

method for monitoring pollinators, to specify the methods for monitoring the indicators for agricultural ecosystems listed in Annex IV to this Regulation and the indicators for forest ecosystems listed in Annex VI to this Regulation, to develop a framework for setting the satisfactory levels of pollinators, of indicators for agricultural ecosystems listed in Annex IV to this Regulation and of indicators for forest ecosystems listed in Annex VI to this Regulation, to set out a uniform format for the national restoration plans, to set out the format, structure and detailed arrangements for reporting data and information electronically to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council<sup>108</sup>.

- (77) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. In addition, the Commission should assess the need to establish additional restoration targets, based on common methods for assessing the condition of ecosystems not covered by Articles 4 and 5, taking into account the most recent scientific evidence.
- (78) 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 of the Treaty on European Union. 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.

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 Union's land and sea areas through the restoration of ecosystems;
  - (b) achieving the Union's overarching objectives concerning climate change mitigation and climate change adaptation;
  - (c) meeting the Union's international commitments.

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<sup>108</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

2. 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 20 % of the Union's land and 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;
- (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, in accordance with the 1982 United Nations Convention on the Law of the Sea.

#### *Article 3*

#### **Definitions**

The following definitions apply:

- (1) 'ecosystem' means a dynamic complex of plant, animal, 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 towards or to good condition, of a habitat type to the highest level of condition attainable and to its favourable reference area, of a habitat of a species to a sufficient quality and quantity, or of species populations to satisfactory levels, as a means of conserving or enhancing biodiversity and ecosystem resilience;
- (4) 'good condition' means a state where the key characteristics of an ecosystem, namely its physical, chemical, compositional, structural and functional state, and its landscape and seascape characteristics, reflect the high level of ecological integrity, stability and resilience necessary to ensure its long-term maintenance;
- (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 species, 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;
- (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 animal which transports pollen from the anther of a plant to the stigma of a plant, enabling fertilisation and the production of seeds;
- (9) ‘decline of pollinator populations’ means a decrease in abundance or diversity, or both, of pollinators;
- (10) ‘local administrative unit’ or ‘LAU’ means a low-level administrative division of a Member State below that of a province, region or state, established in accordance with Article 4 of Regulation (EC) No 1059/2003 of the European Parliament and of the Council<sup>109</sup>;
- (11) ‘cities’ means LAUs where at least 50 % of the population lives in one or more urban centres, measured using the degree of urbanisation established in accordance with Article 4b.3, point (a), of Regulation (EC) No 1059/2003;
- (12) ‘towns and suburbs’ means LAUs where less than 50 % of the population lives in an urban centre, but at least 50 % of the population lives in an urban cluster, measured using the degree of urbanisation established in accordance with Article 4b.3, point (a) of Regulation (EC) No 1059/2003;
- (13) ‘urban green space’ means all 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<sup>110</sup>;
- (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.
- (15) ‘renewables go-to area’ means renewables go-to area as defined in point 9(a) of Article 2 of Directive 2018/2001/EU of the European Parliament and of the Council<sup>111</sup>.

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<sup>109</sup> Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

<sup>110</sup> Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p. 69).

<sup>111</sup> Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency, COM(2022)222 final.

## 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 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.
2. Member States shall put in place the restoration measures that are necessary to re-establish the habitat types listed in Annex I in areas not covered by those habitat types. Such measures shall be in place on areas representing at least 30 % of the additional overall surface needed to reach the total favourable reference area of each group of habitat types listed in Annex I, as quantified in the national restoration plan referred to in Article 12, by 2030, at least 60 % of that surface by 2040, and 100 % of that surface by 2050.
3. Member States shall put in place the restoration measures for the terrestrial, coastal and freshwater habitats of the species listed in Annexes II, IV and V to Directive 92/43/EEC and of the terrestrial, coastal and freshwater habitats of wild birds covered by Directive 2009/147/EC that are necessary to improve the quality and quantity of those habitats, including by re-establishing them, and to enhance connectivity, until sufficient quality and quantity of those habitats is achieved.
4. The determination of the most suitable areas for restoration measures in accordance with paragraphs 1, 2 and 3 of this Article shall be based on the best available knowledge and the latest scientific evidence of the condition of the habitat types listed in Annex I, measured by the structure and functions which are necessary for their long-term maintenance including their typical species, as referred to in Article 1(e) of Directive 92/43/EEC, and of the quality and quantity of the habitats of the species referred to in paragraph 3 of this Article. Areas where the habitat types listed in Annex I are in unknown condition shall be considered as not being in good condition.
5. The restoration measures referred to in paragraphs 1 and 2 shall consider the need for improved connectivity between the habitat types listed in Annex I and take into account the ecological requirements of the species referred to in paragraph 3 that occur in those habitat types.
6. Member States shall ensure that the areas that are subject to restoration measures 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.

