

EURACOAL Response to Inception Impact Assessment

on EU Nature Restoration Targets
(Ares(2020)6342791 – 04/11/2020)

Background

On 20 May 2020, the European Commission presented its “Biodiversity Strategy for 2030” which the Council endorsed on 23 October. Commissioner Sinkevičius declared, “The EU’s aim is to protect and restore nature, to contribute to economic recovery from the current crisis, and to lead the way for an ambitious global framework to protect biodiversity around the planet.” One of the key elements of the biodiversity strategy is the adoption of a “Nature Restoration Plan”, a series of concrete commitments and actions to restore degraded ecosystems across the EU by 2030, and manage them sustainably by addressing the key drivers of biodiversity loss.

The European Commission intends to put forward a proposal, in 2021, for legally binding EU nature restoration targets to restore degraded ecosystems, in particular those with the most potential to capture and store carbon and to prevent and reduce the impact of natural disasters. The Strategy also announces that the Commission will look at the possibility of an EU-wide methodology to map, assess and achieve good condition of ecosystems so they can deliver benefits such as climate regulation, water regulation, soil health, pollination and disaster prevention and protection.

EURACOAL Response

Mine Rehabilitation

EURACOAL supports efforts to restore degraded ecosystems. The reclamation of post-mining areas is in fact a natural stage of mining activity, which compensates for the unfavourable changes caused by mining and in many cases is the beginning of ecosystem renewal, including among others the creation of new biodiverse sites. The European coal industry has several centuries of experience in nature restoration, mainly the rehabilitation of former mining areas, creating landscapes with high biodiversity, often including new refuges for endangered species. In some cases, these rehabilitation measures have resulted in a significant increase in biodiversity, compared with pre-mined condition, through measures specifically targeted at endangered and important species.¹

¹ Dworschak, U. and Rose, U. (2014), „Das Rheinische Braunkohlenrevier“, in *Handbuch Naturschutz und Landschaftspflege*, edited by Konold, W., Böcker, R. and Hampicke, U., Wiley-VCH Verlag GmbH & Co. KGaA, Weinheim, Germany, January 2014.

Temporary Nature (Habitats Directive)

“Temporary nature” refers to the occurrence of species and habitats on sites which are not specifically foreseen for nature conservation purposes, are often artificially created, and are only available for a limited period. Temporary nature can be found, for instance, at abandoned sites (that may be redeveloped at a later stage), or as a result of the preparatory actions during opencast coal and lignite mining. These activities can create temporarily very favourable new habitat for species, which can easily be colonised by amphibians, birds, certain mammals, invertebrate species or plants. Some of these species may be listed in Annex IV of the Habitats Directive. Typical temporary nature features on extraction sites are, for instance, new ponds (benefiting amphibians and dragonflies), rainwater catchments, open meadows, sand and gravel areas (attracting insects and birds), pioneer grasslands (attracting insects and birds), loose cliffs (benefiting birds and solitary bees), and the creation of areas providing shelter (for reptiles, amphibians and insects).

“Temporary nature” increases biodiversity and improves the conservation status of species. It may provide new breeding and reproduction areas allowing species to spread to other suitable areas at a later stage, thereby contributing to the objectives of maintaining or restoring a favourable conservation status. Many animal species depend on pioneering habitats or transitional stages of succession. Pioneer species also find refuge in temporary nature areas. In addition, relatively mobile species of early and middle succession stages as well as stragglers and hibernators can benefit from temporary nature areas. “Temporary nature” thus has positive long-term effects on the overall biodiversity, including of surrounding areas, and could make a valuable contribution to achieving any EU nature restoration targets.

EURACOAL would therefore welcome the inclusion of “temporary nature” as a voluntary instrument for the long-term increase in biodiversity within the general framework of the Biodiversity Strategy for 2030. Against this background, its long-term positive effects on biodiversity of nearby areas should be promoted. Including “temporary nature” as a voluntary instrument would be an important opportunity for the EU coal mining sector to make its contribution to ecosystem restoration.

Moreover, it is important that the Biodiversity Strategy be supported by such voluntary measures, and **not** by introducing a **new legal framework** that might clash with already existing instruments on the national level, often very recent ones that have not yet been evaluated, and that would necessitate complex, inefficient co-ordination of EU and national policies. Current instruments should be used effectively, before creating new management rules for any new targets. Even if the objectives of some of the key Natura 2000 instruments, such as the Birds and Habitats Directives, have not yet been fully achieved, it is considered fundamentally more purposeful and effective to continue monitoring the impacts and scope of those instruments as they are implemented. This equally applies to any possible extension of protected sites. To this end, there should be comprehensive advice on implementation and targeted financial support for specific projects. Strengthening existing measures is much more likely to help in meeting objectives by 2030 than any changes to the EU legal framework which would require lengthy implementation periods. It is essential that the impact assessment considers all the points mentioned above.

Water Legislation

Regarding the potential effects of nature restoration targets on EU water legislation, EURACOAL supports a better implementation of the Water Framework Directive in order to improve the current situation whereby the majority of water bodies fall under exemptions. To reach this aim, alternatives to the current “one-out-all-out” principle are needed to better assess water-quality improvements. With the current rule, as interpreted by the Court of Justice of the EU in the Weser Case, even a minor class deterioration of a low-importance parameter cannot be compensated for by a significant increase of a priority parameter.

The “one-out-all-out” principle is widely seen as insufficient and disproportionate, as acknowledged in the Commission’s fitness-check review of December 2019. EURACOAL believes that complementary reporting methodologies (such as distance-to-target) should be considered by the Commission as an alternative to the one-out-all-out principle. When developing a new methodology, the overall environmental and socio-economic impacts of the Water Framework Directive should be considered, particularly in light of the Weser Case.

2 December 2020