



EUROPEAN COMMISSION

*Brussels, 12.1.2023
C(2023) 363 final*

Dear Speaker,

The Commission would like to thank the Riksdag for its reasoned Opinion on the proposal for a Regulation of the European Parliament and of the Council on nature restoration {COM(2022) 304 final}.

The Commission proposal for a Regulation on nature restoration is a key deliverable of the EU Biodiversity Strategy for 2030, which itself is an essential element of the European Green Deal. It is a ground-breaking initiative and will be the first comprehensive law of its kind, setting out legally binding targets for nature restoration. It includes concrete, time-bound targets, which complement and reinforce existing EU legislation on nature, water and marine ecosystems. With this proposal, the Commission is responding to the calls from both the European Parliament and the Council to step up efforts to restore ecosystems.

The Commission takes seriously the concerns expressed by the Riksdag as regards compliance with the principles of subsidiarity and proportionality. It also notes that the Riksdag emphasises that there are areas where joint action at EU level is important to restore ecosystems, including efforts to improve the marine environment.

Concerning EU competence in relation to forests and forestry, it is correct that the EU competences listed in the Treaty on the Functioning of the European Union do not explicitly mention 'forest policy'. However, the EU has a range of competences that may relate to forests such as climate, environment, rural development, and disaster prevention. Within these competences, the choice of the correct legal basis must be made on a case-by-case basis and be founded on objective factors, including, in particular, the aim and content of the measure. Within these areas of shared EU competences, forests and forestry do not fall exclusively within the competence of Member States. This has been confirmed by the Court of Justice of the European Union. To date, several legal acts, which include actions on forestry, have been adopted by the EU.

*Mr Andreas NORLÉN
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As noted in the explanatory memorandum to the proposal, action at EU level is justified because of the scale and transboundary nature of biodiversity loss and ecosystem degradation, its impact on the public, and the economic risks. EU-wide rules and obligations are necessary to significantly restore biodiversity and ecosystems. Large-scale coordinated action is needed to address biodiversity loss and degradation and to create economies of scale and cannot be solved if only a few Member States tackle it.

As regards agricultural land use and forest matters, the proposal sets binding targets with clear deadlines, but Member States will have a large degree of flexibility in the way they are implemented. A key instrument is the national restoration plan, which Member States will have to develop in consultation with stakeholders and scientists. In this plan, Member States will decide where, how and when the necessary restoration measures will be put in place, depending on their individual situation. The plan will also determine the satisfactory levels to be reached for a series of indicators set out in the regulation, taking into account the Member States' national, regional and local conditions.

National restoration plans should be done in a way that takes into account existing initiatives to restore biodiversity as well as strategies and planning documents under existing legislation. This may include, for example, management plans developed for Natura 2000 sites, as well as already developed conservation strategies and river basin management plans. It is up to Member States to decide and define exactly where restoration measures should be put in place, and how the restoration should be carried out, to ensure the targets are met.

The Commission recognises that forestry is an important activity in Sweden, with forests representing 68.2% of the total Swedish land, which accounts for about 17.6% of the forest area in the EU. However, restoration does not preclude economic activity. It is about living and producing together with nature by bringing more biodiversity back everywhere, including to the areas where economic activity takes place like managed forests, agricultural land, or cities. Restoration closely involves and benefits all parts of the society, and has to be planned and carried out in an inclusive process. It has particularly positive impacts on those who directly depend on healthy nature for their livelihood, including farmers, foresters, and fishers.

The Commission is therefore of the view that the proposal complies with the proportionality principle because it does not go beyond what is necessary for achieving the objective of putting biodiversity in the EU on the path to recovery by 2030. Setting legally binding targets and obligations for ecosystem restoration at EU level would bring consistency to the action needed across the EU to reach the overall objective.

The points made above are based on the initial proposal presented by the Commission, which is currently in the legislative process involving both the European Parliament and the Council.

The Riksdag's reasoned Opinion has been made available to the Commission's representatives in the ongoing negotiations and will inform these discussions.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Riksdag and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Virginijus Sinkevičius
Member of the Commission*