

Articles 4 and 5 (Natura 2000, objectives)

Proposed compromise text is shown in bold italics as compared to the General Approach.

(27) Deadlines should ~~therefore~~ be established for putting in place restoration measures within and beyond Natura 2000 sites, in order to gradually improve the condition of protected habitat types across the Union ~~as well as~~ **and in order** to re-establish them until the favourable reference area needed to achieve favourable conservation status of those habitat types in the Union is reached. **Member States should, as appropriate, until 2030, give priority to areas of habitat types not in good condition that are located in Natura 2000 sites when putting in place restoration measures, given the essential role of these sites for nature conservation and the fact that there is already under existing legislation an obligation to put in place effective systems to ensure long-term effectiveness of the restoration measures in Natura 2000 sites.** In order to give the necessary flexibility to Member States to ~~make~~ **put in place** large scale restoration efforts, **Member States should retain the possibility to put in place restoration measures in areas of habitat types not in good condition that are located outside Natura 2000 sites, when it is justified by specific local circumstances and conditions.** Moreover, it is appropriate to group habitat types according to the ecosystem to which they belong and set the time-bound and quantified area-based targets for groups of habitat types. This will allow Member States to choose which habitats to restore first within the group.

(33) It is important to ensure a gradual increase of the areas covered by habitat types **falling** ~~that fall~~ within the scope of Directive 92/43/EEC that are in good condition across the territory of Member States and of the Union as a whole, until the favourable reference area for each habitat type is reached and at least 90 % at Member State level of that area is in good condition, so as to allow those habitat types in the Union to achieve favourable conservation status. **Member States should, where duly justified and for habitat types that are very common and widespread in the Union and that cover more than 3% of the European territory of the Member State concerned, be allowed to apply a lower percentage for the area that is to be in good condition than 90 % for individual habitat types listed in Annex I if that lower percentage does not prevent the favourable conservation status for those habitat types, as determined pursuant to Article 1, point (e), of Directive 92/43/EEC, from being achieved or maintained. If Member States set a lower percentage, this should be justified in their national restoration plan.**

Article 3

“very common and widespread habitat type” means a habitat type that occurs in several biogeographical regions in the Union with a range exceeding 10 000 km².

Article 4(1) - Restoration of terrestrial, coastal and freshwater ecosystems

Article 4(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:

(a) on at least 30 % by 2030 of the total area of all habitat types listed in Annex I that is not in good condition, as quantified in the national restoration plan referred to in Article 12;

(b) on at least 60 % by 2040 and on at least 90 % by 2050 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.

For the purpose of this paragraph, Member States shall, as appropriate, until 2030 give priority to restoration measures in areas that are located in Natura 2000 sites.

1a. By way of derogation from paragraph 1, points (a) and (b), Member States may, where duly justified and for the purposes of that paragraph, exclude from the relevant group of habitat types those very common and widespread habitat types that cover more than 3 % of their European territory. Where that derogation is applied, Member States shall by 2050, for each of those habitat types, put in place restoration measures on a percentage representing at least 80 % of the area that is not in good condition. In addition, Member States shall put in place restoration measures on one third of that percentage by 2030 and on two thirds of that percentage by 2040.

*The derogation referred to in the first subparagraph can only be applied if it is ensured that the percentage referred to in that subparagraph does not prevent the favourable conservation status for those habitat types, as determined pursuant to Article 1, point (e), of Directive 92/43/EEC, from being achieved or maintained **at national***

biogeographical level.

1b. If the derogation pursuant to paragraph 1a is applied, the obligation pursuant to paragraph 1, point (a) to put in place restoration measures by 2030 shall apply to the total area of all remaining habitat types listed in Annex I that is not in good condition and the obligation pursuant to paragraph 1, point (b) to put in place restoration

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measures by 2040 and 2050 shall apply to the remaining areas of the relevant groups of habitat types listed in Annex I that are not in good condition.

Article 4(2) - Re-establishment targets for terrestrial, coastal and freshwater ecosystems

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 with the aim to reach their favourable reference area. 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.

2a. By way of derogation from paragraph 2, if Member States consider that it is not possible to put in place restoration measures by 2050 that are necessary to achieve the favourable reference area of a specific habitat type on 100 % of the surface, they may set the percentage at a level between 90 % and 100 % in their national restoration plans as referred to in Article 12 and provide adequate justifications. If a lower percentage is set, the relevant Member State shall gradually put in place restoration measures that are necessary to achieve such lower percentage by 2050. By 2030, those restoration measures shall cover at least 40 % of the additional overall surface needed to reach the lower percentage by 2050 and by 2040, they shall cover 70 % of that additional overall surface.

