 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, **taking into account national and local conditions**.
- Amending Article 11(2) (a) (iii):
  - o the favourable reference area taking into account the documented losses ~~over the least the last 70 years since 1992~~ and the projected changes ~~to environmental conditions~~ due to climate change;
- Amending Article 11(3):

- Member States shall set, by 2030 at the latest, satisfactory levels for each of the indicators referred to in Articles 8(1), 9(2) and 10(2), through an open and **effective inclusive** process and assessment **with the landowners**, based on the latest scientific evidence ~~and, if available, the framework referred to in Article 17(9)~~.
- Amending Article 11(4):
  - 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. **The mapping and identification exercises shall include an informed process for any landowner whose land is being identified.**

### About the Nordic Family Forestry

Nordic Family Forestry (NSF) is a close cooperation between the Nordic forest owners' national organisations founded in 1946. NSF member organisations are Danish Forest Association ([Dansk Skovforening](#)), National Forest Cooperative Organisation in Sweden ([LRF](#)), Central Union of Agricultural Producers and Forest Owners in Finland ([MTK](#)) and Norwegian Forest Owners' Federation ([Norsk Skogeierforbund](#)). Cooperatives [Metsä](#) and [Södra](#) are also members of NSF. The presidency of NSF rotates on an annual basis. Currently Sweden and LRF holds the presidency.

NSF have a common strategy and goals for the EU advocacy and works in close collaboration with Confederation of European Forest Owners ([CEPF](#)) in order to strengthening the common voice of forest owners in Europe. NSF has an EU-policy advisor that works in Brussels as a part of the CEPF-team.

### NSF focal point for Nature Restoration Law

#### Tanja Blindbæk Olsen

Head of Political Department



Danish Forest Association

Rådhuspladsen 16, DK-1550 København V

[danskskovforening.dk](http://danskskovforening.dk)

M: (+45) 2537 1977