



## Recommendations on the proposal for an EU nature restoration law

16. January 2023

### Executive Summary

We welcome the European Commission's overarching objective to contribute to the recovery of a biodiverse and resilient nature across the EU contributing to the Union's climate mitigation and adaptation objectives as well as to meet its international commitments. Local and regional authorities are key to achieve the restoration of respective ecosystems. In the following we like to concentrate on aspects of the proposal addressing urban nature restoration in cities, towns and suburbs, specifically **Article 3** and **Article 6**.

#### Our main recommendations

- **Implementation should be left to the member states and respect existing planning regulations.**
- **Cooperation between member states and local and regional authorities to achieve and manage urban green space targets should be mandated.**
- **Targets should be set on the aggregated national level and prioritise a level-playing-field between cities, towns and suburbs.**
- **The operationalisation of the definition of urban green spaces must take local and regional land-use or spatial plans into account.**

**General recommendation:** We propose to change the nature of the legislation from a Regulation into a Directive. We would like to stress that achieving those goals needs a cooperative, multilevel governance approach, respecting existing legal roles and formal competencies. Therefore, the concrete implementation should be left to the member states. Such an approach would also help to utilise the tools available in cities and metropolitan regions for a more successful implementation. In this regard, a comprehensive consultation of the local and regional implementation level should also be foreseen in the process of the development of national restoration plans (Art. 11).

**Recommendations to Article 6:** The proposed legislation unfortunately has serious gaps concerning the necessary cooperation mechanism between member states and the implementing local and regional level. Respective provisions would be worth including specifically in the Article 6 on Urban Nature Restoration. In Germany a rich landscape of local and regional land-use plans or other instruments of spatial function assignment - balancing conflicts of legitimate space use interests - already exists, also serving nature protection goals or establishing compensational mechanisms. A

scheme for compensating interventions in nature and landscape has been successfully practiced e.g. in Germany for 20 years, which assesses and compensates for green losses not only quantitatively but also qualitatively. Ecological added value can also be achieved by increasing biological qualities of existing greenery, which Art. 6 of the draft ignores.

Any EU legislation that undermines those instruments on the ground would be contra-productive. Given the broad scope of Article 6, regional and local land-use plans are essential to harvest the potential of strengthening green infrastructures and green networks in amount and quality.

Consequently, the proposed no-loss-target should be set on the aggregated national level and not obligatory for individual cities, towns and municipalities. This would allow to reap the combined potential of existing tools and plans of the competent authorities, which must be also considered for the fulfilment of the other targets. Instead of two subsequent targets to increase the total national area of urban green space in cities, it must be a priority to reach a level-playing-field of urban green space in most cities. Some cities are constraint by historical, structural and climate conditions which the proposal does not consider. In our view establishing a single increase target for urban tree canopy cover provokes a cumbersome process for local authorities, especially those with already a rich tree cover. Instead, this category should be accounted for the target to increase the total national area of urban green space.

**Recommendations to Article 3:** With regards to the practical implementation, the definition of urban green areas needs precision, as the listed elements of the definition in Article 3(13) should clearly indicate which types of land-uses in the Copernicus urban atlas are affected concretely. Furthermore, strengthening biodiversity and ecosystems in densely populated areas is not only a matter of land-use, but also of public and private greening measures on otherwise sealed spaces like facade or rooftop greening. The legislation must find more practical ways to account for respective measures.

**Proposed Amendments**

**Title**

<i><b>Text proposed by the European Commission</b></i>	<i><b>Amendment</b></i>
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on nature restoration	Proposal for a <del>REGULATION</del> <b>DIRECTIVE</b> OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on nature restoration

**New Recital**

<i><b>Text proposed by the European Commission</b></i>	<i><b>Amendment</b></i>
	<b>Urban green space designated in existing land-use plans of local authorities or through other local instruments of spatial function assignment shall be considered, especially those that are indicated for networking functions within the biotope network, for example urban green spaces that are enabling the exchange between flora and fauna. Where possible, data measurement tools for a more detailed individual assessment of green spaces, where</b>

green roofs and individual trees, for example, can also be taken into account.