2b. If a lower percentage is set pursuant to paragraph 2a, the obligation laid down in paragraph 2 to put in place restoration measures shall apply to the remaining additional overall surface needed to reach the total favourable reference area of each group of habitat types listed in Annex I.

Article 5(2) - Re-establishment targets for marine ecosystems

2. Member States shall put in place the restoration measures that are necessary to re-establish the habitat types of groups 1-6 listed in Annex II in areas not covered by those habitat types with the aim to reach their favourable reference area. 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.

2a. By way of derogation from paragraph 2, if Member States consider that it is not possible to put in place restoration measures by 2050 that are necessary to achieve the favourable reference area of a specific habitat type on 100 % of the surface, they may set the percentage at a level between 90 % and 100 % in their national restoration plans as referred to in Article 12 and provide adequate justifications. If a lower percentage is set, the relevant Member

State shall gradually put in place restoration measures that are necessary to achieve such lower percentage by 2050. By 2030, those restoration measures shall cover at least 40 % of the additional overall surface needed to reach the lower percentage by 2050 and by 2040, they shall cover 70 % of that additional overall surface.

2b. If a lower percentage is set pursuant to paragraph 2a, the obligation laid down in paragraph 2 to put in place restoration measures shall apply to the remaining additional overall surface needed to reach the total favourable reference area of each group of habitat types listed in Annex II.

Article 11

(2aa). If a Member State applies the derogation laid down in Article 4(2a) and Article 5(2a), that Member State shall identify the lower percentage chosen pursuant to those Articles.

(...)

(2aa). If Member States apply the derogation laid down in Article 4(1a), they shall set the percentage referred to in that Article.

(...)

Article 12

(2aa) a justification, where applicable, explaining the reasons why it is not possible to put in place restoration measures by 2050 that are necessary to achieve the favourable reference area of a specific habitat type and a justification of the lower percentage chosen pursuant to Article 4(2a) and Article 5(2a).

(...)

(2baa). where the derogation laid down in Article 4(1a) is applied, a justification of how the percentage set in accordance with that Article does not prevent the favourable conservation status for the relevant habitat types, as determined pursuant to Article 1, point (e), of Directive 92/43/EEC, from being achieved or maintained.

Non-deterioration and relevant derogations

Article 4(6)

Member States shall put in place measures *which shall aim to* 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. Without prejudice to Directive 92/43/EEC, Member States shall put in place measures *which shall aim to* 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 significantly deteriorate.

Article 4(7)

Without prejudice to Directive 92/43/EEC, Member States shall, no later than by the date of publication of their national restoration plans in accordance with Article 14(6), endeavour to put in place necessary measures with the aim to prevent significant deterioration of areas where the habitat types listed in Annex I occur, which are in good condition or are necessary to achieve the restoration targets set out in paragraph **10**.

Article 5(6)

Member States shall put in place measures *which shall aim to* 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. Without prejudice to Directive 92/43/EEC, Member States shall put in place measures *which shall aim to* 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 significantly deteriorate.

Article 5(7)

Without prejudice to Directive 92/43/EEC, Member States shall, no later than by the date of publication of their national restoration plans in accordance with Article 14(6), endeavour to put in place necessary measures with the aim to prevent significant deterioration of areas where the habitat types listed in Annex II occur, which are in good condition or are necessary to achieve the restoration targets set out in paragraph **10**.

New Article 4(7a)

With regard to paragraphs 6 and 7, outside Natura 2000 sites, Member States [with a population density higher than 300 persons per square kilometre] may, in the absence of alternatives, apply the non-deterioration requirement at the level of each biogeographic region of their territory for each habitat type and each habitat of species, provided that the Member State concerned notifies its intention to apply this paragraph to the Commission by [OP: please insert the date = 6 months after the date of entry into force of this Regulation] and fulfils the obligations set out in Article 12(2ca), Article 17(1i), Article 18(1) and Article 18(2aa).

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Article 4(9)

Within 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;
- (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.

Article 5(9)

Within ~~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 including natural disasters;
- (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.