7. Member States shall ensure that areas where the habitat types listed in Annex I occur do not deteriorate.
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;
  - (b) unavoidable habitat transformations which are directly caused by climate change; or
  - (c) a project of overriding public interest for which no less damaging alternative solutions are available, to be determined on a case by case basis.
9. For 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;
  - (b) unavoidable habitat transformations which are directly caused by climate change: or
  - (c) a plan or project authorised in accordance with Article 6(4) of the Directive 92/43/EEC.
10. Member States shall ensure that there is:
  - (a) an increase of habitat area in good condition for habitat types listed in Annex I until at least 90 % is in good condition and until the favourable reference area for each habitat type in each biogeographic region of their territory is reached;
  - (b) an increasing trend towards the sufficient quality and quantity of the terrestrial, coastal and freshwater habitats of the species referred to in Annexes II, IV and V to Directive 92/43/EEC and of the species covered by Directive 2009/147/EC.

#### *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 habitat types listed in 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 II 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.
2. Member States shall put in place the restoration measures that are necessary to re-establish the habitat types listed in Annex II in areas not covered by those habitat types. Such measures shall be in place on areas representing at least 30 % of the additional overall surface needed to reach the total favourable reference area of each group of habitat types, as quantified in the national restoration plan referred to in Article 12, by 2030, at least 60 % of that surface by 2040, and 100 % of that surface by 2050.
3. Member States shall put in place the restoration measures for the marine habitats of species listed in Annex III and in Annexes II, IV and V to Directive 92/43/EEC and for the marine habitats of wild birds covered under Directive 2009/147/EC, that are necessary in order to improve the quality and quantity of those habitats, including by

re-establishing them, and to enhance connectivity, until sufficient quality and quantity of those habitats is achieved.

4. The determination of the most suitable areas for restoration measures in accordance with paragraphs 1, 2 and 3 shall be based on the best available knowledge and the latest scientific evidence of the condition of the habitat types listed in Annex II, measured by the structure and functions which are necessary for their long-term maintenance, including their typical species, referred to in Article 1(e) of Directive 92/43/EEC, and of the quality and quantity of the habitats of the species referred to in paragraph 3. Areas where the habitat types listed in Annex II are in unknown condition shall be considered as not being in good condition.
5. The restoration measures referred to in paragraphs 1 and 2 shall consider the need for improved connectivity between the habitat types listed in Annex II and take into account the ecological requirements of the species referred to in paragraph 3 that occur in those habitat types.
6. Member States shall ensure that the areas that are subject to restoration measures in accordance with paragraphs 1, 2 and 3 show a continuous improvement in the condition of the habitat types listed in Annex II 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.
7. Member States shall ensure that areas where the habitat types listed in Annex II occur do not deteriorate.
8. Outside Natura 2000 sites, the non-fulfilment of the obligations set out in paragraphs 6 and 7 is justified if caused by:
  - (a) force majeure;
  - (b) unavoidable habitat transformations which are directly caused by climate change; or
  - (c) a project of overriding public interest for which no less damaging alternative solutions are available, to be determined on a case by case basis.
9. For Natura 2000 sites, the non-fulfilment of the obligation set out in paragraphs 6 and 7, is justified if caused by:
  - (a) force majeure;
  - (b) unavoidable habitat transformations which are directly caused by climate change: or
  - (c) a plan or project authorised in accordance with Article 6(4) of the Directive 92/43/EEC.
10. Member States shall ensure that there is:
  - (a) an increase of habitat area in good condition for habitat types listed in Annex II until at least 90 % is in good condition and until the favourable reference area for each habitat type in each biogeographic region of their territory is reached;
  - (b) a positive trend towards the sufficient quality and quantity of the marine habitats of the species listed in Annex III and in Annexes II, IV and V to Directive 92/43/EEC and of the species covered by Directive 2009/147/EC.