### Article 3 – Definition

<i>Text proposed by the European Commission</i>	<i>Amendment</i>
<p>(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.</p>	<p>(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; <b>green roofs and green walls</b> - 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* <b>and based on existing land-use plans of local authorities or other local instruments of spatial function assignment.</b></p> <p><b>* The named elements of the urban green space-definition are thus to be understood in line with the respective Copernicus Urban Atlas land use types (mainly 14100, 3100 and 32000) [Footnote]</b></p>

### Article 6 – Urban Nature Restoration

<i>Text proposed by the European Commission</i>	<i>Amendment</i>
<p>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.</p> <p>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.</p>	<p>1. Member States shall ensure that there is no net loss of urban green space, <b>at aggregated national level</b>, and of urban tree canopy cover by 2030, compared to <del>2021</del><b>2024</b>, in all-cities and in towns and suburbs. <b>Member States shall cooperate with local and regional authorities, as well as managing authorities for achieving this based on existing legal frameworks.</b></p> <p>2. Member States shall ensure that there is an increase <b>in amount and quality</b> in the total national area of urban green space <b>and of urban tree canopy cover</b> in cities and in towns and suburbs <del>of at least 3% of the total national area of cities and of towns and suburbs in 2021,</del> <b>by 2040, and at least 5% by 2050. Member States shall closely cooperate with local and regional authorities, as well as managing authorities to achieve a minimum of 20% urban green space in most of the cities, towns and suburbs by 2040. Historical, structural and</b></p>

<p>In addition Member States shall ensure:</p> <p>(a) a minimum of 10 % urban tree canopy cover in all cities and in towns and suburbs by 2050; and</p> <p>(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.</p>	<p><b>climate conditions should be taken into account in achieving this goal.</b></p> <p><del>In addition</del> Member States shall ensure:</p> <p>(a) <b>that there is an increase of the total national area of urban green space</b> and a <del>minimum of 10 %</del> urban tree canopy cover in all cities and in towns and suburbs <b>of at least 5%</b> by 2050; and</p> <p>(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.</p>
--	---

### Article 11 – Nature restoration plans

<b>Text proposed by the European Commission</b>	<b>Amendment</b>
<p>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.</p>	<p>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. <b>Furthermore, implementation stakeholders on the local and regional level must be consulted.</b> Consultations shall comply with the requirements set out in Articles 4 to 10 of Directive 2001/42/EC.</p>

### Your contacts

#### European Office of the Association of German Cities

Ulrich Fikar  
Avenue des Nerviens 9 – 31  
1040 Brussels  
Tel: +32 2 882 774 0  
Mail: [Ulrich.Fikar@staedtetag.de](mailto:Ulrich.Fikar@staedtetag.de)  
[www.staedtetag.de](http://www.staedtetag.de)

#### German Association of Towns and Municipalities

Alexander Kramer  
Marienstraße 6  
12207 Berlin  
Tel.: +49 3077307-117  
Mail: [Alexander.Kramer@dstgb.de](mailto:Alexander.Kramer@dstgb.de)  
[www.dstgb.de](http://www.dstgb.de)

#### European Office of Local Authorities of Baden-Württemberg

Patrick Wegener

Rue Guimard 7  
1040 Brussels  
Tel: +32 2 513 65 46  
Mail: [patrick.wegener@europabuero-bw.de](mailto:patrick.wegener@europabuero-bw.de)  
[www.europabuero-bw.de](http://www.europabuero-bw.de)  
**European Office of Local Authorities of Bavaria**

Nicolas Lux  
Rue Guimard 7  
1040 Brussels  
Tel: +32 (0)2 549 07 00  
Mail: [nicolas.lux@ebbk.de](mailto:nicolas.lux@ebbk.de)  
<https://www.ebbk.de/>

**European Office of Local Authorities of Saxony**

Pia Schilberg  
Rue Guimard 7  
1040 Brussels  
Tel: +32 (0) 2 513 69 05  
Mail: [pia.schilberg@europabuero-sn.de](mailto:pia.schilberg@europabuero-sn.de)

**European Office of the Metropolitan Region FrankfurtRheinMain**

Sebastian Schöneck  
Rue Montoyer 21  
1000 Brussels  
Tel: +32 2 734 84 19  
Mail: [schoeneck@region-frankfurt.de](mailto:schoeneck@region-frankfurt.de)  
[www.europabuero-frm.de](http://www.europabuero-frm.de)