Article 12

(2ca) a description of the system put in place under Article 4(7a), including:

- i. **an explanation of how the derogation is to be applied in its territory, in particular with regard to the system of compensatory measures to be taken for each significant deterioration occurrence, as well as the necessary monitoring of and reporting on the significant deterioration of habitat types and habitats of the species and the compensatory measures taken;**
- ii. **an explanation of how it will be ensured that the significant derogation does not affect the achievement of the targets and objectives set out in Articles 1, 4 and 5.**

Article 17

(1)i) the extent and location of the areas where habitat types and habitats of the species have significantly deteriorated and of the areas subject to compensatory measures taken under Article 4(7a), as well as the effectiveness of the compensatory measures to ensure that any deterioration of habitat types and habitats of the species is not significant at the level of each biogeographical region in their territory and to ensure that the achievement of the targets and objectives set out in Articles 1, 4 and 5 is not jeopardised.

Article 18

1. Member States shall *at least every three years* electronically report to the Commission the area subject to restoration measures referred to in Articles 4 to 10, *the extent of the areas where habitat types and habitats of the species have significantly deteriorated and of the areas subject to compensatory measures taken under Article 4(7a)* and the barriers referred to in Article 7 that have been removed, ~~at least every three years~~. The first report shall be submitted in June 2028.

2.

(aa) information on:

- i. *the location of the areas where habitat types or habitats of the species have significantly deteriorated and of the areas subject to compensatory measures taken under Article 4(7a);*
- ii. *a description of the effectiveness of the compensatory measures taken under Article 4(7a) in ensuring that any deterioration of habitat types and habitats of species is not significant at the level of each biogeographical region in their territory;*
- iii. *a description of the effectiveness of the compensatory measures taken under Article 4(7a) in ensuring that the achievement of the targets and objectives set out in Articles 1, 4 and 5 is not jeopardised.*

Recital 35

It is important that *Member States put in place measures which aim to ensure that* the areas covered by habitat types falling within the scope of this Regulation subject to restoration measures show a continuous improvement until they reach good condition, and that *Member States put in place measures which aim to ensure that* they thereafter do not significantly

deteriorate, so as not to jeopardize the long-term maintenance or achievement of good condition. ***Not achieving these outcomes does not imply a failure to comply with the obligation to put in place measures suitable for reaching these outcomes.*** It is also important that Member States endeavour to make efforts with the aim to prevent significant deterioration of areas covered by such habitat types ***that are*** either already in good condition or ***that are*** not in good condition and still not subject to restoration measures. Such measures are important to avoid increasing the restoration needs in the future and should focus on areas of habitat types, as identified by the Member States in their national restoration plans, that are necessary to restore in order to reach the restoration targets. It is appropriate to consider the possibility of force majeure, such as natural disasters, 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. Outside Natura 2000 sites it is appropriate to also consider the result of a plan or project of overriding public interest, for which no less damaging alternative solutions are available. For areas subject to restoration, this should be determined on a case-by-case basis. For Natura 2000 sites, plans and projects are authorised in accordance with Article 6(4) of Directive 92/43/EEC. ***It is appropriate to ensure that Member States [with a population density higher than 300 persons per square kilometre] retain the possibility, in the absence of alternatives to apply the non-deterioration requirement at the level of each biogeographic region of their territory for each habitat type and each habitat of species. Such possibility should be allowed under certain conditions, including that compensatory measures are taken for each significant deterioration occurrence.*** Where an area is transformed from one habitat type to another falling within the scope of this Regulation as a desired result of a restoration measure, the area should not be considered to deteriorate.

Article 8 - Restoration of pollinator populations

Proposed compromise text is shown in bold italics as compared to the revised Council mandate.

1. Member States shall, by timely putting in place appropriate and effective measures, improve pollinator diversity and reverse the decline of pollinator populations at the latest by 2030 and achieve thereafter an increasing trend of pollinator populations, measured **at least** every **six** 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). By ... [12 months after the entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 20 to establish a science-based method for monitoring pollinator diversity and populations.*~~

Article 9 Agricultural ecosystems

Proposed compromise text is shown in bold italics as compared to the revised Council mandate.

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), taking into account climate change, the social and economic needs of rural areas, and the need to ensure sustainable agricultural production in the Union.

2. Member States shall ***put in place measures which shall aim to*** achieve an increasing trend at national level of ~~each~~ ~~at least two out of three~~ 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 six 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 ***put in place measures which shall aim*** 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.