### *Article 6*

#### **Restoration of urban ecosystems**

1. Member States shall ensure 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 area of cities and of towns and suburbs in 2021, by 2040, and at least 5 % by 2050. In addition Member States shall ensure:
  - (a) a minimum of 10 % urban tree canopy cover 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.

### *Article 7*

#### **Restoration of the natural connectivity of rivers and natural functions of the related floodplains**

1. Member States shall make an inventory of barriers to longitudinal and lateral connectivity of surface waters and identify the barriers that need to be removed to contribute to the achievement of the restoration targets set out in Article 4 of this Regulation and of the objective of restoring at least 25 000 km of rivers into free-flowing rivers in the Union by 2030, without prejudice to Directive 2000/60/EC, in particular Articles 4(3), 4(5) and 4(7) thereof, and Regulation 1315/2013, in particular Article 15 thereof.
2. Member States shall remove the barriers to longitudinal and lateral connectivity of surface waters identified under paragraph 1 of this Article, in accordance with the plan for their removal referred to in Article 12(2), point (f). When removing barriers, Member States shall primarily address obsolete barriers, which are those that are no longer needed for renewable energy generation, inland navigation, water supply or other uses.
3. Member States shall complement the removal of the barriers referred to in paragraph 2 by the measures necessary to improve the natural functions of the related floodplains.

### *Article 8*

#### **Restoration of pollinator populations**

1. Member States shall reverse the decline of pollinator populations by 2030 and achieve thereafter an increasing trend of pollinator populations, measured every three years after 2030, until satisfactory levels are achieved, as set out in accordance with Article 11(3).

2. The Commission shall adopt implementing acts to establish a method for monitoring pollinator populations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).
3. The method referred to in the paragraph 2 shall provide a standardised approach for collecting annual data on the abundance and diversity of pollinator species and for assessing pollinator population trends.

#### *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) and (3).
2. Member States shall achieve an increasing trend at national level of each of the following indicators in agricultural ecosystems, as further specified in Annex IV, 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) stock of organic carbon in cropland mineral soils;
  - (c) share of agricultural land with high-diversity landscape features.
3. Member States shall put in place restoration measures to ensure that the common farmland bird index at national level based on the species specified in Annex V, indexed on ... *[OP please insert the date = the first day of the month following 12 months after the date of entry into force of this Regulation]* = 100, reaches the following levels:
  - (a) 110 by 2030, 120 by 2040 and 130 by 2050, for Member States listed in Annex V with historically more depleted populations of farmland birds;
  - (b) 105 by 2030, 110 by 2040 and 115 by 2050, for Member States listed in Annex IV with historically less depleted populations of farmland birds.
4. 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) 50 % of such areas by 2040, of which at least half shall be rewetted;
  - (c) 70 % of such areas by 2050, of which at least half shall be rewetted.

Member States may put in place restoration measures, including rewetting, in areas of peat extraction sites and count those areas as contributing to achieving the respective targets referred to in the first subparagraph, points (a), (b) and (c).

In addition, Member States may put in place restoration measures to rewet organic soils that constitute drained peatlands under land uses other than agricultural use and peat extraction and count those rewetted areas as contributing, up to a maximum of 20%, to the achievement of the targets referred to in the first subparagraph, points (a), (b) and (c).



## *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) and (3).
2. Member States shall achieve an increasing trend at national level of each of the 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, 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.

## **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 taking into account the condition of the habitat types referred to in Articles 4(1), 4(2), 5(1) and 5(2) and the quality and quantity of the habitats of the species referred to in Article 4(3) and Article 5(3) that are present on their territory. The quantification shall be based, amongst others, on the following information:
  - (a) for each habitat type:
    - (i) the total habitat area and a map of its current distribution;
    - (ii) the habitat area not in good condition;
    - (iii) 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;
    - (iv) 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;