~~Member States shall put in place measures which shall aim to restore organic soils in agricultural use constituting drained peatlands. 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) 40 % of such areas by 2040, of which at least ***a third*** ~~half~~ shall be rewetted;

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(c) 50 % of such areas by 2050, of which at least ~~a third-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 40 %, to the achievement of the targets referred to in the first subparagraph, points (a), (b) and (c).

The restoration measures consisting of rewetting peatland, including the water levels to be achieved, shall contribute to reducing greenhouse gas net emissions and increasing biodiversity, while taking national and local circumstances into account.

Where duly justified, the extent of the rewetting of peatland under agricultural use may be reduced to less than required under points (a), (b) and (c) by a Member State if such rewetting is likely to have significant negative impacts on infrastructure, buildings, climate adaptation or other public interests and if rewetting cannot take place on other land than agricultural land. Such reduction shall be determined in accordance with Article 11(4b).

The obligation for Member States to achieve the rewetting targets set out in paragraph 4(a), 4(b), 4(c) does not imply an obligation for farmers and private landowners to rewet their land, for whom rewetting on agricultural land remains voluntary, without prejudice to obligations stemming from national law.

Member States shall, *as appropriate*, incentivise rewetting *to make it an attractive option for farmers and private landowner* and foster access to training and advice to farmers and other stakeholders on the benefits of rewetting peatland and on the options of subsequent land management and related opportunities.

Art 14 - Assessment of the national restoration plans

2. When assessing the draft national restoration plan, the Commission shall evaluate

- (a) its compliance with Article 12;
- (b) its adequacy for meeting the targets and obligations set out in Articles 4 to 10a;
- (c) its contribution to 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, ~~the 2030 objective of covering at least 10% of the Union's agricultural area with high-diversity landscape features,~~ and the objective referred to in Article 10a of planting at least three billion additional trees in the Union by 2030.

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Recital (65) The European Environment Agency (the 'EEA') should support Member States in preparing the national restoration plans, as well as in monitoring progress towards meeting the restoration targets and obligations. The Commission should assess whether the national restoration plans are adequate for achieving those targets and obligations, *including their adequacy for meeting the Union's overarching objectives to jointly cover, as a Union target, throughout the areas and ecosystems within the scope of this Regulation, by 2030, at least 20 % of land and 20 % of the sea areas and, by 2050, all ecosystems in need of restoration, as well as the objectives 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.*

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New Recital 57a on forest fire risk

Proposed compromise text is shown in bold italics as compared to the revised Council mandate.

Recital (57) Restoration measures need to be put in place to enhance the biodiversity of forest ecosystems across the Union, including in the areas not covered by habitat types falling within the scope of Directive 92/43/EEC. In the absence of a common method for assessing the condition of forest ecosystems that would allow for the setting of specific restoration targets for forest ecosystems, it is appropriate to set a general obligation to improve biodiversity in forest ecosystems and measure the fulfilment of that obligation on the basis of existing indicators, such as standing and lying deadwood, the share of forests with uneven-aged structure, forest connectivity, the common forest bird index¹, and the stock of organic carbon.

Recital (57a) *When planning and putting in place the restoration measures necessary to enhance biodiversity in forest ecosystems and when setting satisfactory levels for biodiversity indicators in forests, Member States should take into account the risks of forest fire, based on local circumstances. Member States should make use of best practices to reduce such risks, notably as described in the Commission guidelines on land-based wildfire prevention.*^[1]

^[1] European Commission, Directorate-General for Environment, Nuijten, D., Onida, M., Lelouvier, R., *Land-based wildfire prevention – Principles and experiences on managing landscapes, forests and woodlands for safety and resilience in Europe*, Nuijten, D.(editor), Onida, M.(editor), Lelouvier, R.(editor), Publications Office of the European Union, 2021, <https://data.europa.eu/doi/10.2779/695867>

Article 14a - **Implementation of measures** ~~Coordination of~~ **to restore restoration**
measures in

marine ecosystems

Proposed compromise text is shown in bold italics as compared to the last EP compromise text.

1. Member States whose national restoration plans include conservation measures to be adopted within the framework of the common fisheries policy shall make full use of the tools provided therein.

2. Where the national restoration plans include measures that require submission of a joint recommendation through the regionalisation procedure under Article 18 of the Regulation (EU) No 2013/1380, Member States preparing those national restoration plans shall, considering the deadlines provided for in Article 5, initiate in a timely manner consultations with other Member States having a direct management interest affected by these measures and the relevant Advisory Councils under Article 18(2) *of* Regulation (EU) No 2013/1380 to enable timely agreement on and submission of any joint recommendations. For that purpose, they shall also include in the national restoration plan the estimated timing of the consultation and the submission of the joint recommendations.