- (b) 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 8(1), 9(2) and 10(2), through an open and effective process and assessment, based on the latest scientific evidence and, if available, the framework referred to in Article 17(9).
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.
5. Member States shall identify synergies with climate change mitigation, climate change adaptation and disaster prevention and prioritise restoration measures accordingly. Member States shall also take into account:
  - (a) their integrated national energy and climate plan referred to in Article 3 of Regulation (EU) 2018/1999;
  - (b) their long-term strategy referred to in Article 15 of Regulation (EU) 2018/1999;
  - (c) the Union binding target for 2030 set out in Article 3 of Directive 2018/2001/EU of the European Parliament and of the Council.
6. Member States shall coordinate the development of national restoration plans with the designation of the renewables go-to areas. During the preparation of the nature restoration plans, Member States shall ensure synergies with the already designated renewables go-to areas and ensure that the functioning of the renewables go-to areas, including the permitting procedures applicable in the renewables go-to areas foreseen by Directive (EU) 2018/2001 remain unchanged.
7. When preparing their national restoration plans, Member States shall take the following into account:
  - (a) the conservation measures established for Natura 2000 sites in accordance with Directive 92/43/EEC;
  - (b) prioritised action frameworks prepared in accordance with Directive 92/43/EEC;
  - (c) measures for achieving good ecological and chemical status of water bodies included in river basin management plans prepared in accordance with Directive 2000/60/EC;
  - (d) marine strategies for achieving good environmental status for all Union marine regions prepared in accordance with Directive 2008/56/EC;
  - (e) national air pollution control programmes prepared under Directive (EU) 2016/2284;
  - (f) national biodiversity strategies and action plans developed in accordance with Article 6 of the Convention on Biological Diversity;
  - (g) conservation measures adopted under the common fisheries policy.

8. Member States shall, when preparing the national restoration plans, make use of the different examples of restoration measures listed in Annex VII, depending on specific national and local conditions, and the latest scientific evidence.
9. Member States shall, when preparing the national restoration plans, aim at optimising the ecological, economic and social functions of ecosystems as well as their contribution to the sustainable development of the relevant regions and communities.
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.
11. 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. Consultations shall comply with the requirements set out in Articles 4 to 10 of Directive 2001/42/EC.

### *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, using the uniform format established in accordance with paragraph 4 of this Article:
  - (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 geographically referenced maps of those areas;
  - (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 and a specification regarding which of those restoration measures are planned, or put in place, within the Natura 2000 network established in accordance with Directive 92/43/EEC;
  - (c) an indication of the measures to ensure that the areas covered by the habitat types listed in Annexes I and II do not deteriorate in the areas in which good condition has been reached and that the habitats of the species referred to in Articles 4(3) and 5(3) do not deteriorate in the areas in which the sufficient quality of the habitats of the species has been reached, in accordance with Articles 4(6) and 5(6);
  - (d) an indication of the measures to ensure that the areas covered by habitat types listed in Annexes I and II do not deteriorate, in accordance with Article 4(7) and Article 5(7);
  - (e) the inventory of barriers and the barriers identified for removal in accordance with Article 7(1), the plan for their removal in accordance with Article 7(2) and an estimate of the length of free-flowing rivers to be achieved by the removal of those barriers by 2030 and by 2050, and any other measures to re-establish the natural functions of floodplains in accordance with Article 7(3);
  - (f) the timing for putting in place the restoration measures in accordance with Articles 4 to 10;

- (g) a dedicated section setting out tailored restoration measures in their outermost regions, as applicable;
  - (h) 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;
  - (i) 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;
  - (j) the estimated co-benefits for climate change mitigation associated with the restoration measures over time, as well as wider socio-economic benefits of those measures;
  - (k) a dedicated section setting out how the national restoration plan considers:
    - (i) the relevance of climate change scenarios for the planning of the type and location of restoration measures;
    - (ii) the potential of restoration measures to minimise climate change impacts on nature, to prevent natural disasters and to support adaptation;
    - (iii) synergies with national adaptation strategies or plans and national disaster risk assessment reports;
    - (iv) an overview of the interplay between the measures included in the national restoration plan and the national energy and climate plan;
  - (l) 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;
  - (m) an indication of the subsidies which negatively affect the achievement of the targets and the fulfilment of the obligations set out in this Regulation;
  - (n) 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;
  - (o) a dedicated section indicating how observations from the Commission on the draft national restoration plan referred to in Article 14(4) have been taken into account in accordance with Article 14(5). If the Member State concerned does not address an observation from the Commission or a substantial part thereof, that Member State shall provide its reasons.
3. The national restoration plans shall, where applicable, include the conservation measures that a Member State intends to adopt under the common fisheries policy, including conservation measures in joint recommendations that a Member State intends to initiate in accordance with the procedure set out in Regulation (EU) No 1380/2013, and any relevant information on those measures.
  4. The Commission shall adopt implementing acts to establish a uniform format for the national restoration plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2). The Commission shall

be assisted by the European Environmental Agency (EEA) when drawing up the uniform format.

#### *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... *[OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Regulation]*.

#### *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.
2. When assessing the draft national restoration plan, the Commission shall evaluate its compliance with Article 12, as well as its adequacy for meeting the targets and obligations set out in Articles 4 to 10, as well as the Union's overarching objectives referred to in Article 1, the specific objectives referred to in Article 7(1) to restore at least 25 000 km of rivers into free-flowing rivers in the Union by 2030 and the 2030 objective of covering at least 10% of the Union's agricultural area with high-diversity landscape features.
3. For the purpose of the assessment of the draft national restoration plans, the Commission shall be assisted by experts or the EEA.
4. The Commission may address observations to Member States within six months of the date of receipt of the draft national restoration plan.
5. Member States shall take due account of any observations from the Commission in its final national restoration plan.
6. 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 their national restoration plan at least once every 10 years, in accordance with Articles 11 and 12, taking 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. When it becomes apparent 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, based on the monitoring in accordance with Article 17, Member States shall revise the national restoration plan and include supplementary measures.

3. Based on the information referred to in Article 18(1) and (2) and the assessment referred to in Article 18(4) and (5), 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 request the Member State concerned to submit an updated draft national restoration plan with supplementary measures. That updated national restoration plan with supplementary measures shall be published and submitted within six months from the date of receipt of the request from the Commission.

#### *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, or an independent and impartial body established by law, to challenge the substantive or procedural 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 preparing and 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 or not prohibitively expensive, 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.

## **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 and 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 on the basis of the monitoring referred to in Article 12(2), point (h);
  - (b) the area of urban green space and tree canopy cover in cities and towns and suburbs, as referred to in Article 6;
  - (c) the indicators of biodiversity in agricultural ecosystems listed in Annex IV;

- (d) the populations of the common farmland bird species listed in Annex V;
  - (e) the indicators of biodiversity in forest ecosystems listed in Annex VI;
  - (f) the abundance and diversity of pollinator species, according to the method established in accordance with Article 8(2);
  - (g) the area and condition of the areas covered by the habitat types listed in Annexes I and II, across their territory;
  - (h) the area and the quality of the habitat of the species referred to in Article 4(3), and Article 5(3), across their territory.
2. The monitoring in accordance with paragraph 1, point (a), shall start as soon as the restoration measures are put in place.
  3. The monitoring in accordance with paragraph 1, points (b), (c), (d), (e) shall start on *[OP please insert the date of entry into force of this Regulation]*.
  4. The monitoring in accordance with paragraph 1, point (f), of this Article shall start one year after the entry into force of the implementing act referred to in Article 8(2).
  5. The monitoring in accordance with paragraph 1, points (a), (b) and (c), of this Article, concerning the stock of organic carbon in cropland mineral soils and the share of agricultural land with high-diversity landscape features, and (e) concerning the standing deadwood, the lying deadwood, the share of forests with uneven-aged structure, the forest connectivity and the stock of organic carbon, shall be carried out at least every three years, and, where possible, every year. The monitoring in accordance with that paragraph, point (c) concerning the grassland butterfly index, that paragraph, points (d) and (e) concerning the common forest bird index, and that paragraph, point (f) concerning pollinator species shall be carried out every year. The monitoring in accordance with that paragraph, points (g) and (h), shall be carried out at least every six years and shall be coordinated with the reporting cycle under Article 17 of Directive 92/43/EEC.
  6. Member States shall ensure that the indicators for agricultural ecosystems referred to in Article 9(2), point (b), and the indicators for forest ecosystems referred to in Article 10 (2), points (a), (b) and (f), of this Regulation, are monitored in a manner consistent with the monitoring required under Regulations (EU) 2018/841 and (EU) 2018/1999.
  7. Member States shall make public the data generated by the monitoring carried out under this Article, in accordance with Directive 2007/2/EC of the European Parliament and of the Council<sup>112</sup> and in accordance with the monitoring frequencies set out in paragraph 5.
  8. Member State monitoring systems shall operate on the basis of electronic databases and geographic information systems, and shall maximise the access and use of data and services from remote sensing technologies, earth observation (Copernicus services), in-situ sensors and devices, or citizen science data, leveraging the opportunities offered by artificial intelligence, advanced data analysis and processing.