3. The Commission shall facilitate and monitor progress in the submission of joint recommendations under the common fisheries policy. Member States ***shall submit*** the joint recommendations on the conservation measures necessary to contribute to the ***targets objectives*** set in Article 5 at the latest 18 months before the respective target date.

4. In the absence of joint recommendations referred to in paragraph 2 before the target date referred to in paragraph 3, concerning conservation measures necessary for compliance with obligations under Union environmental legislation referred to in Article 11 of Regulation (EU) No 1380/2013, the Commission ~~shall~~ ***may*** make full use of the tools provided for in Article 11(4) of Regulation (EU) No 1380/2013 ***as and where appropriate*** under the conditions set out therein.

Corresponding recital:

(39) In order to achieve the objective of continuous, long-term and sustained recovery of biodiverse and resilient nature, Member States should make full use of the possibilities provided under the common fisheries policy. Within the scope of the exclusive competence of the Union with regard to conservation of marine biological resources, Member States have the possibility to take non-discriminatory measures for the conservation and management of fish stocks and the maintenance or improvement of the conservation status of marine ecosystems within the limit of 12 nautical miles. In addition, Member States that have a direct management interest have the possibility to agree to submit joint

recommendations for conservation measures necessary for compliance with obligations under Union law on the environment. ***Where such conservation measures are necessary to contribute to the objectives of this Regulation, it should be possible for the Member States concerned to include the planned measure subject to joint recommendations in their national restoration plans, with a view to promote the coherence between different policies on conservation of the marine ecosystems.*** Such measures will be assessed and adopted according to the rules and procedures provided for under the common fisheries policy.

Financing

Proposed compromise text is based on the Commission compromise text of 12 October and changes are shown in bold italics and strikethrough.

Article 11 (5b)

The implementation of this Regulation shall not imply an obligation for Member States to re-programme any funding under the Common Agricultural Policy (CAP), the Common Fisheries Policy (CFP) or other agricultural and fisheries funding programmes and instruments under the multi-annual financial framework 2021-2027.

Corresponding Recital:

(70a) The preparation of the national restoration plans should not imply an obligation for Member States to re-programme any funding under the Common Agricultural Policy (CAP), the Common Fisheries Policy (CFP) or other agricultural and fisheries funding programmes and instruments under the multi-annual financial framework 2021-2027 in order to implement this Regulation.

Article 11 (5c)

Member States ~~shall~~ **may** promote the deployment of private ~~and/or~~ public support schemes, ~~including through carbon removal certification schemes~~, to the benefit of stakeholders implementing restoration measures defined in Articles 4 to 10a, including land managers and owners, farmers, foresters and fishers.

Corresponding Recital:

(71) A range of EU, national and private initiatives are available to stimulate private financing, such as the InvestEU Programme, which offers opportunities to mobilise public and private finance to support inter alia the enhancement of nature and biodiversity by means of green and blue infrastructure projects, and carbon farming as a green business-model. Funding nature restoration measures on the ground, through private ~~and/or~~ public financing, including result-based support and innovative schemes ***such as carbon removal certification schemes***, ~~should~~ **may** be promoted. Private investment could also be incentivised through public investment schemes, including financial instruments, subsidies and other instruments, provided State aid rules are complied with.

Article 18(6a)

By 12 months from the entry into force of this Regulation, the Commission shall, in consultation with Member States, submit a report to the European Parliament and the Council containing:

- a) an overview of financial resources available at the EU level for the purpose of implementing this Regulation;
- b) an assessment of the funding needs to implement Articles 4 to 10 and to achieve the objective set forth in Article 1, paragraph 2;

- c) an analysis to identify any funding gaps in the implementation of the obligations set out in the Regulation;
- d) where appropriate, proposals for adequate measures, including financial measures to address the gaps identified, such as the establishment of dedicated funding, and without prejudging the prerogatives of co-legislators for the adoption of the multiannual financial framework post 2027.

Review clause

Proposed compromise text is based on the Commission compromise text of 12 October and changes are shown in bold italics and strikethrough.