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<sup>112</sup> Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

9. The Commission may adopt implementing acts to:
- (a) specify the methods for monitoring the indicators for agricultural ecosystems listed in Annex IV;
  - (b) specify the methods for monitoring the indicators for forest ecosystems listed in Annex VI;
  - (c) develop a framework for setting the satisfactory levels referred to in Article 11(3).

Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(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 *[OP please insert the date = the date of entry into force of this Regulation]*.
2. Member States shall electronically report the following data and information to the Commission, assisted by the EEA, at least every three years:
  - (a) the progress in implementing the national restoration plan, in putting in place the restoration measures and progress in achieving the targets and obligations set out in Articles 4 to 10;
  - (b) the results of the monitoring carried out in accordance with Article 17. The reporting of the results of the monitoring carried out in accordance with Article 17(1)(g) and (h) should be submitted including in the form of geographically referenced maps;
  - (c) the location and extent of the areas subject to restoration measures referred to in Article 4, Article 5, and Article 9(4), including a geographically referenced map of those areas;
  - (d) the updated inventory of barriers referred to in Article 7(1);
  - (e) information on the progress accomplished towards meeting financing needs, in accordance with Article 12(2)(1), including a review of actual investment against initial investment assumptions.

The first reports shall be submitted in June 2031, covering the period up to 2030.

3. The Commission shall adopt implementing acts to establish the format, structure and detailed arrangements for the presentation of the information referred to in paragraphs 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2). The Commission shall be assisted by the EEA when drawing up the format, structure and detailed arrangements for the electronic reporting.
4. The EEA shall provide to the Commission an annual technical overview of the progress towards the achievement of the targets and obligations set out in this Regulation, on the basis of the data made available by Member States in accordance with paragraph 1 of this Article and Article 17(7).



5. The EEA shall provide to the Commission a Union-wide technical report on the progress towards the achievement of the targets and obligations set out in this Regulation on the basis of the data made available by Member States in accordance with paragraphs 1, 2 and 3 of this Article. It may also use information reported under Article 17 of Directive 92/43/EEC, Article 15 of Directive 2000/60/EC, Article 12 of Directive 2009/147/EC, and Article 18 of Directive 2008/56/EC. The report shall be provided by June 2032 and subsequent reports shall be provided every three years thereafter.
6. The Commission shall, as from 2029, report to the European Parliament and to the Council every three years on the implementation of this Regulation.
7. Member States shall ensure that the information referred to in paragraphs 1 and 2 is adequate and up-to-date and that it is available to the public in accordance with Directives 2003/4/EC of the European Parliament and of the Council, Directive 2007/2/EC and (EU) 2019/1024 of the Parliament and of the Council.

## **CHAPTER V**

### **DELEGATED POWERS AND COMMITTEE PROCEDURE**

#### *Article 19*

#### **Amendment of Annexes**

1. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex I in order to adapt the groups of habitat types.
2. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex II in order to adapt the list of habitat types and the groups of habitat types.
3. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex III in order to adapt the list of marine species referred to in Article 5 in accordance with the latest scientific evidence.
4. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex IV, in order to adapt the description, unit and methodology of indicators for agricultural ecosystems in accordance with the latest scientific evidence.
5. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex V in order to update the list of species used for the common farmland bird index in the Member States.
6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex VI in order to adapt the description, unit and methodology of indicators for forest ecosystems in accordance with the latest scientific evidence.
7. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex VII in order to adapt the list of examples of restoration measures.

## *Article 20*

### **Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 19 shall be conferred on the Commission for a period of 5 years from *[OP please insert the date of entry into force of this Regulation]*. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 19 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>113</sup>.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 19 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 2 months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

## *Article 21*

### **Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

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<sup>113</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

## CHAPTER VI

### FINAL PROVISIONS

#### *Article 22*

##### **Review**

1. The Commission shall evaluate the application of this Regulation by 31 December 2035.
2. The Commission shall present a report on the main findings of the evaluation to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of Regions. Where the Commission finds it appropriate, the report shall be accompanied by a legislative proposal for amendment of relevant provisions of this Regulation, taking into account the need to establish additional restoration targets, based on common methods for assessing the condition of ecosystems not covered by Articles 4 and 5, and the most recent scientific evidence.

#### *Article 23*

##### **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*  
*The President*

*For the Council*  
*The President*