Article 22

1. The Commission shall evaluate the application of this Regulation by 31 December 2033.

The evaluation shall include an assessment of the impacts of this Regulation on the agricultural, ~~and~~ forestry *and fisheries* sectors, considering relevant links with food production and food security in the EU, and of the wider socio-economic effects of the Regulation.

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, including on updated targets for 2040 and 2050 based on common methods for assessing the condition of ecosystems not covered by Articles 4 and 5, the evaluation as referred to in paragraph 1 of this Article, and the most recent scientific evidence.

Emergency brake

Proposed compromise text is based on the Commission compromise text of 12 October and changes are shown in bold italics.

Article 22a

1. Where an unforeseeable, exceptional and unprovoked event has occurred that is outside the control of the EU, with severe EU wide consequences on the availability of land required to secure sufficient agricultural production for EU food consumption, the Commission shall adopt implementing acts which are both necessary and justifiable in an emergency. Such implementing acts may temporarily suspend the application of the relevant provisions of **Article 21** **of this Regulation** to the extent and for such a period as is strictly necessary. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).

2. Implementing acts adopted under paragraph 1 shall remain in force for a period not exceeding twelve months. If after this period the specific problems referred to in paragraph 1 persist, the Commission may, in order to renew the period, submit an appropriate legislative proposal.

3. The Commission shall inform the European Parliament and the Council of any act adopted under paragraph 1 within two working days of its adoption.

Corresponding recital:

(77a) In order to allow for a rapid and effective response when an unforeseeable, exceptional and unprovoked event has occurred that is outside the control of the EU, with severe EU wide consequences on the availability of land required to secure sufficient agricultural production for EU food consumption, the Commission should adopt implementing acts. Such implementing acts may temporarily suspend the application of the relevant provisions of this Regulation to the extent and for such period as is strictly necessary, and for a maximum of twelve months, while preserving the objectives of this Regulation.

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Recital on continued land use

- (49) Sustainable, resilient and biodiverse agricultural ecosystems are needed to provide safe, sustainable, nutritious and affordable food. Biodiversity-rich agricultural ecosystems also increase agriculture's resilience to climate change and environmental risks, while ensuring food safety and security and creating new jobs in rural areas, in particular jobs linked to organic farming as well as rural tourism and recreation. Therefore, the Union needs to improve the biodiversity in its agricultural lands, through a variety of existing practices beneficial to or compatible with the biodiversity enhancement, including extensive agriculture. Extensive agriculture is vital for the maintenance of many species and habitats in biodiversity rich areas. There are many extensive agricultural practices which have multiple and significant benefits on the protection of biodiversity, ecosystem services and landscape features such as precision agriculture, organic farming, agro-ecology, agroforestry and low intensity permanent grassland. ***Such practices do not intend to stop agricultural land-use but rather adapt this type of use for the benefit of the long-term functioning and productivity of the agricultural ecosystem. Financially attractive funding schemes for owners, farmers and other land-managers to voluntarily engage in such practices will be decisive in delivering the long-term benefits of restoration.***

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), while taking into account the risks of forest fires.**

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 in force of this Regulation until 31 December 2030, and every six years thereafter, until the satisfactory levels identified in accordance with Article 11(3) are reached:

- (a) standing deadwood;
- (b) living deadwood;
- (c) common forest bird index

2a. Member States shall achieve an increasing trend at national level of ~~at least three~~ of the following indicators in forest ecosystems, as further set out in Annex VI, chosen on the basis of their ability to demonstrate the enhancement of biodiversity of forest ecosystems within the Member State concerned. The trend shall be measured in the period from the date of entry into force of this Regulation until 31 December 2030, and every six years thereafter, until the satisfactory levels identified in accordance with Article 11(3) are reached:

- (a) standing deadwood;
- (b) living deadwood;
- (a) share of forests with uneven-aged structure;
- (b) forest connectivity;
- (c) stock of organic carbon.
- (d) share of forests dominated by native tree species;
- (e) tree species diversity.

2b. The non-fulfilment of the obligations set out in paragraphs 2 and 2a is justified if caused by:
(a) large-scale force majeure, including natural disasters, in particular unplanned and uncontrolled wildfire; or
(b) unavoidable habitat transformations which are directly caused by climate change.

formaterade: Färgöverstrykning

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formaterade: Genomstruken

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formaterade: Teckensnitt:(Standard) Calibri, 11 pt,
Teckenfärg: Auto, Färgöverstrykning

Formaterat: Indrag: Vänster: 0 cm

formaterade: Färgöverstrykning